

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MEMORIAL SERVICE FOR
HONORABLE RICHARD E. ROBINSON
SENIOR UNITED STATES DISTRICT JUDGE
FOR THE DISTRICT OF NEBRASKA

Date: April 24, 1992
Time: 2:00 p.m.
Place: Zorinsky Federal Building
215 N. 17th Street
Courtroom No. 1
Omaha, Nebraska

1 UNITED STATES MARSHAL: The Honorable Judges of
2 the United States Courts. Hear ye, hear ye, hear ye, the
3 United States District Court for the District of Nebraska
4 is now convened in ceremonial session. God save the
5 United States and this honorable court.

6 JUDGE STROM: On behalf of the United States
7 Courts I would like to welcome everyone here today for
8 this memorial service for Judge Richard E. Robinson.

9 Before we get into the proceedings there are a few
10 people I would particularly like to recognize.

11 First we are very grateful for members of the
12 family attending this ceremonial session today, Dr. John
13 Robinson and his wife, Carol. Mr. Tom Robinson and his
14 wife, Alice.

15 I particularly also want to recognize Gen Cronk,
16 who has been a fixture here for many, many years and who
17 has talked us into having a nice reception at the
18 conclusion of this ceremony and she is responsible for
19 that and, Gen, we thank you very kindly.

20 Then finally Frank Milhulka, who is a member of
21 the Historical Committee of the Eighth Circuit and of
22 this district.

23 He is responsible for the preparation of the
24 displays which are out in the corridors.

25 So there has been quite a bit of work done by

1 quite a few people in connection with the preparation for
2 this service.

3 In the appellant courts building in New York City
4 there is a mural painting entitled "The Wisdom of the
5 Law" showing in personification form wisdom attended by
6 learning, experience, humility, love, faith, patience,
7 doubt and inspiration.

8 These are the qualities and attributes which a
9 judge should have and the measure of a judge's success is
10 the extent to which the judge develops and nurtures these
11 qualities.

12 To me, Judge Robinson represented the wisdom of
13 the law, possessing these qualities as much as any human
14 can.

15 We remember Judge Robinson as a great judge, and
16 he was.

17 But more importantly we remember him as a kind,
18 caring and compassionate man whose character was tempered
19 with a firmness and fairness for all who knew him and for
20 those who appeared before him.

21 We remember him for his professional demeanor, his
22 wisdom, his legal ability, and his integrity.

23 He once said of a fellow judge, "I am a different
24 and better person, and a better judge, for having known
25 and worked closely with him."

1 All of us can say the same about Judge Robinson.
2 All of us benefit from the legacy which he leaves to his
3 friends and colleagues.

4 Those of us privileged to work with him also will
5 remember the great respect he held for the federal
6 judiciary and his determination that he do nothing to
7 tarnish its image or that respect which he believed all
8 federal judges should receive.

9 We remember him as a tireless worker, always
10 intent on being sure he carried his share of the work of
11 the court.

12 I remember he always enjoyed telling me that the
13 district bench was the place to serve; that the court of
14 appeals decisions became the law, not because they were
15 right, but only because they were last. I wonder how
16 many times we have heard him say that. (Laughter)

17 Just one other little vignette, if I may, about
18 Judge Robinson.

19 On New Years Day last year just before he died I
20 went up to the hospital and visited with him and we sat
21 and visited for maybe an hour or so that afternoon and at
22 that time I had just had to take over a case that we knew
23 was going to take four to six weeks to try, kind of a
24 complicated damage case, and he was very concerned that
25 the work of the court was not getting done because he was

1 not up here to carry his fair share and he said, "Lyle,
2 as soon as I get out out of here, and it won't be too
3 long now, I am going to take that case over from you so
4 you can handle the rest of your workload."

5 I think nothing really typifies Judge Robinson
6 more than that story.

7 He really was very conscious of his
8 responsibility.

9 He was a good friend and, yes, indeed, he was a
10 very good man.

11 At this time I recognize Mr. Richard Bruckner for
12 a few comments. Mr. Bruckner.

13 MR. BRUCKNER: May it please the court, Chief
14 Judge Strom, Judges of the Court of Appeals, Judges of
15 this Court, Senator Hruska, friends of Judge Robinson.

16 The committee appointed by this court to present a
17 memorial session in memory and in tribute to Judge
18 Robinson respectfully tenders this tribute to his person,
19 his character, and his long and distinguished public
20 service.

21 To this court we offer a resolution in memory of
22 Judge Robinson that a transcript of these proceedings be
23 included in the official records of this court.

24 Judge Richard E. Robinson's career spanned some 88
25 years, from February 3, 1903, to January 28, 1991.

1 He served as United States District Judge
2 commencing in 1956, was Chief Judge of the District of
3 Nebraska from 1957 through 1972, and served in senior
4 status until his death on January 28, 1991.

5 Judge Robinson was admitted to the bar in 1927 and
6 practiced law for 29 years until his appointment to the
7 bench in 1956.

8 He then went on to complete 35 years as United
9 States District Judge in active federal service.

10 Judge Robinson was born into an Irish immigrant
11 family on February 3, 1903.

12 His father died when he was young and Judge
13 Robinson was raised in North Omaha by his mother.

14 One of his greatest joys as a federal judge was
15 the administration of oath of United States citizenship
16 to his mother, although at the time she stated she
17 reluctantly gave up her allegiance to the Queen of
18 England.

19 Judge Robinson attended Omaha High School of
20 Commerce, later Omaha Technical High School, where he
21 began a lifelong association with Jerome Kutak, and
22 United States Senator Hruska, who is present here today.

23 Judge Robinson, Senator Hruska and Jerome Kutak
24 were the nucleus of the High School of Commerce debating
25 team, acquiring skills which served Judge Robinson well

1 in later years as he was a talented and memorable public
2 speaker.

3 He received his law degree from Creighton
4 University School of Law in 1927 and went into the
5 private practice of law as a sole practitioner until
6 1930.

7 In 1929 he married Florence Robinson, his wife of
8 60 years, who preceded him in death in June of 1989.

9 In 1930 Judge Robinson joined the firm of Reed and
10 Ramacciotti and the the firm was thereafter known on
11 Reed, Ramacciotti and Robinson.

12 He continued with that firm until 1942 when he
13 joined Bill Schall in the practice of law under the firm
14 name of Schall, Robinson, Hruska, Garvey and Nye.

15 He remained with that firm and engaged in the
16 private practice of law until his appointment to the
17 bench as United States District Judge in 1956.

18 During his years of practice, in private practice,
19 his dedication and integrity won him the respect of all
20 who knew him.

21 He was active in politics, community activities,
22 and the Nebraska Bar Association.

23 It was interesting to note at the time Judge
24 Robinson was nominated to be a United States District
25 Judge he was 53 years of age and the talk on the street

1 among some of the members of the bar was to the effect,
2 "My God, at 53 years of age, he will never serve the 15
3 years required of a Judge to reach retirement.

4 Typical of Judge Robinson's style he fulfilled
5 those 15 years and went on to complete a total of 35
6 years of federal active judicial service.

7 Judge and Mrs. Robinson had two sons, Dr. John
8 Robinson, a cardiologist in Columbus, Ohio, and Thomas
9 Robinson, an attorney with the United States Department
10 of the Interior in Washington, D.C., and both those
11 gentlemen and their wives are present today.

12 Judge Robinson's first offices as United States
13 District Judge were in the old post office building, the
14 old Richardsonian structure that sat one block south of
15 the present building.

16 For those of us who can remember the practice in
17 federal court in 1956, it can be truly said that Judge
18 Robinson opened the federal courts to all members of the
19 bar of the state of Nebraska.

20 Prior to Judge Robinson's appointment, Judges
21 Donohoe and Delehant were the sitting federal judges in
22 Nebraska, and needless to say attorneys approached the
23 federal court with great fear and trepidation in those
24 days.

25 Judge Robinson, with his humble nature, sense of

1 humor, and common touch did not take long in establishing
2 the federal courts as a place where any lawyer in the
3 state of Nebraska could go in and get even-handed
4 justice.

5 Judge Frankfurter once said: "Does a lawyer
6 change when he puts on the judicial robes? He isn't
7 worth a damn if he does."

8 During his tenure on the bench Judge Robinson
9 served with panels of the United States Court of Appeals
10 for the Eighth Circuit and accepted appointments as a
11 trial judge in nearly every federal circuit in the United
12 States.

13 He was the presiding judge in several landmark
14 electrical company anti-trust suits in Philadelphia and
15 New York City.

16 He sat in Iowa, Minnesota, Missouri, and in his
17 later years spent a portion of each winter trying civil
18 and criminal cases in Tampa, Florida.

19 He always became an institution among the local
20 bar and won admiration from his judicial colleagues for
21 the manner in which he judiciously handled the backlog of
22 cases.

23 A memorial session for Judge Robinson is not a sad
24 occasion, and we are not here as mourners today, for
25 Judge Robinson would have said he ran a full course.

1 Rather we are here to convey our gratitude to
2 Judge Robinson and do the only thing we could ever do for
3 him; that is, acknowledge a final and lasting tribute to
4 an uncommon man with a common touch.

5 I am confident there is a not a person here today,
6 when they think back on their association with Judge
7 Robinson, who will not have on their face a smile and a
8 good feeling inside.

9 I once heard him remark, "If you can't remember me
10 with a smile, then don't remember me at all."

11 I know that outside of a judge's family there is
12 no one closer or no one who knows him better or what
13 makes him tick than his law clerks.

14 The good Lord creates but a relative few of an
15 unforgettable mold. Fortunately some of those turn out
16 to be judges.

17 Judge Robinson had a profound impact on the lives
18 of his nineteen law clerks, and I am indeed honored today
19 to speak on their behalf.

20 Knowing Judge Robinson intimately and working
21 closely with him, we can say to you that Judge Robinson
22 was a true gentleman of unbelievable humility.

23 In fact, when he hears the tributes paid to him
24 today I am sure he will demur and protest that these
25 accolades are undeserved or unwarranted, or even as a

1 matter of fact highly exaggerated.

2 As all of his law clerks will tell you, when you
3 were hired by Judge Robinson you became more than a
4 clerk.

5 You became a companion, a confidant, and Judge
6 Robinson never reminded you that he was a judge. He
7 treated you as a colleague.

8 He had an uncanny instinct for the law. He deeply
9 touched the lives of those that had the privilege of
10 working closely him and he had that unique ability to
11 deal with people, whether they were an unsavory criminal
12 defendant, an antagonistic lawyer, or an arrogant
13 witness. He always left them with their dignity intact.

14 For those here assembled who practiced in Judge
15 Robinson's court, you will recall his unique ability for
16 unclogging the docket and persuading lawyers to settle
17 cases.

18 The sessions usually took place in his chambers
19 with some rather firm suggestions by the Judge as to what
20 you were to tell your client or how you were to contact
21 the insurance company.

22 It has been said no man is a hero to his valet,
23 but I can assure all of you today that Judge Robinson was
24 just exactly that to his law clerks.

25 As a law clerk to Judge Robinson, we realized we

1 had been in the company of a remarkable man, a
2 compassionate person and close friend and a teacher, a
3 person full of warm humor, and all of this was
4 encompassed in a man without pretense and without false
5 pride.

6 In 1986 Judge Robinson was honored by his law
7 clerks for 30 years of judicial service by the creation
8 of the Richard E. Robinson Scholarship Fund at Creighton
9 University.

10 That scholarship fund continues today and is used
11 for helping law students who, like Judge Robinson at the
12 time he went to law school, are long on ambition and
13 short on funds.

14 The December 1991 Creighton Law Review was
15 dedicated to Judge Robinson.

16 In his final days in December of 1990 and January
17 1991 I would visit the Judge several evenings a week for
18 a couple of hours.

19 His voice was almost gone and he could only get
20 about with the use of a walker, but he always had that
21 old Robinson spirit.

22 On his last Thursday night on this earth he
23 relived things as they were said to be.

24 He discussed with me Louie Cantoni, Dick Dugdale,
25 Carl Renstrom, and his love for being a Judge. All the

1 while he continued to smoke cigarettes and burn the chair
2 he was sitting on. (Laughter)

3 I attempted to bolster his spirits by saying that
4 he would soon be back in his office hard at work.

5 He said, "No, Dick, I am now in a process that
6 even the administrative office cannot stop or screw
7 up." (Laughter)

8 On the following Monday Judge Robinson, that kind
9 and gentle person, left this life as he lived it;
10 graciously and without imposing on anyone.

11 On behalf of the law clerks of Judge Robinson we
12 cannot let this tribute pass without recognizing
13 Genevieve Cronk, who served as Judge Robinson's secretary
14 for 61 of his 64 years in service to the law and as a
15 United States District judge.

16 It is only fitting that we close this tribute to
17 Judge Robinson on behalf of his law clerks with a fitting
18 poem, whose author I do not know, called "That Man is a
19 Success."

20 "That man is a success who has lived well, laughed
21 often and loved much; who has gained the respect of
22 intelligent men and the love of children; who has filled
23 his niche and accomplished his task; who leaves the world
24 better than he found it, whether by an improved poppy, a
25 perfect poem, or a rescued soul; who never lacked

1 appreciation of earth's beauty, or failed to express it;
2 who looked for the best in others and gave the best he
3 had."

4 And so on behalf of his 19 law clerks and myself,
5 we say to you Judge Robinson, hail and farewell.

6 JUDGE STROM: Thank you, Mr. Bruckner. At this
7 time I would like to call upon Judge Donald Ross, Senior
8 Judge of the United States Court of Appeals.

9 JUDGE ROSS: Thank you, Judge Strom. My
10 friendship with Dick Robinson goes back to 1953 when I
11 was serving as U.S. Attorney for Nebraska.

12 On one occasion Dick called me on the telephone
13 and said he was calling on behalf of a client who asked
14 for my interpretation of the Mann Act.

15 Those of you who knew him at that time probably
16 can guess which client he was calling for.

17 After I advised him that we were prosecuting only
18 commercial cases he thanked me and he assured me that I
19 would go far in the practice of law. (Laughter)

20 Over the years our friendship developed and he
21 became one of my best friend and advisors.

22 In 1970 he was of great help in my nomination and
23 confirmation as a member of the Eighth Circuit Court of
24 Appeals.

25 For twenty years as fellow judges we visited on a

1 regular basis and his advice was a source of great
2 strength.

3 Dick had a great sense of humor to go with his
4 common sense approach to the law.

5 I recall at my swearing-in ceremony in January of
6 1971 he gave me some of this common sense advice, and I
7 read now from the transcript of those proceedings.

8 "Clearly under such circumstances a traditional
9 greeting in this proceeding would be inadequate.

10 "More than paying honor, I am moved to render some
11 service to him.

12 "Don will find, as have each of us who preceded
13 him on the bench, that the widely quoted observation of
14 the late Thurmond Arnold doesn't hold true. As a matter
15 of fact, it is a lot more fun listening to the damn fools
16 than arguing before them. (Laughter)

17 "But there is one advantage we who sit on the
18 district bench have over the appellate court judges,
19 which makes a world of difference.

20 "I refer to those marvelous tools, model forms.
21 The trial judge has at his fingertips or at arm's reach
22 model orders to dismiss complaints for failure to state a
23 claim, model orders for change of venue, model orders of
24 reference to a master, and all else failing model
25 instructions to the jury, model judgments notwithstanding

1 the verdict, and even model orders correcting a
2 transcript and requiring security for costs.

3 "A Judge of the Court of Appeals on the other hand
4 lacks these wonderful aids. It behooves me on this
5 occasion to suggest a few forms in the interest of
6 lessening the heavy burden which you, Don, are about to
7 assume as a Circuit Judge.

8 "The first form applies in the situation where a
9 civil case has been tried before a jury and the appellant
10 claims that the District Judge erred in admitting various
11 items of evidence and on instructing the jury. The form
12 reads:

13 "The question of the admissibility of the evidence
14 comes within the no harm rule and clearly does not
15 require reversal.

16 "The instructions issued by the District Judge are
17 the most succinct, intelligent statements of the
18 applicable law that this court has ever seen. Decision
19 affirmed. (Laughter)

20 "The second form is usable for diversity cases
21 which require the judge to set out for the first time the
22 law of the state that controls the outcome of the
23 litigation. The form reads:

24 "Since this is a case of first impression
25 involving the law in the state wherein the District Judge

1 sits and where, before he came to the bench, he was a
2 recognized leader for the bar for over a quarter of a
3 century, his decision as to what the applicable law is
4 will not be questioned. The decision is affirmed.

5 (Laughter)

6 "The third form would serve for some complex
7 litigation involving entwined questions of law and fact,
8 for example, a full evidentiary antitrust suit, a case
9 that has involved two weeks of testimony, to say nothing
10 of the 513 documents which were introduced.

11 "The District Court's decision runs some 20 pages
12 and at least 50 findings of fact and law. This form
13 reads:

14 "The excellent decision by the District Judge at
15 123 F. Supp. 456, setting out the complex statements of
16 law and fact in this case cannot be improved upon and
17 accordingly it is adopted as the opinion of the Court of
18 Appeals." (Laughter)

19 Needless to say I didn't always follow this
20 advice. Perhaps if I had, my relations with the ten
21 District Courts in our circuit would have improved
22 substantially.

23 Dick was a wonderful man, and we all miss him very
24 much. Thank you.

25 JUDGE STROM: Thank you, Judge Ross. Now it's my

1 pleasure to call upon Judge Donald Lay, just recently
2 retired as the Chief Judge of the Eighth Circuit, now
3 serving in senior status. Judge Lay.

4 JUDGE LAY: Thank you, Judge Strom. I first want
5 to extend my personal greetings to the members of Judge
6 Robinson's family, particularly John and Tom and, of
7 course, Gen Cronk, too. We can't forget Gen.

8 Last spring I was standing in a taxi stand in
9 Washington, D.C., at Washington National Airport and I
10 looked up at the gentleman in front of me and recognized
11 him.

12 I had not seen him for 20 years, but I had known
13 him quite well before, and I am sure Roman Hruska will
14 remember him, but it was Herbert Brownell.

15 Herbert lives in New York, but he was a former
16 Attorney General under Eisenhower in 1956, and we started
17 a good visit and shared a cab downtown, and he began to
18 ask me about Judge Robinson.

19 He said: "I remember fondly back in 1956 when
20 this appointment was made and Roman persuaded had me that
21 I should appoint Dick as the outstanding candidate," and
22 he said, "I have never regretted it."

23 In 1956, I remember it as well, like it was
24 yesterday, Dick Bruckner, all of us over at the old
25 courthouse at the installation of Judge Richard E.

1 Robinson, and I remember going through the line and
2 passing back through the chambers and shaking hands with
3 the new judge, and I remember his words, again, as if
4 they were yesterday.

5 He said, "I expect to see a lot of you down here,"
6 and he did.

7 I think in the next ten years I processed over one
8 hundred cases in the federal courts and as Gen will
9 remember I tried many of those cases.

10 I remember I tried the first civil case that Judge
11 Robinson tried, and it was a small verdict case, as most
12 of my cases were at that time, but we got a verdict.

13 It came in about 7:30 at night and Dick had called
14 my office and I was not there, and he called my home and
15 I was not there, and I think he found me in some local
16 pub, I am not sure, but he wanted to tell me that I had
17 won that case, and I think he was as pleased as I was,
18 and I became very close to Judge Robinson, as a respected
19 friend, and as a judge that I respected very much. A
20 person that was always fair, and who respected people of
21 all walks of life.

22 When I was appointed to the Circuit Court in 1966
23 I asked Dick if he would please represent the District
24 Courts throughout the Circuit and speak at my
25 installation, just as he did at Don Ross'.

1 Well, as all of you know, as we all do in every
2 work that we undertake, we all grow on the job, and Dick
3 ripened with age, and I can truly say in the twelve years
4 that I was Chief Judge I don't know a more dedicated
5 Judge to the duties of his office than Judge Richard E.
6 Robinson.

7 He was always concerned about doing his fair
8 share, and as health problems set upon him, it seems to
9 me that he got tougher and perservered even more and
10 spent many, many long hours taking his share of the cases
11 and at a time when his voice was failing, most men would
12 say, well, I think it's time to step aside, and I have
13 done my share, and let others do it, but not Dick
14 Robinson.

15 Dick kept going and going and going, and he got
16 better and better, and what a remarkable man, and that we
17 can all be so pleased that he touched a part of our
18 lives.

19 In Conrad's "Lord Jim" there is a statement by
20 Trader Stein which I think is very fitting here.

21 He faced the question, he asked how to be, and
22 Stein says that we often avoid that question because we
23 feel uncomfortable in trying to confront it. We are
24 uncomfortable as to what we might answer, but he said
25 that we can all take guidance from the lives and

1 accomplishments of people who inspire us, and he used the
2 words of the English poet Stephen Spender that said
3 people who are truly great in their lives fought for
4 life, when they wore on their hearts the fire center;
5 people are truly great and important to us because their
6 lives embody abundance and possibility; they are
7 exemplars of the best that an individual can possibly
8 achieve; they are emblems of moral substance, of personal
9 resourcefulness, and of intellectual growth; they are
10 talismen of inspiration and rejuvenation at those hollow
11 moments when we feel depressed and defeated, captured by
12 life's pettiness, worried by the dreaded fear that in the
13 end life comes to naught.

14 So it seems to me these words of Conrad fit very
15 well into the life of Richard Robinson. His life was
16 truly an exemplar of inspiration and greatness. Thank
17 you.

18 JUDGE STROM: Thank you, Judge Lay. At this time
19 then I would like to call upon Judge C. Arlen Beam, a
20 member of the United States Court of Appeals for the
21 Eighth Circuit. Judge Beam.

22 JUDGE BEAM: Chief Judge Strom, John, Tom, Gen, in
23 the news over the last couple of days there has been a
24 story about the lunar probe and some cosmologists have
25 said they have now photographed the big bang that was the

1 commencement of the universe.

2 I tend to discount this theory. I think really
3 what happened was that the camera passed by the same day
4 that Judge Robinson, with renewed youth and vigor,
5 reached heaven.

6 These events, of course, are for memories and for
7 tributes, and my memories of Judge Robinson, I think,
8 fall into two general categories, one of education and
9 one of association.

10 When I started to practice law in the 1960's, the
11 imperial potentate of the federal court in Lincoln, of
12 course, was Judge Robert Van Pelt, and Judge Richard
13 Robinson held the same position in my mind here in Omaha.

14 And I went to the District Court over on 10th and
15 P Street in Lincoln one day to commence a Federal
16 Employers Liability Act case for our client, the late
17 lamented Chicago, Rock Island and Pacific Railroad
18 Company, and Judge Robinson had come from Omaha to try
19 the case.

20 We took our noon recess, and I went back to the
21 Stuart Building with my partner to be, John Dudgeon, whom
22 some of you know, and over the noon hour it commenced to
23 rain.

24 I mean it rained, as we used to say out on the
25 ranch, cats and dogs, and the time to start trial in the

1 afternoon was 1:30.

2 But at about 1:25 it was so wet that we thought
3 that we would not be able to make it from the Stuart
4 Building to the courthouse.

5 So we finally hailed a cab and got over there, and
6 we walked in the courtroom at 1:32, and adverse counsel
7 was questioning his witness. The court was under way.
8 The jury was there.

9 In the years after that that I tried cases, I
10 almost never left the courthouse for lunch. (Laughter)

11 My image of an association with Judge Robinson, of
12 course, changed when I moved to Omaha in 1982 to become a
13 District Judge in this building.

14 Of course, there is some trepidation for a Lincoln
15 lawyer to come to Omaha just usually, but to come to
16 preside over one of the important courts was something
17 special for me and everyone, of course, was helpful, but
18 I say that Judge Robinson always had time to visit with
19 you, his helpfulness was a warm and caring helpfulness
20 that was designed to get you over the rough spots and to
21 help you along the road and, of course, Mrs. Robinson
22 took my wife, Betty, under her wing and helped her with
23 the change from Omaha, because I guess she realized that
24 moving a forty-eight year old woman with a lifetime of
25 living in Lincoln to Omaha carried with it some small

1 amount of trauma.

2 Those are memories that will always be with both
3 of us, and I guess we all have memories, depending upon
4 the nature of the association, and mine are memories of
5 good and timeless and secure things.

6 When I was with Judge Robinson, whether it was in
7 his office laying one of my problems on him, or in he and
8 Mrs. Robinson's living room sipping some soda, his always
9 plain and mine usually with a little dash of scotch, you
10 had this feeling of well-being, of tranquillness that you
11 were with a true friend.

12 He reminded me of another friend that I had
13 developed over time that I never met, the poet James
14 Whitcomb Riley, who is the author of, I think, the two
15 best poems that have ever been written.

16 Riley, like Robinson, tended to speak of things
17 that were plain and down-to-earth and things that a farm
18 boy like me could understand.

19 And one of poems that I think Riley wrote that
20 perhaps is his best is the poem "Out to Old Aunt Mary's"
21 and I guess I liked it because it had to do with the farm
22 and cool pastures and cream cooling in the cistern and
23 fresh-made marmalade, and when I read this poem I am
24 always reminded of Dick Robinson, and when Riley gets to
25 the last verse of that poem and he says, "Oh, my brother,

1 so far away, this is to tell you that she waits today.
2 Aunt Mary fell asleep this morning whispering tell the
3 boys to come, and all is well out to old Aunt Mary's."

4 My friends, today I am sure that all is well with
5 Judge Richard Robinson, and I know that all is well with
6 those of us who had the pleasure of knowing him. Thank
7 you.

8 JUDGE STROM: Now I would like to call upon Judge
9 William Cambridge, and Judge Cambridge and I are the two
10 active judges here in Omaha. Judge Cambridge.

11 JUDGE CAMBRIDGE: Thank you. I really didn't know
12 Judge Robinson very well until I received my appointment
13 to the bench here back in 1988 and came down to Omaha.

14 You mention the tumerity that you approach the
15 bench here coming from Lincoln. I assure you it's even
16 greater when you come from Hastings, Nebraska. (Laughter)

17 I envy all of you folks who had the opportunity to
18 know Judge Robinson and to deal with him and to work with
19 him longer than I did.

20 But I really shouldn't envy you, and perhaps I
21 don't, because I had an opportunity that very few people
22 have had and that was, of course, the opportunity of and
23 privilege and pleasure to get to work with Judge Robinson
24 for the two and a half years that I did, and I will
25 always remember the warmth of his welcome when I came

1 here, the support and encouragement that he gave me.

2 He was truly a fine judge and a fine gentleman, a
3 true gentle man, and I never talked to him but what I
4 didn't feel better about myself after having talked to
5 him.

6 I don't think that was something peculiar to me.
7 I think everybody that he touched had that feeling about
8 him. It was always an uplifting experience, and he was
9 fun to be around, a true pleasure to be in his company
10 and I, like all the rest of you, miss him very much and
11 look forward to seeing that rascal again some day. Thank
12 you.

13 JUDGE STROM: Judge Richard Arnold, who is now
14 serving as the Chief Judge of the Court of Appeals for
15 the Eighth Circuit, was unable to be here today and he
16 really regretted it.

17 He has written a letter, which he asked that I
18 read on this occasion:

19 "Dear Judge Strom: I deeply regret being unable
20 to be there with you and Judge Robinson's family and many
21 friends on this occasion. I have for several months now
22 had a long-standing commitment to be in Chicago on April
23 24th and this conflict has proved unavoidable.

24 "I don't want the occasion to pass, though,
25 without using this opportunity to express my profound

1 respect and affection for Judge Robinson, for his record
2 as a judicial officer, and for the distinguished service
3 he rendered to the public over many years. When I first
4 became a District Judge, almost fourteen years ago, and
5 attended my first Eighth Circuit Judicial Conference in
6 Rapid City, Judge and Mrs. Robinson were the first to
7 greet me personally. They were kind enough to remember
8 that their sons are old friends and classmates of mine.
9 The Robinsons took me under their wing, so to speak, and
10 never failed to express a warm interest in my work and
11 progress. The last time I was in Omaha, the Court of
12 Appeals sat at Creighton Law School. Judge Robinson took
13 the trouble to come to lunch, and we sat together and had
14 a most pleasant visit. He was unfailingly courteous and
15 solicitous, and I always looked forward to seeing him.

16 "After going on the Court of Appeals, I had the
17 pleasure of sitting in a number of cases in which appeals
18 had been filed from judgments entered by Judge Robinson.
19 Among his judicial characteristics were courtesy, care, a
20 sensitivity to the personal circumstances of all the
21 parties before him, and a scrupulous fidelity to the law.
22 When the Court of Appeals disagreed with him, which was
23 seldom, we did so with great hesitation, knowing that he
24 had always thoroughly considered every aspect of the
25 cases before him.

1 "In every generation of judges there are a few
2 great names that stand out with distinction. The name of
3 Richard E. Robinson holds an honored place on this list.
4 It is a continuing pleasure to recall my association with
5 him. Please extend to all of his family and friends in
6 attendance my respect and regard."

7 And then Judge Warren Urbom, unfortunately, also
8 is unable to be here today, and he has prepared a few
9 remarks which he has asked that I deliver on his behalf
10 and it's entitled "Of Richard E. Robinson."

11 "Although I had practiced trial law in state and
12 federal courts for seventeen years, I hadn't met Judge
13 Richard Robinson until shortly after I had been nominated
14 for the federal bench but not yet sworn in. I appeared
15 as counsel in a minor role in a hearing, the nature of
16 which I can't even remember, and Judge Robinson then
17 invited me to come to his chambers, because, I am sure,
18 of the nomination. In chambers he greeted me and I
19 remarked that I had little to say at the hearing. He
20 said something like, "Well, between you and me, a lawyer
21 sometimes does a client a favor by keeping quiet."

22 "When Judge Robinson retired a year and a half
23 later I assumed the title of Chief Judge. In that
24 capacity one of my duties was to report to the other
25 judges of the circuit at the annual judicial conference

1 the status of our docket, including the number of cases
2 that were pending after three years or more. We had a
3 lot of old cases, and I felt some embarrassment about
4 reporting them and some uneasiness about the
5 responsibility for getting them resolved. I approached
6 Judge Robinson about it. His response was, "Well, Warn,"
7 he always pronounced my name Warren, "those old cases
8 will find a way to die if you will just leave them
9 alone." (Laughter)

10 "Just a few days ago a man who had appeared before
11 Judge Robinson years ago as a lawyer reminisced about one
12 of his appearances. He remembered at the end of the
13 hearing or trial, whatever it was, the judge announced,
14 "I am going to let the circuit court worry about what the
15 law is; I am just going to do what I think is right."

16 "These vignettes say something about Judge
17 Robinson. He was a pragmatist. He was as much a student
18 as he needed to be, but little bothered by the jitters
19 and frets that gnaw at most of us.

20 "My impression of Judge Robinson's reputation when
21 I was in the practice was that he was sometimes testy and
22 cantankerous. On the other hand, at the outset of my
23 judicial service, Judge Robert Van Pelt said of Judge
24 Robinson, "There is no sweeter man on the face of the
25 earth." Judge Robinson wouldn't have agreed with or

1 sought that description, but after having been close to
2 him for twenty years, I can tell you that it fit.
3 Richard Robinson was a sweet man."

4 At this time I would like to introduce another
5 member of the the memorial committee, Mr. Harold L. Rock,
6 who will chair the rest of this proceeding. Mr. Rock.

7 MR. ROCK: May it please the court, the committee
8 is grateful to have an opportunity to present some
9 members of the bar and associates of Judge Robinson.

10 The first speaker was a lifelong friend of Judge
11 Robinson.

12 He was his law partner, his high school classmate.
13 He has been a member of the United States House of
14 Representatives.

15 He was the United States Senator for Nebraska from
16 1954 to 1977.

17 He was an important member of the Senate Judiciary
18 Committee. Senator Roman Hruska.

19 SENATOR HRUSKA: May it please the court, Tom,
20 John, and friends of Richard Robinson.

21 In the final year of World War I this present
22 speaker entered high school and among his classmates was
23 Richard E. Robinson.

24 From that time to that fateful day a year ago or
25 so we enjoyed one of the most pleasureable and profitable

1 and enjoyable relationships, that of friendship that was
2 steadfast, that was of integrity, and of great affection
3 and respect at all times.

4 We had lives that were pretty much tandem from
5 that time on.

6 Dean TePoel was very charitable. He signed the
7 proper papers for Mr. Robinson and Mr. Hruska and in due
8 time upon Dean TePoel's motion in open court we were
9 admitted to the practice of law.

10 No such surplusage as final examinations at the
11 hands of the State Bar Association, a feature much
12 appreciated by all of us. (Laughter)

13 There followed, of course, years of association
14 and partnership with Dick Robinson.

15 Our families were developed in due time. We have
16 Exhibits A and B here. We had three children, Victoria
17 and I, all of them getting their college degrees, as
18 these two young men did, at a time prior to the wildness
19 of post-Vietnam, and long before the present tumultuous
20 conditions and circumstances which prevail in the
21 collegiate world, thank goodness, and the tuition was
22 much more moderate, as all of us with gray hair realize.

23 At any rate, there were years of development
24 during those times, and both of us partook quite actively
25 in civic affairs, in the affairs of civic nature, as well

1 as community nature.

2 We each took our spell at local government. It is
3 little known that he served as a city commissioner,
4 commissioner of finance for a time, on the city council.

5 And, of course, my role was that of a member of
6 the County Board of Commissioners, and we got along
7 splendidly.

8 Eventually that governmental relationship was
9 transferred to a national level.

10 He got to the judicial branch, the third branch
11 they call it, and I went to the first branch, the
12 legislative branch.

13 There are two anecdotes that I would like to
14 relate.

15 One occurred during the hearing before the
16 subcommittee on the Committee of Judiciary that heard the
17 story of Richard Robinson as a presidential nominee to be
18 Federal District Judge.

19 My companion on that occasion was Senator Langer
20 of North Dakota, known to many of his close colleagues as
21 Wild Bill, and he was a good prairie lawyer who had his
22 own sense of humor.

23 At any rate, when we got through with the
24 formalities, where were you educated, where did you
25 practice, what did you practice, how did you get along,

1 how many victories, how many defeats and so on, the
2 hearing was supposed to be about over, when Mr. Langer
3 asked me if I had any further questions. I said no.

4 He turned to Dick Robinson and he said, "Mr.
5 Robinson, will you please recite for us the essence of
6 the rule in Shelley's case and any commentary that you
7 might have on that particular phase of the law?"

8 Dick Robinson jerked a little bit at that. He
9 didn't see that sly smile on Langer's face, which
10 occurred about the time the question was through.

11 He sat and pondered, not too long, but he said,
12 "If your Honor please, I suppose I could recite the rule
13 in Shelley's case, and I could explain it. I am
14 confident, however, that it would take such a long time
15 that the time limits set for your subcommittee hearing
16 would not tolerate that kind of performance. At any
17 rate," he said, "the Nebraska legislature took care of it
18 a long time ago. They repealed the rule." (Laughter)

19 And, of course, Senator Langer smiled and thanked
20 him and the hearing was over.

21 The other anecdote I would tell is familiar to
22 many of you.

23 It had to do with the infamous case of
24 Starkweather. Starkweather, the multi-murderer, who was
25 duly convicted, and he applied in those days daringly for

1 a stay of execution and, of course, the order had to be
2 signed by a federal judge and it fell to Richard Robinson
3 to undertake that task.

4 The public clamor even at the filing of such a
5 motion was great, and it was noisy in the papers, as well
6 as locally and on the air waves, but there was a duty to
7 do, and Dick Robinson did it.

8 He did what he had to do as a judge, and a few
9 days later, two or three days later, there occurred a
10 formal dinner at the Paxton Hotel on the second floor in
11 the ballroom, and the bar association sponsored the
12 dinner.

13 Richard Robinson and I sat at the head table. I
14 came in ahead of him and he was supposed to follow me
15 from the wings of the stage there where this table was
16 set.

17 He told me afterwards he was quite queasy about
18 getting out into the view of that large room with its
19 full attendance, not knowing what reception he would get.

20 As soon as he appeared to the full view of that
21 audience, there was a standing ovation, and it was long
22 and it was loud, and he told me afterwards what a load
23 there was lifted off of his shoulders, but all of us knew
24 him to be the kind of man who would follow through in the
25 requirements and the requisites of the office which he

1 assumed and which he filled so well.

2 The tributes paid him today would suffice from the
3 standpoint of detailed recollections and memories, and I
4 am sure there would be many, many more in the audience
5 who could enter into that exercise and add more to the
6 character and the achievements of Richard Robinson.

7 But I would like to just refer to a piece of legal
8 literature said and written in a larger context, written
9 by Oliver Wendell Holmes way back in 1881 in the book
10 which many of us lawyers did read during our time,
11 probably some of us still read that book once in a while,
12 just to get our feet back on the ground and our mind on
13 the proper track.

14 The name of the book, of course, is "The Common
15 Law" and it was a tremendous book starting a few to
16 thinking and of viewing the law in a way and on a path
17 which it has followed pretty much in the following
18 decades and we do hope the republic will be favored with
19 continued performance along that line.

20 The sentence I refer to is known to most of us.
21 "The life of the law is not logic; it has been
22 experience."

23 It opened a new doorway for the office and the
24 views of jurists everywhere for all those intervening
25 years and still is that very same truth that is

1 unyielding and, of course, there was that profound
2 influence on juristic system which followed.

3 Judge Robinson performed his duties well,
4 professionally, a man of principle, a man of moral
5 convictions.

6 He will be remembered as one of best, with none
7 better, in the tradition of the federal bench in the
8 District of Nebraska.

9 MR. ROCK: I would like to introduce another of
10 Judge Robinson law clerks.

11 Many of the law clerks are here and I am sure they
12 could all relate many stories, but we had to pick one.

13 Richard Bruckner, of course, our first speaker,
14 was the Judge's second clerk, following Bob Kutak.

15 Richard Janney was Judge Robinson's clerk in the
16 middle years of his judgeship, 1970 to 1972, just as
17 Judge Robinson took retirement to senior status, which
18 lasted, as you know, for almost 20 years.

19 Mr. Janney is now general counsel, vice president
20 for internal affairs for American Bell Group in Illinois.
21 Mr. Janney.

22 MR. JANNEY: May it please the court, Senator,
23 family of Judge Robinson, Gen, law clerks, friends and
24 colleagues.

25 The only visible function of the law clerk in the

1 courtroom was to start the proceedings with, "Hear ye,
2 hear ye, hear ye, the United States District Court for
3 the District of Nebraska is now in session. God save the
4 United States and this honorable court. The Honorable
5 Richard E. Robinson presiding."

6 I wanted to sit over there, but felt it might be
7 somewhat confusing if I did.

8 I think to Judge Robinson's law clerks this
9 courtroom is still his courtroom.

10 I don't presume to speak on behalf of all the
11 clerks, but it seems apparent that each of us has
12 internalized some aspect of the Judge.

13 And because each individual is unique, we all
14 interacted differently, but we all profited from our
15 experience.

16 It might be said we came as novices and started
17 here at the pinnacle of the legal system and it has been
18 down hill since, but the journey has been made smoother
19 because of the fortune of the appointment as a law clerk
20 to Judge Robinson.

21 Our profit came not only from Judge Robinson's
22 conduct of trials, his own trial experiences, his advice,
23 but because he was so generous in his concern for people.

24 His concern was always for others and their
25 development. We were the takers; he was the giver.

1 He was generous in sharing and introducing his
2 friends, his colleagues, and his family.

3 Gen was always free to nurture us, with Judge
4 Robinson warmly approving.

5 The marshals and the clerk of the court and all
6 the staff were always treated likewise.

7 The Judge would be uncomfortable with this
8 remembrance because he didn't like praise of himself, but
9 what I say today are facts, so it's all right.

10 So I simply say praise be to God for sharing Judge
11 Robinson with us and for him to have given so freely of
12 himself; that, therefore, he still is with us, as all
13 givers are. Thank you very much.

14 MR. ROCK: Next we have John C. Brownrigg,
15 president elect of the Nebraska Bar Association here
16 today on behalf of all the members of the Nebraska bar.
17 John.

18 MR. BROWNRIGG: Thank you, Harold. May it please
19 the court, and the family and friends of the late Judge
20 Richard E. Robinson.

21 Nearly fourteen years ago the man that we gather
22 this afternoon to pay tribute to stood in a courtroom
23 much like this one before an audience much like this one
24 to pay his respects to the late Judge Joseph Woodrough,
25 whose career as a United States District Judge and as a

1 member of the United States Court of Appeals for the
2 Eighth Circuit spans some forty years, only slightly more
3 than Judge Robinson's judicial career.

4 The words which Judge Robinson spoke on that
5 occasion paint a very vivid picture for me of Judge
6 Woodrough.

7 I never had the pleasure of knowing Judge
8 Woodrough, but I felt I did after having read what Judge
9 Robinson had to say about him.

10 He spoke affectionately of Joseph Woodrough, the
11 man, and of Joseph Woodrough, the judge.

12 Most carefully selected of all his words that day
13 I suspect were these.

14 "Judge Woodrough was anything but a common man. A
15 man of plain living and a man of common sense, of course,
16 but definitely an uncommon man in his intellect, his
17 sense of decency, his enthusiasm for the law and for
18 justice.

19 "Joseph Woodrough was not a common man but he had
20 the common touch and characteristics which made him a
21 great jurist, and a warm and lovable man and friend."

22 Judge Robinson, modest and self-effacing man that
23 he was, would no doubt decline to speak of himself in
24 these terms.

25 For him they describe an ideal, as he said in his

1 talk that afternoon, they described the kind of person
2 that surely all of us would do well to emulate.

3 If Judge Robinson were to have chosen his own
4 epitaph I suspect he would have chosen one like that
5 fashioned by Robert Louis Stevenson.

6 "Here lies one who meant well, tried a little,
7 failed much."

8 Stevenson said that was an epitaph of which a
9 person surely need not be ashamed, and I suspect most of
10 us would settle for such an epitaph when we depart this
11 life, but it falls far short of describing Judge Richard
12 Robinson.

13 To be sure, Judge Robinson always meant well, but
14 he also tried mightily, and failed very seldom.

15 Ladies and gentlemen, it strikes me that there are
16 simply no more fitting words than those chosen by Judge
17 Robinson to honor a person who has life has so blessed
18 his family, his friends, his colleagues at the bench and
19 bar, and those who sought justice in the courtrooms in
20 this district and elsewhere which were graced by his
21 presence.

22 And so I say to you Judge Robinson was anything
23 but a common man.

24 A man of plain living, a man of common sense, of
25 course, but definitely a uncommon man in his intellect,

1 his sense of decency, his enthusiasm for the law and for
2 justice.

3 Richard Robinson was not a common man, but he had
4 the common touch and characteristic which made him a
5 great jurist and a warm and lovable man and friend.

6 I am pleased to have had this opportunity to pay
7 my respects, and those of all the members of the Nebraska
8 State Bar Association, to Judge Robinson, a beloved
9 member of that association for well over sixty years, a
10 superb judge, and a wonderful human being.

11 Thank you, Judge Robinson, and forgive me for
12 again stealing your words that you delivered on that
13 afternoon about fourteen years ago.

14 Thank you for leaving such a rich and rewarding
15 legacy of service to our fellow man. Thank you.

16 MR. ROCK: The last speaker is Terrence O'Hare,
17 president of the Omaha Bar Association, here today on
18 behalf of the Omaha bar.

19 MR. O'HARE: Thank You, Harold. May it please the
20 court, family members, members of the judiciary, staff
21 members, friends, and members of the bar.

22 I am pleased to have the opportunity to address
23 this assembly today on behalf of the Omaha Bar
24 Association and remember Judge Robinson not only as an
25 accomplished jurist, but a friend.

1 From our perspective in the trial bar, I remember
2 Judge Robinson on the bench as articulate, but not
3 verbose; quick to reach a decision, but fair; willing to
4 listen, but unequivocal in his rulings, sometimes even
5 more unequivocal than I could stand. (Laughter)

6 On the bench I remember him as a man who
7 immediately commanded respect and over the years, as his
8 voice weakened, it seemed as though he had an even
9 greater presence in the courtroom.

10 I remember particularly when he would respond to
11 my objection by looking down from the bench and with his
12 raspy voice saying, "Overruled. The witness may answer."

13 It seemed as though his voice absolutely boomed to
14 fill the courtroom.

15 His style on the bench had always reminded me of
16 the debate between the three umpires who were explaining
17 their abilities to handle management of the strike zone.

18 As the debate concluded the first umpire said,
19 "Well, I call them as I see them."

20 The second said, "No, I call them as they are."

21 And the third said, "They ain't nothing until I
22 call them." (Laughter)

23 Off the bench I remember Judge Robinson as a kind
24 and considerate individual, a consummate gentleman, who
25 always had time to stop and visit, or to wave as we drove

1 west on Dodge Street at the end of the day.

2 Over the years my wife Linda and I have run into
3 the Judge in any number of locations from parking garages
4 in Minneapolis at the Judicial Conference to the Westroads
5 Shopping Center on a Christmas shopping trip that the
6 Judge was on, and he always had time to stop and visit,
7 to inquire about our family, and he always had a short
8 story about one of his boys, and he always ended by
9 saying, "Now get those guys together and get that case
10 settled." (Laughter)

11 I have always been fond of the verse entitled
12 "Success".

13 I think it speaks volumes of the Judge's life on
14 the bench and off.

15 It will sound remotely familiar to what you heard
16 from Dick Bruckner, only I have the citation.

17 It was Ralph Waldo Emerson, and I think it's
18 interesting that we would both seize on this verse
19 independent of one another as we talk about the Judge's
20 life, and with that I would like to close the record with
21 Emerson's verse on success.

22 "To laugh often and much; to win respect of
23 intelligent people and affection of children; to earn the
24 appreciation of honest critics and endure the betrayal of
25 false friends; to appreciate beauty; to find the best in

1 others; to leave the world a bit better, whether by a
2 healthy child, a garden patch, or a redeemed social
3 condition; to know even one life has breathed easier
4 because you have lived, this is to have succeeded."
5 Thank you.

6 MR. ROCK: Your Honor, we wouldn't want to leave
7 out the American Bar Association and in my capacity as a
8 delegate to the House of Delegates of the American Bar
9 Association I can assure you that the members of the
10 American Bar Association who knew Judge Robinson would
11 have a lot to say about his character and their feelings
12 for him, and they would all be good. With that, your
13 Honor, I turn the program to you.

14 JUDGE STROM: Thank you. I want to particularly
15 recognize both Mr. Bruckner and my good friend Harold
16 Rock.

17 They were responsible for organizing and putting
18 together today's program and I am very appreciative of
19 that.

20 This concludes the memorial service for Judge
21 Robinson.

22 You are all invited to a reception which will be
23 held in the jury lounge immediately upon the conclusion
24 of this service, and with that the court will be in
25 recess.

UNITED STATES MARSHAL: The court is in recess.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25