

United States District Court
for the District of Nebraska

Ceremony for the

Presentation of the Portrait

of the

HONORABLE ROBERT VAN PELT

November 3, 1990
10:00 a.m.



HONORABLE ROBERT VAN PELT

Proceedings

JUDGE URBOM: Welcome, ladies and gentlemen, to this presentation of the portrait of Robert Van Pelt session. There are special people whom you ought to know, if you don't already, and if you do, I'm sure you won't mind recognizing them again. Some are sitting in the jury box. The federal and state judiciary are there, or some of them. Ed Perry is not of the judiciary but he's the president-elect of the Nebraska State Bar Association. Ed, will you stand? I think I'll impose on all of these people to stand so there will be no mistake. Ed Perry. Then Senior Judge Donald R. Ross of the United States Court of Appeals for the Eighth Circuit. You don't have to remain standing, please, but be seated. Timothy Mahoney, who's Chief Bankruptcy Judge. John Minahan, who's Bankruptcy Judge also, and with him, Ann Minahan. Dave Piester, who's United States Magistrate, and his wife, Cindy.

The next row, my wife, Joyce. Chief Justice William Hastings of the Nebraska Supreme Court, and his wife, Julie.

Associate Justice Leslie Boslaugh and his wife, Betty, also Associate Justice John Grant and his wife, Marian.

Now, I think everybody on the front row is going to be a speaker except Mrs. Strasheim, Mary Ann Strasheim. Will you stand so we see you? And Victoria Hruska.

The artist for this portrait is Mr. Gilbert Early of St. Louis. His wife, Caroline, is also here. Will you stand, please, and you might turn around to make sure everybody can greet you later. We're going to have a reception afterwards and some of you might want to speak to the Earlys.

There is another special group, the law clerks of Judge Van Pelt while he was serving on the bench. There are a number of them sitting on the second row of seats. I think I know most of them. I may not know all of them but, in any event, I don't know where they're practicing or what they're doing now, so I'm going to ask them to introduce themselves. The reason I single them out is that they are responsible for this portrait. It was their energy and their finances that brought us here today, so they are deserving of recognition. Who will start? Who's the first seated over there?

MR. BURBRIDGE: I'm Glen Burbridge. I practice in Denver, Colorado.

JUDGE URBOM: When did you serve with Judge Van Pelt?

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MR. BURBRIDGE: I served with Judge Van Pelt from 1963 to 1964.

JUDGE URBOM: Thank you, sir. Okay.

MISS VITAMVAS: I'm Judy Vitamvas. I'm practicing here in Lincoln. I served with Judge Van Pelt from '84 to '87.

MR. HAMANN: I'm Deryl Hamann. I practice in Omaha and I served with Judge Van Pelt '58-'59.

MR. DAVIS: Scott Davis. I practice here in Lincoln. I served with the judge '74-'75.

MR. DOLAN: Gary Dolan. I practice in Lincoln and I served with the judge in '72-'73.

MR. COLLERAN: Kevin Colleran. I practice here in Lincoln. I worked with Judge Van Pelt 1968 to 1969.

MR. KAUFFMAN: Fred Kauffman. I practice in Lincoln, and I served with Judge Van Pelt from 1964 to 1965.

MR. BROUILLETTE: I'm Gary Brouillette. I practice in Kansas City and I served with the judge from 1965 to 1966.

MR. WRIGHT: I'm Bruce Wright. I practice in Lincoln, and I was with the judge in 1968 to '69.

MR. KIMBALL: I'm Charles Kimball. I worked for the judge in '62 and '63, and I practice in Denver.

MISS THOMPSON: I'm Valerie Thompson. I am a law clerk presently for Judge Cambridge in Omaha, and I clerked with Judge Van Pelt in 1987.

MISS KAISER: I'm Janet Kaiser, and I clerked for the judge in 1976 to 1982.

JUDGE URBOM: All right, is that all of them? All right. Perhaps you might want to know a bit of the history of this event. It is peculiarly a Lincoln tradition that we have portraits of the judges who spent their career in the Lincoln courthouse of the United States District Court. It's for that reason that Judge Lyle Strom, who's Chief Judge of the United States District Court for the District of Nebraska, and seated on my right, has been willing to allow me to usurp his prerogative of presiding at this affair just for this morning.

To my left is Judge William Cambridge, also United States District Judge for the District of Nebraska, formerly of Hastings, now of Omaha.

The history is something like this: Judge Thomas C. Munger served on this court in Lincoln from 1907 until 1941, 34 years of active service. He was followed in that office by John W. Delehant, who served from 1942 until 1957 on active service, and then on

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Senior Status until his death in 1972. Senior Status is the federal judiciary's equivalent of retirement or semi-retirement.

Then Judge Van Pelt succeeded Judge Delehant in active service in 1957 and remained in active service until 1970 and was in Senior Status until his death in 1988. I had the honor, then, of succeeding Judge Van Pelt on active service in 1970.

Any effort at paying honor to one who deserves honor as much as Judge Van Pelt is a time for lionizing, I suppose, and all of us understand the easiness of making Judge Van Pelt appear to have been larger than life. He was not larger than life, but was very much a man with life. He was an observer, but a participant more than an observer. He was a student, but more teacher than student. He rarely waited for life, but went out to meet it, and once having met it, he encircled it and watched it and embraced it and lived it and loved it. That's the kind of man whom we have come to honor today by presentation of a portrait which will remind us of the special memories that each of us has for him.

I call now upon Jerrold Strasheim, who was Judge Van Pelt's first law clerk. Mr. Strasheim, formerly Judge Strasheim.

MR. STRASHEIM: May it please the Court, distinguished guests and members of Judge Van Pelt's family: In the approximately 30 years that Judge Van Pelt served as a judge, he had in the middle-twenties of law clerks. I think it's over 24 but I can't really tell you the number. But on behalf of all law clerks, whatever their number may be, I want to thank Judge Urbom for having done so much to bring today into being. Judge Urbom was, of course, the person familiar with the tradition and he is the person who has been to a large extent responsible for getting today on track.

I think we should also give special thanks to one of our members, Kevin Colleran, a former law clerk, who assumed a great deal of responsibility for seeing that we did have this portrait. And, of course, we want to thank Judge Van Pelt's family for permitting us to do this.

I will just say that on behalf of all of the law clerks that we are proud to be able to make a contribution and put forward the effort on behalf of Judge Van Pelt that Judge Urbom has mentioned.

Judge Van Pelt certainly was a unique individual. He was a person who left his mark on all of us who were able to serve as his law clerks. It is amazing, without exception, of the law clerks that I know, Judge Van Pelt was a very, very noticeable influence.

I'm looking at the spot where the portrait is going to be—it's quite fascinating. I haven't peeked. I don't know what the portrait looks like, but it will be most appropriate for Judge Van Pelt's picture to be there with Judge Delehant and Judge Munger.

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I will close by simply repeating a statement that Judge Van Pelt made, this was published in the Doane College Magazine. Judge Van Pelt had very a close interest in Doane College. Judge Van Pelt was quoted in 1984 as simply saying this: "I wanted to truly dispense justice and treat the poor and rich evenly. That's part of our oath, and I believe in it." And that was Judge Van Pelt. Thank you.

JUDGE URBOM: Thank you, Jerry. Edwin C. Perry is president-elect of the Nebraska State Bar Association. Mr. Perry?

MR. PERRY: May it please the Court, I am personally extremely pleased to have the opportunity to participate in this ceremony on behalf of the Nebraska State Bar Association. Judge Van Pelt was a member of the State Bar Association for some 65 years. From 1922 to 1957 he was practicing attorney and had the reputation, a state-wide reputation, of being one of the finest lawyers in the state. At the pinnacle of his legal career he was appointed a United States District Judge. As a lawyer, he was recognized as a lawyer's lawyer. As a jurist, he was nationally recognized. He was universally respected as a lawyer, judge, and person. I think Judge Urbom has maybe stated it best when he stated he was what the rest of us would like to be.

It's particularly fortunate from my standpoint to be able to participate in this ceremony because five generations of my family did know Judge Van Pelt. Both my grandfather and father had the privilege of practicing law with him. A fourth or fifth generation of our family became well-acquainted with him a few years ago. My son, Jack, who happens to be here to watch the game down in Memorial Stadium in the rain this afternoon, was in Pound Junior High School and was assigned a topic of writing about Chief Justice John Marshall. As a part of that project, he was to interview somebody in that same profession. Judge Van Pelt agreed to see him for 15 minutes to a half hour. About two hours later they finished their interview. Judge Van Pelt was kind enough to review Jack's paper, and, over the years following that, every time something came up about Judge John Marshall, Judge Van Pelt would write to Jack. And when Jack was in Boys State he snuck out from the group with some of his friends and they came over to Judge Van Pelt's office, and he visited with those young men for I think a fair amount of time. I'm sure that Jack's admiration for Judge Van Pelt played a major part in his embarking on a legal career, and it started three weeks ago with his admission to the Minnesota Bar Association. This interest in others and, in particular, young people, is illustrative of his concern for others. Judge Van Pelt's likeness will certainly provide a beacon for men and women to follow. Thank you.

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JUDGE URBOM: Thank you, Mr. Perry. We have received some letters from persons who cannot be here. I shall read them for you. One is from C. Arlen Beam, who is Circuit Judge of the Court of Appeals of the Eighth Circuit.

“Dear Judge Urbom:

Thank you for your invitation to attend the ceremony at which the portrait of Judge Robert Van Pelt will be presented. Unfortunately, Betty and I will be absent from the city at the time. We will be in attendance at a court meeting called by Chief Judge Donald P. Lay.

We regret that we will miss the presentation. We applaud his former law clerks for making it possible.

We know that you and the others present will express for us the respect and admiration for Judge Van Pelt that we all hold in our bank of memories. Therefore, we will only say, as was said at his memorial ceremony in Omaha in 1988, ‘He was what the rest of us would like to be.’ He was indeed.

Yours very truly, C. Arlen Beam.”

This letter from Donald P. Lay, who is Chief Judge of the Eighth Circuit Court of Appeals:

“I deeply regret that a conflicting court meeting prevents me from attending the portrait ceremony for the late Honorable Robert Van Pelt. I deeply regret my inability to attend because, as you know, Judge Van Pelt was, first of all, my friend, and, second, my hero. I would appreciate your including this short letter along with other tributes to be given that date.

I am in my twenty-fifth year on the Court of Appeals. I have observed many judges coming and going, and, without denigration to any of the great judges that I have encountered, in my judgment, Robert Van Pelt was the tallest of them all. I speak not only as a colleague on the bench but I was privileged for years to appear before him and try cases in his courtroom. I wrote in the Nebraska Law Review back in March of 1970, when the Review was dedicated to him, that in trying a case before him, ‘there was always some indefinable extra drive for excellence that was instilled in the lawyers appearing before him.’ One felt compelled to provide an exacting performance through preparation and trial competency inspired solely by the judicial demeanor provided by Judge Van Pelt as the presiding judge.

A quotation that is often used in honoring great judges is that of Daniel Webster. The quote has perhaps been overused, but I know of no more fitting epitaph to adorn Judge Van Pelt’s judicial life than what was said. The quote is:

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' . . . there is no character on earth more elevated and pure than that of a learned and upright judge and . . . he exerts an influence like the dews of heaven falling without observation.'

I am confident that Judge Van Pelt's judicial temperament, integrity, and performance were achieved not by education or learning or even experience. I am confident that these attributes lay deep within the recesses of his soul.

Sincerely yours, Donald P. Lay."

This from Warren E. Burger, Chief Justice of the Supreme Court, retired:

"I regret that I cannot be present when Bob Van Pelt's portrait is unveiled at your courthouse on November 3rd.

My relationship with Bob Van Pelt goes back far earlier than our being colleagues in the Federal judiciary. While I was practicing in the Twin Cities, we represented one of his major clients, who had extensive operations in Minnesota, and there were frequent occasions for us to see Bob and other members of his firm.

The country was fortunate that he was willing to leave his lucrative private law practice and devote his life to public service in the judiciary. He was an outstanding jurist, as he has been an outstanding practitioner. I was delighted to take part in the ceremony when the Nebraska Society presented an important award to Bob several years ago.

Please convey to the members of his family my warm greetings and my feeling that Bob was one of the outstanding members of the Federal judiciary.

Sincerely, Warren E. Burger."

I can't help but say that he starts this letter by saying "Dear Warren." He calls me Warren; I don't call him Warren.

Another person who can't be with us is Judge Richard E. Robinson. Judge Robinson served with Judge Van Pelt on this court, though Judge Robinson served primarily in Omaha. Judge Robinson came on the bench in 1956, Judge Van Pelt in 1957, and they served all that time together, so we thought it was particularly meaningful that he might say a few words. He is hospitalized in Columbus, Ohio, and cannot be here, but he has written his remarks for us, and Doug Baker, his present law clerk, will read them for us now. Mr. Baker?

MR. BAKER: May it please the Court, Judge Robinson asked me to convey his deepest disappointment that he cannot be here today. His remarks are as follows:

"Fellow judges, friends, colleagues:

We are here today for the purpose of honoring the late Judge Robert Van Pelt, a man whose presence remains with us, though he

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himself has passed away. When we last assembled to honor Judge Van Pelt more than two years ago, it was a time of sorrow, as we mourned the passing of a friend and colleague. Our purpose then was to console one another, to share our sorrows and memories, to try and ease the pain of loss.

Today our purpose is much different. It goes without saying that we miss him still. Such a flame cannot be extinguished without leaving a lingering darkness where the light should be, but the passage of time has blunted the pain. We remember, but we no longer mourn. We are here to commemorate a person, and a presence, whose very being touched each of us.

It is fitting that Judge Van Pelt is to be honored with an official courtroom portrait, a reminder of what he would no doubt consider his greatest legacy, his career as a public servant and a member of the bench and bar. But he was, of course, more than that: He was an individual, a man of character and substance. Each of us carries his own mental portrait of the man who was the judge, a portrait comprised of our individual memories and images.

And so today I would like to share some of my own personal portrait of Bob Van Pelt, as my friend, and not merely of Judge Van Pelt, the consummate lawyer and judge, although, as in all great people, the professional and the personal were intermingled and inseparable throughout his life.

It was my great privilege to know and work closely with Bob Van Pelt throughout his thirty years on the bench, and to know that I am a different and better person, and a better judge, for having had that opportunity. He was a man of unassuming integrity, character, and ability, traits which are often admired but which are all too rarely observed. He had the gift of true wisdom that enabled him to see life for what it is, a balancing of opposites. He was a man of careful and reasoned conviction, tempered with sincere compassion. He knew the law but he had a true sense of justice and equity. He made me laugh, but he impressed me with his sense of duty and responsibility.

He was, in short, a man who made me proud to be his friend, a man whose presence lives on in our collective memories, and whose achievements and legacy will be symbolized by this fine portrait. I know Bob would have been deeply proud, would have been very proud of this day, and I know that I would have been deeply touched by this opportunity to once again see my old friend."

JUDGE URBOM: Thank you, Mr. Baker.

Two persons of significance in Judge Van Pelt's life were Senator Roman Hruska and Senator Carl Curtis. We're delighted that both of them could be with us today. Senator Hruska, let's hear from you, please.

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SENATOR HRUSKA: If it please the Court, members of the Nebraska bench and bar, and dear friends of the judicial system, because it is in that capacity that each of us is here to honor the memory and pay our respects to an outstanding lawyer and citizen. My association with Bob Van Pelt extends over fifty-plus years. The first half was in the capacity of a lawyer and a friend, member of the bar, associated with him in various matters, on two occasions in a courtroom with twelve men, good and true. On both occasions they felt that Mr. Van Pelt gave a much better presentation than Yours Truly. But the list of victims in Judge Van Pelt's history I'm sure is long, so it's no dishonor to have met him and been conquered.

The experience that I have with him there, however, was only part of our association. He—as all of us probably remember, those of us who are over 55—he was very active civilly here; as all of us know, he was active politically. In fact, he was campaign manager for one of the predecessors in the Senate, which Carl Curtis and I had elected also, and active in national conventions of his particular party, one of the major parties of the country, and was of service whenever he could be in those capacities. We all revered him and respected him for the fashion in which he conducted himself and the record he made for his contribution to that necessary activity of democratic representative government.

My later association with him, however, was when I became a member of that part of the United States Congress which had and has now the jurisdiction and the responsibility of looking after the confirmation of judges, and also the jurisdiction over the court system.

Judge Van Pelt discharged his duties as a judge in a fashion which is better left for other speakers to treat because I never was favored with the opportunity of appearing before him in that capacity. But he, as a judge, also was on call to the Administrative Office of the Supreme Court, of the Circuit Court, of course, and the Supreme Court itself. And it was my pleasure to witness and to consider some of the reports of some of the activity in which he engaged as an assignee of those things which the Court, the Supreme Court, felt was proper to refer to him. That was in the nature of the referee's role which he assumed from time to time, also on commissions and on committees that were assigned to some particular aspect of the national jurisprudence. He was a diligent and loyal member of each committee that he accepted service on, to that I can testify, and was greatly respected by his fellow members in activities that were assigned to him.

On one particular committee, I think it was the Rules of Procedure or the Rules of Evidence, that was a committee in which he was active some seven or eight years. His record of perfect

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attendance was marred only one time during all those years, and that one time was on the occasion when a brother in the law and a fellow judge passed away, and he felt that he would assign higher priority to the last ceremony for the departed brother than to a record of perfect attendance on that committee. And that committee, I might tell you, met two or three times a year, and for a man who was occupying the position of a District Judge and yet fulfilling conscientiously and completely and fully the duties of that office, to undertake these additional duties as a referee and other posts assigned to him, was indeed remarkable.

The Nebraska Bar has made many contributions to the field of the administration of the law and of the court system. There have been many notable judges, lawyers, and so on, in that category. None of them will stand taller or more greatly beloved and respected than Robert Van Pelt.

JUDGE URBOM: Thank you, Senator Hruska. Senator Curtis, please.

SENATOR CURTIS: If it please the Court, and if I'm not properly attired, my very good friend, Roman Hruska, has agreed to defend me. I left my wallet in my business clothes, but I am prepared to sign the necessary affidavit that I have the funds.

Robert Van Pelt was not just another federal judge. He attained a high place in the entire judiciary of the United States. Whenever the business of the United States Supreme Court was such that a special situation arose that called for selection of someone to perform an assignment of unusual importance, Judge Van Pelt was called upon.

A long list of such assignments could be assembled, including the Committee to Implement the Federal Magistrates Act, the Advisory Committee on Judicial Activities, and the Advisory Committee on the Federal Rules of Evidence, and a number of assignments involving conflicts of boundaries among the states.

Judge Van Pelt was a brilliant judge whose willingness to work caused him to be thorough and knowledgeable. He administered justice. The administration of justice among men was a living reality in Judge Van Pelt's court. Judge Van Pelt had an understanding heart. His character was without blemish. He was truly one of God's noblemen. He has gone to a higher court where he will be welcomed.

Robert Van Pelt was my friend. He was also my political friend. Back in the days of my service in the House of Representatives, he served as my Congressional District Chairman. Soon after I became a senator, I had the privilege, and it was a privilege, to recommend to the President of the United States that he be

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appointed a Federal Judge. In this I was joined and greatly helped by my friend and able colleague, Roman Hruska.

I am proud of Judge Van Pelt's distinguished record. I have always felt that in recommending him I rendered a great service to Nebraska, the state that I love.

JUDGE URBOM: Thank you, Senator Curtis. Now is the time for the unveiling. Judge Van Pelt's daughter, Midge Irvin, and Judge Van Pelt's granddaughter, Susan Evnen, will do that for us now.

MRS. IRVIN: And, boy, have I had instructions on how to do it, and with more sincerity than you heard today, sir, may it please the Court:

(Portrait unveiling)

JUDGE URBOM: Samuel Van Pelt, Judge Van Pelt's son, will make the response.

MR. SAMUEL VAN PELT: Thank you. May it please the Court, at the outset I'd like to say that my mother feels very sorry that she couldn't be here. I talked to her about this. We showed her photographs of the portrait and she wanted me particularly to extend to all of you her best wishes and her sorrow that she could not be here.

I would like also at this time, and Judge Urbom asked me to do this, to introduce the family that are here. You've already met my sister, Midge. I'd like to introduce my brother-in-law, Eames Irvin.

I think those of you who knew my father knew that probably the most important thing to him was his family, and particularly his grandchildren, and I'm very happy that four of his six grandchildren are here. You've already met Susan Evnen, but, Susan, if you could stand up again. I'm going to introduce her husband, Richard Evnen, who I think had a higher calling and had to take the only great-grandchild, Emily Evnen, out of the room.

I'd also like to introduce my nephew, Tom Irvin, and I'm very pleased that both of my sons are here, my son, Robert Van Pelt, my daughter-in-law, Michelle Van Pelt, and my son, Carter Van Pelt.

I'd also like to introduce three other people that I think are kind of part of the family: My very good friend, Janice Walker, who I'm happy is here, and two other people who truly are part of the Van Pelt family and have been for more years than either one of them would probably like to admit. In fact, I think there was an instance down in the County Court when Lloyd Marti asked one of these individuals her age, she took the Fifth Amendment and Judge Slocum, I believe, sustained the objection. Halcyon Allsman and Helen Reller, two very, very dear friends and family members, as far as I'm concerned.

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I would like to say just a few things, and really on behalf of the entire family. There are some people that I wish to thank. Law clerks have already been mentioned. They cannot be thanked enough, but I'd like to thank the law clerks for what they did in making this possible and, particularly, Kevin Colleran.

I'd also like to thank the judges of the United States District Court and the official family for also making this possible, and particularly for making the ceremony possible.

I'd like to thank you, Mr. Early. You did a beautiful job. I really think perhaps at this time applause would be appropriate to the artist.

I think most of all I'd like to thank all of the judges and the senators and the very distinguished guests and friends who came here today to share this occasion. We all appreciate it very much.

I'm not going to talk a long time about my father. In fact, I think I'm only going to tell one story, but it's a true story, and it's one that, as I think of my long life with him, I think maybe to me reflects why he was such a great judge, and Judge Cambridge and the Chief Justice and the other either present or former district judges can relate to this.

It was when I was on the bench and my dad and I were having lunch over at the University Club, and I was on the divorce docket at that time, and I did not care for the divorce docket, and the other judges who have been on it can relate to this, and I was complaining to my father. But that morning I'd heard several cases and it was the same cases I'd heard hundreds and hundreds of times, and I was tired of listening to this sort of thing over and over again, was anxious to get off the divorce docket, and my dad stopped me, as he was inclined to do, and spoke to me in that fatherly tone I'm sure most of you have heard. He says, "Yes, that may be true," he said, "I'm sure after you hear those cases hundreds, may thousands of them, they do get repetitious, and it does sound like the same thing over and over again, but the thing that you always need to realize is that, to the plaintiff and the defendant in each one of those cases, it's the most important case that will ever be tried in your courtroom." And, you know, I thought about that, and I think about it now, because I think that story really kind of epitomizes the way my father approached every case. I think he honestly looked at every case realizing that, to the people who were involved, that that was probably the most important case that would ever be tried in his courtroom. And I really think that was one of the truly wonderful characteristics and one of the reasons that he was as fine a judge as he was.

I could go on and tell other stories; I'm sure that each of you could too. But I think one of the nice things about this portrait is

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that you can look at it today and when you're in this courtroom you can look at it and you can bring to mind the things about my father that mean the most to you.

And I appreciate your being here and I appreciate your enjoying this portrait in the future. And, again, on behalf of the entire Van Pelt family, thank you very much for being here.

JUDGE URBOM: Thank you, Mr. Van Pelt. That's the end of the program, unless I've forgotten something, and if you think of anything I've forgotten or anything you have for the good of this meeting, now is the time to say so. I don't hear a thing.

We're going to have a reception in the jury lounge. It's just down the hall on this same side of the aisle, so you can spend some time there if you'd like. While we're in the reception room, this portrait will be hung on the south wall of this courtroom. If you haven't noticed already, do notice, please, that Judge Munger is on the easternmost portion, Judge Delehant is in the middle, Judge Van Pelt will be on the right. That's the order in which they served us, you see.

Now, if the Marshal will close the court, we'll be in recess.
(10:45 A.M., recessed accordingly.)

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