

## Judicial Profile

TOM JOHNSON

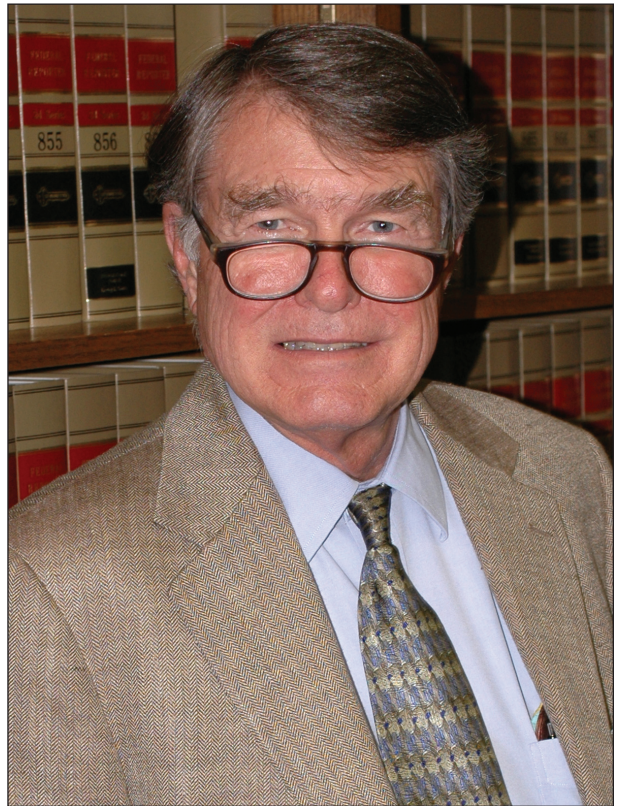
### Hon. R. Lanier Anderson III U.S. Circuit Judge, Eleventh Circuit Court of Appeals

It's NOT SURPRISING that, prior to joining the federal bench, Judge R. Lanier Anderson III practiced law in Macon, Ga. After all, practicing law in the small Southern city was "in [his] blood," he says. As a boy, Judge Anderson watched his father become a respected member of the Macon bar, as had two previous generations of Andersons before him. Although Judge Anderson's choice of vocation may have been foreseeable given his family history, his life since then has been anything but.

A 28-year veteran of the Eleventh Circuit, where he served as chief judge from 1999 until 2002, Judge Anderson has been a quiet leader among his fellow judges. Furthermore, his efforts to promote judicial professionalism and his dedication to hard work have set a standard for judges across the federal judiciary as well as for the many law clerks who, over the years, have carried his guidance and counsel into their own practices.

Judge Anderson was born in Macon in 1936. Although he grew up in Georgia during the 1940s, he did not have a typical Southern upbringing. His mother, who was born in Utica, N.Y., would take the judge and his siblings up North to spend summers with his extended family. These summer trips gave the future lawyer some regional perspective that proved valuable when he chose Yale University for his undergraduate studies. The first Macon resident to attend that school in decades, Judge Anderson graduated Phi Beta Kappa in 1958 with a degree in philosophy. Harvard Law School came next. When he graduated in 1961, Judge Anderson left Cambridge with both a law degree and his wife Nancy, a student at nearby Wellesley College.

An ROTC cadet during his undergraduate years at Yale, after finishing law school the judge served his tour with the Army, where he was based with an artillery unit at a missile defense station. Although a technology-heavy battery may have seemed an unlikely fit for a legally trained philosopher (especially



given that, to this day, he refers to his computer as his "machine"), Judge Anderson used his persuasive abilities to befriend and win over the more technologically savvy members of his unit. After two years of active duty, the judge headed home to Macon to start his legal career.

Joining his father's law practice at Anderson, Walker & Reichert, the judge focused his efforts on the world of civil litigation. Eventually, the judge found that he most enjoyed cases involving tax matters and, over time, developed a niche in that area. In private practice, the judge was motivated by the knowledge that his clients' lives and family interests were in his hands. "In the civil context, you have a lot of responsibility, because a business oftentimes represents someone's livelihood and a family's security. You carry a great responsibility when someone entrusts that to you." In case after case, Judge Anderson devoted himself to achieving superior results for his clients. He tried dozens of cases and took many to Georgia's appellate



courts and the “old Fifth Circuit.”

This dedication to his clients and the results he achieved on their behalf gained Judge Anderson recognition from local and state bar organizations, and he later caught the attention of a commission formed by the Carter administration to consider expansion of the Fifth Circuit from 15 judges to 25. One of the lawyers on the commission, whom the judge had bested in a district court trial some years before, remembered his former adversary and called to inquire whether the judge would be interested in being considered for an open seat on the Fifth Circuit. Although Judge Anderson had never seriously thought about a judgeship prior to that call, he agreed to throw his hat into the ring. An ardent admirer of the courageous federal judges of the 1950s and 1960s like Judge William Augustus Bootle, the judge considered it an honor to be asked to serve in their footsteps.

President Carter appointed Judge Anderson to the federal bench in 1979, and he began his service on May 12 of that year. Serving on the Fifth Circuit for only two years before it was split in two, Judge Anderson instantly fell in love with the intellectual rigor of the job. Despite having enjoyed the life of a civil litigator in his hometown, he immediately appreciated the importance of the issues before him in each case. “In private practice, I had a truly cutting edge case maybe once a decade. As a circuit judge, however, I am confronted with at least one a year, and oftentimes more than that.”

Asked what he enjoys most about his work on the bench, Judge Anderson remarks that it is the “privilege of reaching the right result.” He notes, “As judges, we are asked to reach the correct result under the law as it stands. Unlike the lawyers representing the respective parties, we don’t espouse a viewpoint. We read what the lawyers have to say about the law, then we read the law, and then we do our best to reach the right result.” Judge Anderson is, however, quick to point out that determining the “right” result is not often an easy conclusion. In the last decade alone, the Eleventh Circuit has faced a number of challenging and well-publicized cases, including *Bush v. Gore*, the appeals in the Terry Schiavo matter, and the asylum petition of Elian Gonzales. The judge believes that, despite the frenzied media publicity surrounding these cases, the respect shared among the judges on the circuit allowed them to handle these cases professionally and without distraction.


Judge Anderson is a firm believer in the importance of oral argument. Although he spends hours reading the briefings of cases in advance of his monthly sittings, he actively engages the litigants from the bench, testing the strength of their arguments. The oral argument may not always change or even sway a result, but it often aids the judges in reaching the just and proper result under the law.

In addition to tackling the intellectual demands of the job, Judge Anderson is known for his extraordinary integrity and study of the ethical canons. As both a judge and a practicing lawyer, Judge Anderson has always held a steady belief in the importance of professionalism and ethical responsibilities and their role in the fabric of the judiciary and the bar. The judicial canon of ethics provides not only a source of protection from public scrutiny but also an essential framework for the proper functioning of the judicial institution. With this firm philosophy, it is not surprising that Judge Anderson was appointed to the Judicial Conference Committee on Codes of Conduct in 1987, where he served as chairman from 1992 until 1995. Each year, the committee received hundreds of inquiries, most from judges, seeking advice on whether recusal was appropriate in a given situation in light of personal or financial interests. The judge has often remarked that, through his service on this committee, he admired the diligence with which his fellow judges met—and indeed surpassed—their ethical obligations. The judge believes that there is a high standard for ethical conduct shared throughout the federal judiciary—by both judges and employees of the judicial branch.

Judge Anderson’s belief in the highest professional standards manifests itself in the care with which he mentors his law clerks. The judge takes his responsibility over their early development as lawyers seriously. Whether it be during the daily trips to Macon’s “meat and three” diners (where macaroni and cheese and Jello are considered vegetables), his drives to Atlanta for judicial sittings, or the countless discussions about challenging cases and their holdings, the judge takes the time to educate his clerks on the important values of practicing law. From the judge came some of the soundest legal advice this author has heard: “Never overstate the strength of a case or an argument, because the judge will see it and every other statement you make will be undermined by it.”

In addition to being a critical thinker, an example for other lawyers, and a mentor to his clerks, Judge Anderson is an extremely hard worker. Often staying at the courthouse later than his law clerks do and also working on weekends, the judge maintains a demanding schedule. Once thinking he would take senior status at age 70 (a milestone reached last year), the judge has delayed that decision because of the enjoyment he gets from his work on the bench. However, the judge insists that senior status cannot wait forever. The father of three and grandfather of five, the judge knows that other things are awaiting him outside the courthouse. But, make no mistake, senior status or not, Judge Anderson will always take his share of cases and give each the attention it requires for just resolution.

Senior status would also afford him a bit more time



for his other passion. An avid fisherman, Judge Anderson has terrorized the bass and bream of central Georgia for much of his life. Each Saturday morning for most of the last 30 years, Judge Anderson has dipped his canoe into local rivers to recharge and gain some perspective. Whether he is successful in those weekly endeavors is anyone's guess—it seems fishermen are not held accountable for their tales—but whatever the result, Judge Anderson will be back in the office on Monday morning, doing what he describes as “the best job I could imagine.” **TFL**

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