

Judicial Profile

MELANIE JESTER

Hon. Valerie Couch U.S. Magistrate Judge, Western District of Oklahoma

“HAVE PATIENCE”—A simple expression of profound wisdom. Judge Valerie Couch is a jurist of patience, persistence, and grace, who is also keenly perceptive and intuitive. She has an extraordinarily sharp mind that can cut through the deepest of legally mired arguments and reduce the issues to their simplest form. She knows the questions to ask, probes at just the right times, and waits for the litigants to respond.



Photo by Denis Wile

Everything that Judge Couch does, she does with deep thought, thoroughness, and attention to detail. She does nothing halfway. Whether her task is to review a pro se litigant's pleadings, prepare a CLE presentation, lead a committee meeting, or mentor a young lawyer, Judge Couch gives full attention to the matter at hand. Her work is always reflective of the precision of her thinking and the care she takes in rendering her rulings and opinions.

That quality of precision—especially when it comes to language—can be traced to her literary education. Judge Couch graduated from the University of California at Los Angeles in 1974 with a B.A. in English and then pursued a master's degree in English literature at the University of Oklahoma, which she earned in 1978. Her appreciation for literature and for language is an asset in crafting her judicial opinions. She is mindful of the nuances in word choice when recounting the factual record, analyzing statutory provisions, or applying standards of review. Her love of literature continues to this day. She remains a literary scholar, always seeking ways to challenge her intellectual curiosity and the intellectual curiosity of her colleagues and friends.

During her senior year at UCLA, Judge Couch discovered a talent and passion for running. Having never participated in athletics, what came to pass is a strong reflection of her determination. She became a running partner with the UCLA women's volleyball coach, who recommended her for the women's track team, and Judge Couch spent her senior year as a member of the team. For many years following that experience, Judge Couch was a committed runner.

Judge Couch attended the University of Oklahoma College of Law, graduating in 1983. While a student, she served as an intern to Hon. Alma Wilson, the first female justice appointed to the Oklahoma Supreme Court. Upon graduation, Judge Couch joined the law firm of Hartzog, Conger & Cason in Oklahoma City. She developed a civil litigation practice in a wide range of matters including product liability, accountants' malpractice, employment discrimination, contract disputes, securities litigation, intellectual property disputes, contested probate matters, trust actions, commercial transactions, and hospital liability.

As a trial attorney, her advocacy was measured and strong. She attributes to running a valuable lesson that

benefited her litigation practice: she came to know and appreciate her capacity to do more—to go the physical and mental distance. That lesson gave her the patience to piece together the human conflict and the human connection that litigation evokes. She learned that discovering the full story in any litigation matter is a long but fruitful process. In each matter she has handled, Judge Couch had superb command of the facts and the law, and she knew the cast of players—the litigants, the opposing counsel, the witnesses, and the judges. She left no room for surprise. The judges before whom she appeared viewed her as a trial attorney who clearly stood out from the rest.

In 1999, after 16 years of litigation practice, Judge Couch was appointed to serve as a U.S. magistrate judge for the Western District of Oklahoma. She completed her first term, an eight-year appointment, this spring and has been appointed for a second term. Her extensive experience in litigation has prepared her well for the many and varied duties of a magistrate judge.

Judge Couch is respected among the practicing bar for her skills in conducting judicial settlement conferences. She has unparalleled judgment and a keen ability to read a situation or a person. Expressing a widely shared opinion of Judge Couch, trial attorney Jim Webb has stated that “Judge Couch has a real knack for helping the parties and counsel wade through the facts and law and get down to the real sticking point issues for settlement. She is tremendously skilled at dealing with all types of people, from the overly emotional party who needs an opportunity to vent, to the hard-nosed businessperson who refuses to budge, even in the face of reason.”

Judge Couch’s years as an attorney and counselor to her clients foster her deep respect for the litigants and attorneys who appear before her. In both the courtroom and in her written work, Judge Couch is constantly mindful of the important role of the courts in our system of justice. One of her former student interns, Tara Tabatabaie, offered this insight:

I will never forget the manner in which Judge Couch addressed and spoke to defendants facing trial, especially those who seemed frightened and hopeless. When Judge Couch addresses one of them as “Sir,” you get the feeling that she is really showing the respect that goes along with that term. I once brought this observation up with Judge Couch. Her answer impressed me even more. She told me that many defendants, because of their experience, come to consider the legal system as the enemy. It is the judge’s responsibility to counter that impression or belief in any way possible and to restore people’s belief in the legal system.

Tara described Judge Couch as principled, thoughtful, considerate, and fair—traits “organically intertwined” with her genuine consideration and kindness



Judge Couch with sons Daniel and Ross, husband Dr. Joseph Couch, and Ivy, the family’s Labrador retriever puppy.

toward others. The judge’s former intern says that her internship with Judge Couch “was an opportunity to watch the American justice system function at its best.”

During her tenure on the bench, Judge Couch has remained committed to the bar and to the community. The many leadership roles she has held demonstrate how much she is admired and respected by all. She is a past president and former board member of the Oklahoma County Bar Association; she served as editor of *The Briefcase*, that association’s monthly publication; and she has chaired its Law Day Committee. From 2000 to 2002, Judge Couch served a three-year appointment as commissioner on the Oklahoma Bar Association’s Mandatory Continuing Legal Education Commission. She is also past president and emeritus member of the William J. Holloway, Jr. American Inn of Court and has been elected as an Oklahoma Fellow of the American Bar Association. Currently, she serves on the editorial board of the *Federal Courts Law Review*. She also serves on the board of trustees of the Oklahoma Bar Foundation, an organization designed to further the administration of justice in the state of Oklahoma. The foundation has awarded grants totaling more than \$6 million for law student scholarships, educational programs for schoolchildren, judicial education programs, and the provision of civil legal services for Oklahoma’s poor and elderly.

Judge Couch has received numerous awards in recognition of her service, her contributions, and her excellence. She is a recipient of the Mona Salyer Lambird Spotlight Award, an award given in appreciation for

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“superior leadership qualities and dedication to the advancement of women in law.” She most recently received the Oklahoma Bar Association’s Neil E. Bogan Professionalism Award. Judge Couch’s professionalism was described in terms of her deep caring for the profession, her generous giving of time to teaching and lecturing, her approach to each task with extraordinary preparation and commitment, and her efforts to improve the profession each day through her energy, intelligence, and commitment.

For the past several years, Judge Couch has taught a course in trial practice as an adjunct professor at Oklahoma City University School of Law, where she teaches with her dear friend and colleague Bill Conger, with whom she worked closely during her years in private practice. Bill says of Judge Couch, “I believe I am not only a better lawyer but I am a better person because of our friendship for so many years.” Like Bill, the law students commonly express gratitude for Judge Couch’s ability not only to shape them into skilled trial attorneys but also to make them better persons in the process. The impact she has had and continues to have on her students is profound, and she retains lasting relationships with many of her students.

Judge Couch has a rich life outside of the law as well, and she is an advocate for work life balance. Among her many interests, she enjoys fly fishing, photography, and playing the piano. She shares with her family a love for dogs, especially Labrador retrievers. She frequently opens her home to friends and colleagues—all of whom treasure the opportunity to partake of the warm hospitality and engaging conversation found there. She has been married for 35 years to Dr. Joseph Couch, a clinical psychologist/psychoanalyst in private practice in Oklahoma City. The Couches have two sons, Ross and Daniel: Ross is a junior at the University of Oklahoma, and Daniel will soon be entering the legal profession, having graduated from law school this spring.

Let there be no doubt that Judge Couch is a strong influence on her son Daniel. Perhaps that influence may be traceable to his very early years (Daniel was six years old when Judge Couch graduated from law school). Asked if her career influenced his decision to become a lawyer, Daniel responds, “My mother is a person of great integrity and poise. She is well-respected, competent, and successful. I wanted to emulate her, and becoming a lawyer, sharing in her profession, seemed the way to do so.” Daniel offers this quote by Hemingway as a phrase that exemplifies his mother: “Courage is grace under pressure.” Daniel says that he doesn’t know a person who is “more deserving of this quote than my mother, as she defines courage everyday and truly is grace under pressure.” Daniel’s thoughts are a testament to his mother’s genuine character and her epitomization of the pro-

fessional lawyer. Daniel also recognizes the quality of her patience. One trait he admires most about his mother is her calming influence. During law school, he was grateful for her insight and ability to give him “forward knowledge” about the process of law school, keeping in perspective that law school is one point along the road.

Judge Couch’s calming influence is one of her finest traits when it comes to her role as mentor. I should know. I worked with Judge Couch as a young associate in a law firm. In the throes of launching a new career, I also became a new parent. I had heard the war stories about female attorneys dictating briefs in delivery rooms. I felt overwhelmed by the expectations associated with being a young attorney and a new mother. All that came to pass when Judge Couch paid a personal visit to the hospital just hours after the birth of my first child. The memory of Judge Couch holding my daughter in her arms is lasting. For all the strength of her words, her actions perhaps set her apart the most.

I later had the honor and privilege of becoming law clerk to Judge Couch—a position I currently hold. Even though I have been a lawyer now for nearly 15 years, I continue to learn from her daily. Whether our discussions involve a complex legal issue, a matter of parenting, thoughts about literature, or ways to exercise diplomacy properly, her wisdom is always there and it is coupled with her generosity and kindness. She never criticizes others, even when they deserve it. Instead, she seeks out an attribute and turns a difficult situation into an opportunity for learning. Because of this, she is a trusted confidante to all her friends.

The greatest gift Judge Couch offers is the lesson she teaches by her example. She reminds us to live life day by day, to give each case the high degree of focus it deserves, to treat litigants as individuals and counsel with respect, and in all this to exercise considered judgment. Judge Couch teaches us to have patience with what is and hope for what is to be and also to enjoy all the moments along the way. **TFL**

Melanie Jester has been a law clerk to Judge Couch since 1999 and has practiced law in Oklahoma since 1992.