

Judicial Profile

SANDRA DENMAN AND SHARON DERIVAN

Hon. David D. Dowd Jr. *Northern District of Ohio*

HON. DAVID D. DOWD JR. is a judge's judge. In the words of his friend and colleague, Judge David A. Katz of the Northern District of Ohio, "Judge Dowd represents the very best in our profession. His intelligence, legal intellect, and ability, his compassion and passion as a jurist, his worth as a human being — these things set him apart from ordinary men."

Judge Dowd's path to a distinguished career in law and public service began in his hometown of Massillon, Ohio, in the loving and secure environment provided by his mother and father, Martha C. and David D. Dowd Sr., who stressed the importance of education and commitment to the religion of one's choice. At an early age, Judge Dowd developed an intense interest in history and a desire to engage in politics and government service. Judge Dowd's father inspired him to follow the law as a profession, and, after receiving his undergraduate degree from the College of Wooster in 1951, Judge Dowd graduated with a law degree from the University of Michigan in 1954.



After law school, Judge Dowd served 35 months as a legal officer in the Judge Advocate General Corps of the U.S. Army in West Germany. Following active duty in the Army, he joined his father in the law firm of Dowd & Dowd in Massillon, where he practiced until 1975. While in private practice, Judge Dowd also served as a Massillon city councilmember (1960), an assistant Stark County prosecuting attorney (1961–1967), and Stark County prosecuting attorney (1967–1975).

In 1975, Judge Dowd was appointed to the Ohio Fifth District Court of Appeals and was then elected to a six-year term. In 1980, he was appointed to the

Ohio Supreme Court. When his service on the state court bench ended, Judge Dowd joined the law firm of Black, McCuskey, Souers & Arbaugh in Canton, as a partner, where he remained until 1982, when President Ronald Reagan appointed him to the bench for the U.S. District Court for the Northern District of Ohio. Judge Dowd took the oath of office on Oct. 8, 1982. He took senior status on June 30, 1996, but still maintains a significant caseload.

Chief Judge Paul R. Matia of the Northern District of Ohio describes Judge Dowd as a "paragon of integrity," whose service is marked by "exemplary qualities" and whose "excellent scholarship" is "deservedly recognized." Judge Matia also notes: "Now that Judge Dowd is a senior judge, his services are sought by circuit and district courts all over the country. As chief judge, I have been particularly grateful for his expertise in court rules and for his willingness to continue to be involved in court governance. His judgment and advice are invaluable to me and to the court."

It takes no more than a few minutes of conversation with Judge Dowd to realize that he really enjoys being a district court judge and that this love of his work — combined with his natural talents, skills, and hard work — has resulted in a judicial career that has earned the overwhelming respect of his colleagues. What's the best part about being a federal judge? To Judge Dowd, it is his close association with his colleagues and staff, the variety and challenge of the work, the opportunity to work around the country in other district and appellate courts, and the opportunity and responsibility to assure a fair trial to all parties.

Before coming to the federal bench, Judge Dowd served by appointment on several committees: the Ohio Organized Crime Prevention Council, the Technical Committee to the Ohio General Assembly (which prepared the first draft of Ohio's Criminal Code, effective Jan. 1, 1974), and the Advisory Committee to the Ohio Supreme Court (for the formulation of Ohio's Rules of Criminal Procedure). In 1971, he began teaching an advanced course in criminal law at the University of Akron School of Law, where he taught until 1975. From 1972 to 1975, having been appointed by President Richard Nixon, he served on the Committee for the Review of the National Policy Toward Gambling. In 1973, he co-authored *And-*

son's *Ohio Criminal Practice and Procedure*.

After his appointment to the federal bench, Judge Dowd kept up the pace and his service to the judiciary. He not only managed an active docket in Akron but also assisted the court's Western Division in Toledo during a time when that division had no active judges. Geri M. Smith, clerk of the Northern District of Ohio, says that "this personal sacrifice for the good of the court and to assist the bar and his colleagues typifies the commitment and dedication of Judge Dowd." Smith also applauds Judge Dowd for being "a friend to and supporter of the Clerk's Office, ... a believer in the benefits of automation, ... and an ongoing staunch supporter of the importance of democratic rules for effective court governance."

Judge Dowd has served in several appointed capacities at the national level. Leonidas Ralph Mecham, director of the Administrative Office of the U.S. Courts, calls Judge Dowd a "judicial statesman, [who is] unfailingly constructive" and credits him for service that is "truly wide ranging."

In 1988, the Judicial Conference of the United States appointed Judge Dowd to a four-year term on the board of the Federal Judicial Center. Senior U.S. District Judge William W. Schwarzer of the Northern District of California, who was director of the Federal Judicial Center at the time Judge Dowd served on the board, reflects on Judge Dowd's service: "He provided superb leadership, solving problems in his quiet way and instilling confidence in his judgment. We all felt fortunate to have him as our colleague."

From 1994 to 2001, Judge Dowd served as a member of the Advisory Committee on the Federal Rules of Criminal Procedure. In that capacity, he was also the liaison to the Advisory Committee on the Federal Rules of Evidence.

In 1990, Chief Justice William H. Rehnquist appointed Judge Dowd to the Ad Hoc Committee on Asbestos Litigation. In June 1996, Judge Dowd was also appointed by Chief Justice Rehnquist as one of five judges on the newly created Alien Terrorist Removal Court. Judge Dowd's appointment to this court has been extended to June 2004.

Judge Dowd describes himself as "forever grateful" for the opportunity to serve as a federal district court judge and to those who mentored him along the way. Reflecting that there are many "but fors" in everyone's life, Judge Dowd notes that, but for Rep. Ralph Regula, who has been the congressman in the 16th District since 1972, he would not have had "this marvelous opportunity" to serve as a U.S. district court judge. Judge Dowd also recognizes the wisdom and guidance he received over the years from the late Judge Leroy Contie Jr., whom Judge Dowd replaced on the district court bench in 1982, when Judge Contie was elevated to the Sixth Circuit Court of Appeals. In this brief article, it is not possible to



Judge Dowd and family.

include all the judicial colleagues, law clerks, and court staff that Judge Dowd spoke of when interviewed, but clearly Judge Dowd values each and every one of them as individuals and for their contribution to the court.

Given his long list of accomplishments, one might think that Judge Dowd has had little time for anything else. In fact, family and nonjudicial activities play an important role in his life. Like his love of the law, Judge Dowd's passion for the game of golf was inspired by his father and shared with longtime golf partners Ronald Dougherty, Gary Banas, and the late Frank Lucas. Dougherty and Banas have shared the opinion that Judge Dowd's judicial temperament may not always extend to the golf course. In addition to the game of golf, Judge Dowd is a devoted football fan and serves on the board of directors of the Pro Football Hall of Fame in Canton, Ohio.

Of all the things in his career and personal life, what is most important to Judge Dowd is his family. Judge Dowd has been married to Joyce Bevan Dowd for 49 years. Judge Dowd describes his wife as his best friend, counselor, confidant, and the family's rock of stability. They have four children — Cynthia, David, Douglas, and Mark — and seven grandchildren.

In view of Judge Dowd's remarkable career, it is no surprise that Chief Justice Rehnquist has characterized Judge Dowd as "a fine judge," who has "rendered exemplary service to the federal judiciary and the people of the United States." **TFL**

Sandra Denman and Sharon Derivan are former and current clerks, respectively, of Judge David D. Dowd Jr. Derivan has been Judge Dowd's law clerk since 1991. Denman clerked for Judge Dowd from 1988 to 1990 and is currently general counsel at Youngstown State University. The authors acknowledge the comments of Judge Dowd and others that were made during the proceedings for Judge Dowd's portrait presentation to the Northern District of Ohio, from which portions of this article are derived. The entire transcript of the proceedings is published at 140 F.Supp.2d XLI (Oct. 11, 1999).

Photos courtesy of John R. Ashley.