

Judicial Profile

COLIN H. TUCKER

Hon. James Ellison U.S. District Judge, Northern District of Oklahoma

A 24-YEAR-OLD MAN and his wife sat at the kitchen table of their two-bedroom house and planned their lives together. The man had a law degree, two years of service in the U.S. Army, and one car — Chevrolet Bel Air. The year was 1953.



Photo courtesy of Ervin Photography, Tulsa, Okla.

On that night, Jim and Jody Ellison reviewed their options and reached a decision: they would open a law office in Red Fork, Okla., a working-class town in the middle of one of the largest oil and gas fields in Oklahoma and home to roughnecks, factory workers, taverns, and other unlikely sources of steady legal work for a new lawyer. Jim was Red Fork's first lawyer.

Working out of a two-room

office — Jim, the lawyer, with Jody his legal secretary, office manager, and everything else — they envisioned building a law firm that would serve their community and provide a decent living for their family.

Despite his modest intention of starting up a law office from scratch, Jim's talent was clearly evident to Tulsa County's small legal community. Only a year into his practice, Jim was persuaded to join one of Tulsa's most prominent law offices, the Byron Boone firm. In short succession, Jim was a partner, a senior partner, and an indispensable counselor and adviser for his clients.

As a practicing lawyer, Jim Ellison was noted for his willingness to learn every area of law: probate, bankruptcy, criminal, and complex civil litigation. He earned

an even more remarkable distinction: as Tulsa lawyer Jim Sturdivant stated, "in all his years in practice, there was not one bad thing any lawyer could say about him." Perhaps these qualities are what attracted the attention of politicians. Twenty-five years into his law practice, this one-time solo practitioner from the oil patch was nominated to serve on the federal bench by Sen. David L. Boren (D-Okla.) and President Jimmy Carter.

A former chief judge of the Northern District of Oklahoma, Thomas R. Brett, describes Judge Jim Ellison in this way: "His lay and lawyer friends love and respect him because he's so genuine. He has not an ounce of pretext. He is just a person who lives life to the fullest, possessing an understanding of human nature equal to that of Mark Twain and a matchless sense of humor," making him "the envy of all of us that are in the craft of judging."

Judge Ellison's preparation for the judiciary began when he was in high school as a boarding student at the Oklahoma Military Academy. At age 17, he and his older brother enrolled at the University of Missouri. Away from the confines of military school, Jim and his brother embraced the social aspects of college life — so much so that his mother "suggested" that the brothers split up.

Four years later, Jim had a law degree from the University of Oklahoma. He had met and married Jody, and he was unceremoniously drafted into the U.S. Army as a private. Following basic training, Jim was accepted into Officer Candidates' School, where he was prepared for the Korean War. He was made a platoon commander and shipped out to Japan for infantry duty. Only upon Jim's arrival in Japan did the Army realize that he held a law degree, so the Army took the surprisingly prescient step of transferring him to the Judge Advocate General Corps.

Jim's military training, his office experience in Red Fork, and his many years in private practice in a law firm provided a solid foundation for the judge's demanding judicial duties. During his first decade of service on the bench, Judge Ellison's average caseload exceeded 500, with 40 new cases assigned each month. At times, his caseload spiked to more than 700 cases.

In the 1980s, Oklahoma became a center for high-profile drug prosecutions, and threats against federal judges went from unprecedented to very real. The intense workload and the security concerns did not weigh heavily on Judge Ellison, however. During one trial of an al-

leged drug kingpin, Judge Ellison observed that helicopters were circling the courthouse, and he asked who was so important that the police had sent in helicopters to get them. "You, sir; the helicopters are here to protect you," was his court security officer's answer.

Whether or not Judge Ellison was the subject of enhanced security measures, he has always made it a point to make his chambers a friendly workplace. Patricia Neel Titus, a former law clerk to Judge Ellison, relates an occasion when she was dropping her young daughters off at school. She had asked them to hurry so that she would not be late for work in Judge Ellison's chambers.

"Who is Judge Ellison?" one of the girls asked. "He's the kindly gentleman I've introduced you to at the office," the law clerk answered. "Oh, you mean that bald-headed guy?" The law clerk said, "Yes, but you musn't ever say that in his presence." "Why, Mommy? Doesn't he know that he's bald-headed?"

The remarkable thing about that story is that the person who enjoys retelling it the most — and retells it the most often — is Judge Ellison himself.

Although bald-headedness may run in Judge Ellison's family, the law does not. For this, the world is fortunate: the judge's son, Scott Ellison, has been a full-time blues musician for nearly 30 years. Scott has released several albums as a solo artist, played with the likes of Joe Cocker and Roy Orbison, performed session work for major films and television programs, and continues to tour nationally and internationally almost every month of the year.

After a one-year career as a legal secretary, Judge Ellison's wife, Jody, developed her own talent in the visual arts and is a renowned painter of landscapes. Jody appreciates the recognition that her paintings have received in the form of several awards, but the true measure of the contemporary artist is sales, and Jody's paintings are regularly featured (and sold) in galleries in the Southwest.

Judge Ellison has ample reason to be proud of the Ellison family's successes. To measure his own successes as a judge, some might look to his docket management or his low rate of reversal on appeal. Susan Savage, Oklahoma's secretary of state, measures Judge Ellison's success one case at a time: "Judge Ellison has shown compassion, fairness, and resolve in each and every civil and criminal matter that has come before him."

Even from the bench, Judge Ellison has found ways to involve himself in his community. The judge oversaw a civil rights lawsuit against the Hissom Memorial Center, a state home for developmentally disabled youth. He found that Hissom failed to provide its residents with opportunities to improve their lives

and to join the community, and he ordered the facility closed pursuant to a consent decree. Moreover, not content with simply issuing an order and moving on to the next matter on his 500-case docket, Judge Ellison oversaw the transition of each Hissom youth into the community and monitored each one until they became adults. Lawyers involved in the case estimate that Ellison has dedicated "tens of thousands of hours" to ensuring that the state of Oklahoma followed both the letter and the spirit of his order.

In the words of the former chief judge of the Tenth Circuit, Stephanie Seymour, "Judge Ellison dispensed justice deciding cases with fairness and impartiality and protecting equally the rights of the poor and unsophisticated as well as the rich and educated, and he did that all maintaining his wonderful sense of humor, which he shared with all of us inside and outside the courtroom." **TFL**

Colin H. Tucker, a partner at Rhodes, Hieronymus, Jones, Tucker, and Gable, a firm of trial lawyers in Tulsa, Okla., was a law clerk to then Chief Judge Ellison in 1994-95.



(top) Judge Ellison with his wife, Jody; (bottom, l to r) Strong with The Force, Judge Ellison poses before Darth Vader with courthouse and legal staff, from left to right, Liz Leidy, Eva Perry, Judge Ellison, Betty Ruff, and Barbara Hale. The anonymous lion simply jumped into the picture at the last moment.