

Judicial Profile

JOHN FEDYNSKY

Hon. Paul V. Gadola U.S. District Judge, Eastern District of Michigan

JUDGE PAUL V. GADOLA likes to hold court. He never omits the formalities, insisting, for example, that the court always open with the following words: "All persons having business herein draw near, give attention, and ye shall be heard. God save these United States and this honorable court."

Both of Judge Gadola's law clerks describe him as a "gentleman lawyer" who is keenly aware of, and deferential to, tradition. He was born July 21, 1929, in Flint, Mich., where he now sits on the bench.

The judge speaks almost reverently about the example of his father, Paul V. Gadola Sr., who was a state trial court judge in Genesee County for 31 years. The young Gadola would walk to the courthouse in downtown Flint after school and observe what was happening in his father's court. "I got an early taste of courtrooms and the law," says Judge Gadola. After court, his father would drive his son home for dinner, "a pretty formal proceeding" and "a ritual thing," at which "serious things were often discussed" and everyone's presence was expected. "My dad was very good about explaining and discussing things that happened in the law over the dinner table," remarks Gadola.

His father, a Republican, was popular in Genesee County, even though it was a Democratic stronghold. According to Gadola, his father was respected for coming from humble beginnings and for his military career, which included "chasing Pancho Villa" with the National Guard along the Mexico border and serving in World War I.

In 1937, his father presided over tense proceedings involving General Motors against the United Auto Workers, which was conducting a sit-down strike that led to its first contract to represent workers of a major automotive manufacturer. By sheer coincidence, 61 years later, the elder Judge Gadola's son presided over the only other case between these same two parties and involving another strike. The coincidence is all the more remarkable, because the younger Gadola was assigned the case by blind draw, in which 16 other judges in his district had an equal chance of getting it.

Gadola recalls the first General Motors case as "a pretty wild period of time in Flint." His father, who had issued an injunction ordering the strikers to leave GM's property, received death threats. The National Guard had a visible presence in Flint. Governor Frank Murphy, who later served on the U.S. Supreme Court, mediated a settlement. Young Gadola rode to school in a police car, and an officer was stationed outside his classroom. Later, the Gadola family had live-in protection.

"We never had real trouble," says Gadola, who credits his father with maintaining a level of normalcy at home. The "most exciting day" was when the family maid spotted two cars full of men parked up the street from the house; she had noticed the same cars the previous night. That morning, Gadola's father did not let his children leave the house for school and called the police, who had yet to deploy live-in protection. Gadola looked through the window as police officers approached the cars and ordered the men to step out onto the curb. Even though the men were heavily armed, things suddenly became friendly, and everyone was in high spirits. The police informed Gadola's father that his friends in the American Legion had heard some rumors and decided to post a guard for his protection. They all went home at the request of the police. "That was an incident I remembered very, very well," says Gadola with a laugh.

During this same time period, Gadola's father made quite a splash in the press as the "pistol-packing judge," because he carried a handgun. At that time judges in Genesee County did not wear robes, and a photographer snapped his photograph when the judge's suit coat was snagged on the hand grip of his gun.

The younger Judge Gadola graduated from Michigan State University in 1951 with a degree in accounting. He remains an avid Spartan, attending virtually every home football and basketball game since 1956. He guesses that he has missed only three football games — one because he had to attend a national meeting of Republicans and two because he was ill and hospitalized. In his chambers, he proudly displays shelves of Michigan State University memorabilia that he has collected over the years. His older brother, Thomas, was an equally devoted fan of foot-

ball at the University of Michigan, a great rival of Michigan State. With a touch of pride and mourning, Gadola recalls that Thomas, a state judge like his father and also Genesee County's longest serving probate judge, peacefully passed away three years ago while sitting in the stands at the Ann Arbor stadium.

Directly after college, Gadola entered law school at the University of Michigan. He never took a summer vacation and completed his coursework in August 1953, hoping to take the bar exam before beginning his military service. "I just barely made it in time," says Gadola. His military service "wasn't too exceptional," says Gadola. He was in the infantry and then in the advanced infantry. When he came home for Christmas, his father swore him in as an attorney. Then the Army found out that he had a degree in accounting and therefore assigned him to the finance corps, which had a shortage of qualified personnel.

In 1955, Gadola returned home to begin his law practice, which consisted of general litigation and trial work. His first criminal trial was as the court-appointed attorney for an ex-convict accused of "hanging paper" — that is, passing a forged check in a bar. The defendant was convicted, and in the course of the trial Gadola claims he lost any illusion that he was in that particular case defending an innocent man who had a just cause.

Politics called, and in 1956 Gadola agreed to run for the office of prosecuting attorney of Genesee County. According to him, given the county's politics, the incumbent's strong standing, and Gadola's own relative inexperience and undeveloped reputation, the judge knew that he would lose. But local leaders of the Republican Party persuaded him that running for the office presented an opportunity to become better known in the community and to serve the party. "I campaigned for it hard," says Gadola. He appeared at every imaginable event in the county. Many young people volunteered for his campaign, which featured numerous silk-screen signs proclaiming "Go Gadola." According to the judge, "a big tradition back here then" was to stand at the plant gates and greet workers as they exited after finishing their shifts. His reception was "courteous and pretty good" in spite of the history of his father, who himself won re-election consistently until he retired in 1960.



Judge Gadola's office decorations commemorate his Irish-American heritage and his allegiance to the Spartans of Michigan State University. Photo by John Fedynsky.

On election night, Gadola was trailing and was about to call his opponent to concede when the phone rang. His opponent was on the line and calling to congratulate Gadola, who responded that he did not understand his opponent's call, because the incumbent had won handily. But his opponent replied that Gadola carried the Republican ticket in

the county by collecting more votes than even President Eisenhower had garnered.

In future elections, Gadola ran unsuccessfully for state Senate and for the Michigan State University's Board of Trustees. Gadola claims, in retrospect, that he did not want the former position because it would have meant a severe pay cut and the interruption of his legal practice just as it was getting off the ground.

Judge Gadola drew the ire of many Republicans, including Governor William Milliken, in 1976, when he supported the nomination of Ronald Reagan over President Gerald Ford, Michigan's favorite son. Reagan remembered Gadola, however, and asked him to lead his Michigan campaigns in 1980 and 1984.

In 1988, President Reagan appointed Gadola to the bench. Gadola recalls receiving an urgent message from his office in Flint while he was in trial in Detroit. He had some idea of what was afoot when, during a recess in the proceedings, he finally learned that the White House was trying to reach him. He begged the court's indulgence so that he could get to a telephone in a private setting. Upon learning that the White House was on the other end of the phone, the court met his request, and Gadola found himself clutching the phone in a closet as he spoke to Reagan.

For several years, Gadola sat in a courtroom in Detroit. Space opened up in Flint, but he declined to return to his hometown unless he was assured that he would remain on the Detroit draw of cases and not be limited to cases arising from the four counties surrounding Flint, as had been the case for federal judges in Flint previously. The judges of the Eastern District of Michigan eventually voted to grant his request. Gadola gave up commuting about 100 miles every workday and settled into his chambers in Flint.

He continues working there, handling a full docket, even though he took senior status in 2001. Being on the Detroit draw ensures that he hears cases from several more counties and helps make his docket more varied and complex.

Upon his arrival in the courthouse, Gadola, an animal lover with cats of his own, adopted Buddy, a large black feline that roamed the chambers of U.S.



Judge Gadola jokingly wields a favorite gift: a Shillelagh, which is a traditional Irish fighting stick.
Photo by John Fedynsky.

District Judge Stewart Newblatt. (Newblatt's son, incidentally, was appointed by Governor Jennifer Granholm to fill Gadola's brother's vacant seat on the probate court.) Buddy departed with the retirement of Judge Newblatt and went to live with a probation officer. Staff members prevailed on Gadola to allow them to adopt a kitten from the Humane Society. They returned with Zeb, a 10-year-old cat that was suddenly homeless because his owner was moving to a retirement home that did not allow pets. Everyone knew that after a certain number of days the Humane Society must put unwanted animals to sleep. Gadola was surprised but amenable to what, in effect, turned out to be a rather unusual request for a writ of

habeas corpus. "We had to spare him," he says. "We're here in federal court, facing this cat that had capital punishment in his imminent future and had committed no crime." Zeb remained for six or seven years, until the day Gadola and court employees somberly took him to a veterinarian to be put to sleep. "Makes me teary even now," according to Gadola. "I held him," he says, as his voice trails off and his emotions rise to the surface.

But the court's friendliness to animals did not end with Zeb. Monica Secord, Gadola's recently departed law clerk, volunteered to socialize and train a leader dog for the blind for about a year. Gadola cautioned Secord about the difficulty of parting with the dog in the future. The judge welcomed Miranda, a seven-week-old black Labrador puppy named for the famous criminal procedure case, to his chambers. He described Miranda, who left his chambers this summer to complete training, as "beautifully behaved" and "very affectionate." Secord completed her two-year term in August 2005 and began clerking for Judge Daniel A. Manion of the U.S. Court of Appeals for the Seventh Circuit. She is the third former Gadola clerk to accept that position.

Gadola's law clerks attest to his affection for the law. John Tuttle, his senior law clerk, says that Gadola "really is concerned with following the law as the law is." Secord agrees, saying that the judge "wants to know what the law is" and apply it. "I want to follow the law as the law is, not as I wish the law were," says Gadola. "I often reach decisions on the federal court that, if I had the option to determine the law as I wished it were, I would not reach — but that would involve me legislating." According to Gadola, "the function of the judiciary is to interpret the law and not make new law."

On Nov. 15, 2004, the Michigan Federalist Society gave the judge the Joseph D. Grano Award, named for a late professor at Wayne State University Law School, who had been a prominent member of the organization and taught constitutional law to Michael, Gadola's younger son, who works for the Michigan Supreme Court. Gadola describes the award as "a great honor" and counts Joe Grano as "a dear friend." Gadola says that the Federalist Society is "a wonderful organization and I admire very greatly those members of the appellate courts that are followers of the philosophy and principles of the Federalist Society." Referring to a central part of the organization's guiding philosophy, Gadola says, "I took an oath to apply the law as it is, not as I wished it were."

On the court day just before and just after Independence Day, Gadola annually gives his senior clerk the honor of reading the Declaration of Independence when he takes the bench, no matter what the next proceeding might be. And on St. Patrick's Day, Gadola typically is not in the courtroom. He is proud of his Irish roots, claiming that seven-eighths of his heritage traces from Ireland. His Italian surname comes from his one non-Irish grandparent. The feast of St. Patrick is "a long and full day" that starts with Gadola wearing something green and going to events in downtown Detroit that start at 6 a.m. Included in his annual ritual is time spent as an usher at a church in Corktown, Detroit's historic Irish neighborhood.

The annual ritual is but one example of Gadola's penchant for honoring tradition. More examples abound in the tried-and-true trappings he insists upon in court. "I think a courtroom ought to be run in a very formal fashion," says Judge Gadola.

Gadola's view of tradition is a natural instinct, given his childhood that was spent watching his father on the bench and drawing near to be heard at the dinner table. He is his father's son — a judge's judge.

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