

Judicial Profile

VALERIE STEWART

Hon. Lloyd D. George and Hon. Edward C. Reed, Jr. Senior U.S. District Judges for the District of Nevada

INDIVIDUALS MAKE THEIR IMPRESSIONS on the world in many different ways. Each of Nevada's "senior" senior U.S. district judges have contributed to their communities and to the legal profession for many years and in different ways — and yet in some of the same ways. Each has contributed a public building that bears his name — one a high school, one a public space and courthouse. Each has contributed to the law and the legal profession to which both are committed — one by working to establish a strong independent judiciary, not only in the United States but also in countries throughout the world, and the other by providing a body of written law to serve as a guide and an explanation to generations of lawyers seeking answers in the law. Each of these jurists has used his talents and his passion for the law to leave the world a better place as a result of their efforts.

Hon. Lloyd D. George

The entrance to the Lloyd D. George U.S. Courthouse is on a large plaza, just the sort of place for a public band concert. When you enter the spacious lobby, you are usually presented with an art exhibit, and if you visit the jury assembly hall on the third Friday of each month at lunchtime, you will hear a concert — part of the City of Las Vegas Downtown Cultural Series. And this experience was

the intent of Senior U.S. District Judge Lloyd D. George: that the building that bears his name be accessible to the people for public functions and not just serve as an impersonal hall of justice.

The career of this soft-spoken man is reflected by more than just a modern courthouse in the nation's fastest growing city. Throughout his judicial career, Judge George has contributed to the effective administration of the courts in the United States and throughout the world.

Judge George served on the board of the Federal Judicial Center under Chief Justice Warren Burger. He served on three Judicial Conference committees and was a member of the Executive Committee of the Judicial Conference for three years under Chief Justice William H. Rehnquist.

Lloyd D. George was born in Idaho in 1930 and moved at the

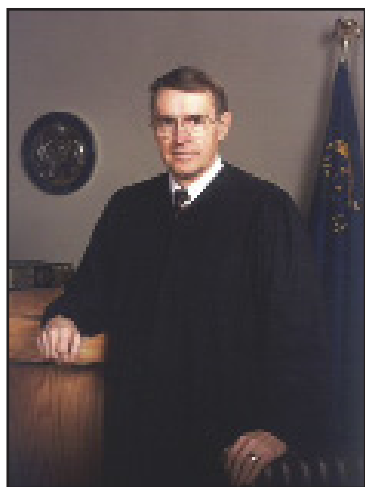
age of three to Southern Nevada, which he proudly calls home and where his career of public service has spanned more than 40 years. Judge George graduated from Brigham Young University in 1955, having worked his way through college with a summer job as a life guard at the Flamingo and Sands Hotels on the Las Vegas Strip. With a touch of irony, Judge George observed that, when adjusted for inflation, his salary at that time (including tips) exceeded his current salary as a judge.

Following his graduation from Brigham Young, Judge George joined the U.S. Air Force. After flight training and graduation as a fighter pilot, he flew a nuclear-armed B-47 bomber for the Strategic Air Command. He served during the height of the Cold War, and his potential target was deep within the Soviet Union, near Moscow. After he was discharged from the Air Force, Judge George attended the Boalt Hall School of Law at the University of California at Berkeley. In 1961, Judge George earned his J.D., and, in his chambers, he proudly displays a photograph of Dean William Prosser presenting him with his diploma.

After a few years as a named partner in a Las Vegas law firm, Judge George's career in public service began in earnest with a term as justice of the peace before he was appointed to the Bankruptcy Court for the District of Nevada in 1974, where he ultimately served as chief judge. Judge George served on the Ninth Circuit Bankruptcy Appellate Panels from 1980 to 1984 and published articles dealing with bankruptcy practice in several law journals. Because many of the cases that came before Judge George in the Bankruptcy Court involved operations at Nevada hotel-casinos, his impact on the development of the business community in Nevada has been substantial.

It was during his tenure as a bankruptcy judge that Judge George became involved in the administration of the federal courts. He helped organize the Ninth Circuit Bankruptcy Appellate Panel and was serving on it when President Ronald Reagan appointed him to the district court bench in 1984. Along with the only other full-time federal district judges in Nevada, Judges Edward C. Reed Jr. and Howard D. McKibben, Judge George found himself with one of the heaviest caseloads in the nation because of the shortage of federal district judges. Although Judge McKibben was appointed to sit on the bench in northern Nevada in Reno, the rapid rate of growth in southern Nevada required him to be available for the calendar there as well, where he and Judge George tried nearly 50 jury trials a year in each court.

The infamous trial of Anthony "Tony" Spilatro — a high-profile case that gained national publicity — was one of those many jury trials. Public trials affect communities in many ways, and this is one criminal case that Judge George considers significant in the history of Nevada's development. Spilatro was on trial as a "Mafia crime boss" involved in the corrupt racketeering operations of several





Judge Reed and Judge George at a judicial gathering at the White House. The presidential portrait behind the judges was selected by Judge Reed for this photograph because it is President John F. Kennedy, whom Judge Reed greatly admires. Judge Reed is looking forward to his next visit to the White House for a judges' meeting scheduled for next year. He considers visiting the White House a great honor for any American.

heaviest caseloads in the country, Judge George continued his contribution to the administration of the courts. Indeed, one wonders if his drive to understand and improve the operations of the courts was not somewhat influenced by the deficits in judicial resources in the District of Nevada. Judge George's expertise in bankruptcy law was called upon when he was asked to serve as a member of the National Bankruptcy Conference and as a fellow at the American College of Bankruptcy. From 1987 to 1990, Judge George served as the chairman of the Bankruptcy Rules Committee of the U.S. Judicial Conference. Then, from 1990 to 1993, he served as the chair of the Committee on Administration of the Bankruptcy System of the Judicial Conference. Judge George expanded his administrative involvement in 1993, when he chaired the Executive Committee for the Ninth Circuit Judicial Conference.

In 1994, Judge George wrote an article for the Office of Democratic Institutions and Human Rights in Warsaw, Poland, entitled "Administrative Structure of the Federal Courts in the United States." The article, which was translated into Russian, French, and Spanish, thoroughly explains the structure of the U.S. federal courts, the Judicial Conference, and the Administrative Office of the U.S. Courts. Ironically, some U.S. federal judges — and even more lawyers — are thoroughly unschooled in the organization of the federal judiciary. The Judicial Conference operates through a network of committees created to address and advise decision-makers on a wide variety of subjects affecting the practice and procedures of the federal courts. The chief justice has sole authority to make committee appointments. The Executive Committee of the Judicial Conference serves as the senior executive arm of the conference. Through his work on the Judicial Committee on International Judicial Relations of the Judicial Conference, Judge George has participated in numerous international judicial working groups, especially those working

casino-hotels in Nevada. In the style of a vintage Hollywood mob film, Spilatro disappeared over a weekend just before the trial began. His body was found in a cornfield in Indiana several days later. All the defendants then pleaded guilty. The trial and Spilatro's untimely end, bathed in the bright light of public interest, all but spelled the beginning of the end of racketeering influence in Nevada gaming. The regulation of Nevada gaming following the Spilatro trial brought that industry from the shadows of organized crime to the highly structured, transparent corporations that operate the state's gaming industry today.

It was during this period that, despite one of the

to create judicial systems in developing nations.

Judge George's assignments on the International Judicial Relations Committee have taken him to the newly independent states of the former Soviet Union, where he has worked extensively with these countries' judges in crafting some of their current judicial systems. Judge George has forged a friendship with Russian Supreme Court Justice Yuri Ivanovich Sidorenko, who has worked to develop a judicial system independent of his country's executive branch of government. Judge George's article about the structure of the court system spotlighted the framework for an effective, independent judiciary that has been used as a model for the development of a judiciary in Russia and other Eastern European nations. Justice Sidorenko, who also serves as chair of the Russian Federation's Council of Judges, has visited Las Vegas and was present in 2000 to see the courthouse named after his friend Judge Lloyd George.

As Judge George explains, "Our system is very different from Russia's. Most of their judges are federal judges. There are probably 25,000 to 30,000 of them. They have a single system. They have a court of arbitration, a business court. The closest thing to a court of arbitration (in the United States) is a bankruptcy court. They don't have a very effective juvenile court system." From 1917 to 1994, there were no jury trials in Russia. Beginning in 1994, nine of the country's 89 regions adopted the jury trial method. After 2003, jury trials were introduced throughout the country. "It's taken 200 years since the founding fathers for our judicial system to get to where it is today," Judge George said. "What has been done in the last 10 years in Russia has been amazing."

Between 1991 and 2002, Judge George traveled extensively on assignment throughout the former Soviet Union, including trips to Tajikistan, to Belarus, and to Poland, as well as many trips to Moscow. According to Justice Sidorenko, the support of American judges strengthens the efforts of the Russian judges. "We see how Americans respect the law and judges," he says, "and we want to have that in Russia." A visit to Judge George's chambers reveals shelves lined with photographs, local craft items, and other mementos from his many trips working with judges to improve the systems of justice in countries around the globe.

The changes in global politics since the time of Judge George's Cold War assignment in the Strategic Air Command were manifest on a personal level during one of his trips to Russia. In a meeting with Russian judges, Judge George and a Russian judge exchanged information about their lives, including their past military service. The Russian judge explained that he had been a missile officer and was assigned to launch missiles at Washington, D.C., in the event of war. Judge George observed that his assignment was as a B-47 pilot with a target near Moscow. The two judges, in sober reflection, were glad they had never been called upon to fulfill their respective missions. From those shadows of destruction, years later these two men found themselves working in common from different sides of the world to strengthen the rule of law and the progress of all mankind.

Whether his efforts were focused on building an effective system of courts in his district in the Ninth Circuit, nationwide, or in distant countries, Judge George has used justice, administration, and the civility of the law as instruments in advancing democratic reforms and making the world a better, safer place than it was when he was flying a B-47. **TFL**

Edward C. Reed, Jr.

As he showed me around his chambers, pointing out various items, Senior U.S. District Judge Edward C. Reed Jr. pointed out the drawing of Edward C. Reed High School, named to honor his 16 years of service on the Washoe County School Board between 1956 and 1972. The drawing hangs among a variety of signed photographs, including most of the state's senators over the past 50 years; Bill Fleming, former pitcher with Boston Red Sox (a fellow coffee klatch member); and Gen. Patton (under whom Judge Reed served). The judge's own commission as a U.S. district judge signed by President Jimmy Carter and Attorney General Benjamin Civiletti occupies a prominent spot. Judge Reed's dignified and comfortable chambers are the site where a great deal of work has been done and will be done. Judge Reed is doing what he loves to do and has no plans to stop any time soon.

Judge Reed is the only Nevada judge to have been appointed through the nonpartisan judicial recommendation process briefly in place during the Carter administration. "I didn't have the political connections to have gotten this job through a political process," he states. How fortunate for American jurisprudence that a nonpartisan commission was able to recognize the talent and zeal of one of Nevada's longest serving judges. This quiet, dignified man has produced a body of legal decisions that have guided lawyers for generations. Even though he maintains that he has "no agenda" other than to apply the law to the facts of the cases before him, those who practice in his court know that his studied approach to any case ensures a rigorous application of the law, regardless of the outcome of the application. Once in a while he says that there is an opportunity to apply the law and "strike a blow for liberty." Nevertheless, making the right application of the law is Judge Reed's goal, regardless of the outcome.

Whether the matter before him is a complex tax case, multiparty water rights litigation, or a massive drug conspiracy case, this experienced trial judge expects a high standard of practice in his courtroom. But it is clear that he expects no more from others than he gives of himself. Woe to the unprepared attorney who appears in his courtroom! On a bright, cold morning in January, when I met with Judge Reed about this article — one of the very few he has permitted in his time on the bench — his chambers table was covered with neatly stacked case files, each with a colored cover sheet and checklists, in various stages of consideration. On his mind that day, with regard to his substantial workload, was the effect of a possible Ninth Circuit decision to retroactively apply the Supreme Court's holding in *Cranford v. Washington*, a Confrontation Clause case.³⁵¹ A retroactive application of the newer standard for admission of Rule 804(b) statements would require post-conviction review of many of his criminal cases — how many he did not know.

Judge Reed was born and raised in Nevada. In 1942, he graduated from Reno High School, where he had been a star athlete. He began his college studies at the University of Nevada, Reno, where he played basketball and studied philosophy, but World War II pulled him from studies, and in 1943 he enlisted in the U.S. Army. He was eventually assigned to 86th Infantry Division and saw duty in France, where he was taken prisoner of war by German soldiers. When asked if being a prisoner of war had brought about any changes in him, he replied no, but did add that he listens very carefully in criminal cases

that include issues about interrogations. After the liberation of the POW camp by the 99th Division, Sgt. Reed's unit ended the European war as part of Gen. Patton's army. The 86th Infantry Division was then shipped out to the Philippines, where they trained to invade Japan. President Truman's decision to drop the atomic bomb saved the lives of many troops in his division who would have been at the front otherwise. Upon his discharge in 1946, Edward Reed returned to college in Nevada to prepare for a life of service to his community, his state, his nation, and the law he loves.

The fact that Judge Reed took senior status in 1992 has done little to affect his caseload. At 80, Judge Reed is still going strong. He continues to have an active criminal trial calendar and hears civil matters of all sorts. His courtroom has seen many high-profile cases over the years, especially when one considers that, for a time in the early 1980s, he and Judge Lloyd George were the only full-time active district judges sitting in Nevada. Management of large cases became a trademark of his courtroom after the record-setting drug prosecution case in 1989, known as "The Company" case.³⁵²

When Judge Reed publishes, he does so very specifically to provide guidance for the law where there is little or none on a particular point. Each one of Judge Reed's published decisions contains this thoughtful legal scholar's thorough discussion of the facts, the law, the standard of review, and the application of the law. Assistant U.S. Attorney Brian Sullivan, a longtime Nevada prosecutor, said that he was surprised to find so many published decisions when he searched out cases heard before Judge Reed. "Judge Reed is as honest as the day is long. No one will ever say he doesn't love the law, or that he doesn't work as hard as possible to do the best job," says Sullivan. "Our biggest regret is that he'll work until the day he dies and we'll never have the opportunity to throw him a retirement party." Sullivan says that



Judge Edward Reed's official portrait, showing that he took the advice of then Senior Judge Foley about being a judge — "Never get involved in running the courts and never have your picture taken after you are 55."

"all four of my children graduated from Reed High School, and Judge Reed was sitting on the podium for each of their graduations. I'm really proud to say I practice law in his court."

Judge Reed is universally respected for his mastery of the facts in matters before him. Law involving water rights was a specialty of his in private practice, and he has been able to use his knowledge in cases that have come before him in the years that he has been on

the federal bench. As with all Western states, water is a critical issue in Nevada. Cases before him in recent years have included litigation over proposed environmental and scenic protection at Lake Tahoe and drought relief for Walker Lake. Even when his ruling is adverse, Judge Reed's knowledge of the facts of the case and his practice of giving all parties a hearing results in the parties' confidence that they received a full hearing of their cases. Using publication as an educational tool that provides guidance for the application of the law, Judge Reed has made significant contributions in many areas of the law.

In addition to the district court caseload this "senior" judge carries, Judge Reed sits periodically on the Ninth Circuit, although this adds to his already substantial caseload. Judge Reed says that he enjoys the change of perspective that appellate cases bring from what he hears during his usual trial calendar. He speaks of the importance of the circuit courts in providing clear direction in their decisions, so that the trial courts can determine the appropriate rulings in cases before them. And sitting at the circuit allows his law clerks the opportunity to experience the Court of Appeals. Judge Reed repeated the quip offered by another trial court colleague that "the law is what the Court of Appeals says it is, no matter how wrong they are," but his appellate opinions are as studied and complete in their legal basis as are his trial court opinions. A recent contribution on the Ninth Circuit was his concurrence in *Padilla v. Lever*, 429 F.3d 910 (9th Cir. 2005) 03-56259, which was brought to determine whether the Voting Rights Act requirement that certain jurisdictions provide bilingual voting materials applied to a school district recall petition. Padilla was granted en banc review and heard in en banc argument on June 22, 2006.

A quiet advocate of diversity in the legal profession, especially for women, Judge Reed has hired many women to serve as his law clerks. During his long career, he has witnessed the growth of diversity in the legal profession, especially the increase in the number of women in the profession. When Judge Reed began his law studies at Harvard University in 1949, the student body was entirely male. He recalls that the students knew something was happening when doors began to appear in the restrooms, which had not been a necessity in an all-male school. Shortly after the doors were in place, the first six women admitted to Harvard Law School arrived to begin their studies — a development that, Judge Reed recalls, not all the male students supported. What was his observation about attending Harvard at this time? For Judge Reed, the best thing was that he met his wife-to-be, who was attending nearby Wellesley College. Sally Knowlton Torrance Reed is obviously a life partner who has a sense of humor and offers a great deal of support to her husband. In his chambers sits a small figure of the teacher and philosopher Socrates in the pose of Rodin's "The Thinker" — a gift from his wife as a quiet reminder to always think an answer through before offering an opinion.

Judge Reed believes in flexibility in the workplace and practices his belief in his own chambers. His view that the workplace needs to be flexible and should accommodate family situations to be able to retain good employees is based on firsthand knowledge with his own staff and family members. Judge Reed recalls the time when he was a practicing lawyer and a playpen was part of his law office. When one of his staff was faced with the decision that she had to leave because of the need to care for a young child, Judge Reed offered a solution: the playpen was moved into the office so his staff member could keep her child close by during the workday. The judge retained his employee and says, with a smile, that when the playpen and the baby

left, they were missed.

Although some who appear before Judge Reed may chafe at the formality of his courtroom — and he demands formal court procedure of all counsel and parties — one cannot help but admire a man who has given so generously to his community, his state, his nation, and his profession. **TFL**

Valerie Stewart, senior counsel with the U.S. Department of Justice, Federal Bureau of Prisons, has been a federal government attorney since 1983. She has been with the Bureau of Prisons since 1991, where she handles litigation and legal matters for federal correctional institutions located in the bureau's Western Region (Ninth Circuit). Stewart served as an assistant U.S. attorney in the districts of Nevada and the Northern District of California and as a trial attorney for the Department of Navy, Office of General Counsel. She serves as the FBA delegate to the National Advisory Counsel of the National Clearinghouse for Science, Technology, and the Law. She is a member of the FBA's Nevada Chapter and Northern District of California Chapter, where she is vice president for Oakland and has been a member of that chapter's Executive Council since 1997.

Endnotes

¹³⁶In *Cranford v. Washington*, the Supreme Court ruled that it would not allow the admission of testimonial hearsay into evidence against the defendant without a prior opportunity for cross-examination. See *Cranford v. Washington*, 541 U.S. 36, 69 (2004), rejecting the prior ruling in *Ohio v. Roberts*, in which the Court had held that, if a hearsay declarant is not present for cross-examination, his statement is admissible if the statement bears adequate "indicia of reliability." 448 U.S. 56, 66 (1980).

²³⁶The Company case was one of the lengthiest and costliest trials in U.S. history up to that point. Sixteen of the 24 indicted defendants went to trial, which lasted more than 16 months, involved more than 250 witnesses, and generated more than 30,000 pages of transcripts. Judge Reed issued several district court opinions on limited issues, such as severance, forfeiture notice, and jury instructions on forfeiture during the trial. *U.S. v. Rupley*, 706 F. Supp 751 (D.Nev. 1989). Eleven defendants joined in the appeal, which raised more than 50 issues. The Ninth Circuit opinion reads like a law article on the difficulty of "mega-case" management, all the while indicating the superb job done by Judge Reed: "We commend Chief Judge Reed for his remarkable careful rulings throughout the district court proceedings. The judge gave great weight to the defendants' rights and made a determined effort to ensure that the trial was fair." *U.S. v. Baker*, 10 F.3d 1374, 1389 (9th Cir. 1993).