

Judicial Profile

JOYCE E. KITCHENS

Hon. William Clark O'Kelley

Senior District Court Judge, Northern District of Georgia

When Judge O'Kelley visited Blarney Castle in Ireland, as every good Irish person must do, his wife Teeny told him that he did not have to kiss the stone — he had more than his share of the gift of blarney. Eleventh Circuit Court Judge Gerald B. Tjoflat agrees: "He's not shy."

Judge O'Kelley is a senior district court judge for the Northern District of Georgia, former chief judge of the Northern District for seven years, and a former member of the Executive Committee of the Atlanta Chapter of the Federal Bar Association.

Judge O'Kelley had no desires or ambitions to become a judge before his nomination and appointment to the bench in 1970 by then President Richard Nixon. When three judgeships were added to the Northern District of Georgia, he was recommended without his prior knowledge. When he discovered that he had been recommended to the selection committee, he wrote that he was not seeking the job but would serve if asked. He believed that "the job should seek the man; not the man the job."

In more than 30 years, he has handled both civil and criminal cases of some notoriety. He presided for many years over the DeKalb County desegregation lawsuit, which was resolved by the Supreme Court. *Freeman v. Pitts*, 503 U.S. 467 (1992).

Since he was criticized by proponents of each side, he said, "I thought I must have been doing something right." In this case, a consent order was entered in a class action for the desegregation of a Georgia county school system that had once been segregated by law. For the next 17 years, the court had oversight of that case. When Judge O'Kelley entered an order stating that he would order no further relief as to unitary areas, but that the school system had to address the problems in other areas, the case was appealed, ending at the Supreme Court.

Judge O'Kelley married Ernestine (Teeny) Allen O'Kelley on March 28, 1953, at the Second Ponce de Leon Baptist Church. They have two children, William C. (Bo) O'Kelley Jr. and Virginia Leigh O'Kelley Wood, and five grandchildren. Judge O'Kelley's mother was a homemaker, and his father a truck driver and clerk for Railway Express. His grandfather owned a grocery store, where Judge O'Kelley began working weekends at the age of 14. He attended Emory University, thinking he might be a journalist, but he decided to attend law school instead.

After graduating from Emory University School of Law, Judge O'Kelley served in the Judge Advocate General Corps for the U.S. Air Force. With his wife and daughter, Judge O'Kelley spent some time in what was then French Morocco during the revolution there. The tensions were very demanding on his family; after her arrival, the first thing his wife saw was a beheaded nationalist. After his discharge, he practiced law for two years and then served as an assistant U.S. attorney for the Northern District of Georgia.

After two years, he left government service to begin the firm of O'Kelley & Hopkins, emphasizing civil defense. Among his pro bono clients were the Girl Scouts of America and the Republican Party of the State of Georgia. Lowell Hopkins, his former partner, and friend for 50 years said, "he is an excellent lawyer and law partner."

Judge O'Kelley's judicial career has been varied. He was appointed for a seven-year term (1980–1987) to the Foreign Intelligence Surveillance Court by Chief Justice Warren Burger. Created after Watergate, this court deals with the authorization of foreign electronic intelligence gathering, approval of international wiretaps, and other forms of electronic information gathering. Judge O'Kelley declined to discuss any cases heard in this court; all are highly classified. He also was appointed to the Alien Terrorist Removal Court by Chief Justice William Rehnquist, on which he has served since 1996. This court was created after the World Trade Center bombings, but it has never heard a case.

Judge Tjoflat observes, "Judge O'Kelley is a good person to have in your foxhole." When Judge Tjoflat was chief judge of the Eleventh Circuit, he had a cadre of district court judges he called on for "latrine duty," in which the judges were counted on to do nasty things. Judge O'Kelley's response always was "what do you have for me now?"

It was this trait that kept him active in judicial administration. He helped plan the curricula for training new judges and ran the new judges' seminar for one year. For the Judicial Conference of the United States, he was elected the first Eleventh Circuit representative; was appointed to the Committee on the Administration of the Criminal Law; and served on the Executive Committee, the Subcommittee on Jury Trials in Complex Criminal Cases, the Advisory Committee



on Criminal Rules, and the Committee on Judicial Resources. He was on the board of directors for the Federal Judicial Center and served on numerous standing and ad hoc committees.

Judge O'Kelley has taken senior status, but he has no plans for retirement. "My wife said she married me for better or worse; not for lunch," he quips.

He is a devoted alumnus of Emory University. He was on the university's board of trustees from 1991 to 1997, contributed to the Carter Center during its transition to becoming part of Emory from 1991 to 1994, and served on the the Executive Compensation and Ethics Committee. He currently serves on the Campus Life Committee and the Finance Committee.

Many of his friends from Emory remain close to him today. Bob Pennington, retired partner from Troutman & Sanders, an Atlanta law firm, has been Judge O'Kelley's fraternity brother and friend for 51 years. He says Judge O'Kelley is an avid fly-fisherman, pursuing elusive fish in Alaska almost every summer. When asked for a fish story about the ones that got away, Judge O'Kelley replies, "I haven't lost any." Longtime fishing buddy Judge Tjoflat begs to differ: "He doesn't always get the fish; he only *tells* you he always gets the fish."

In addition to fishing, Judge O'Kelley loves horses. He has experienced a number of falls, resulting in a broken back in 1968 and subsequently a broken ankle. After a fall last year in which he felt like he broke all of his bones — fortunately, he was only bruised — he quit riding. He now stays beside, not astride, his beloved horses.

As a judge, he is well-respected by his peers. District Court Judge Richard W. Story notes that Judge O'Kelley is a fine jurist with an exceptional work ethic. "We need him," explains Judge Story. Judge Tjoflat affirms Judge Story's opinion: "Judge O'Kelley is one of the most respected judges in the country, bar none." He has been blessed with a wonderful staff over the years, including 40-plus law clerks.

Judge O'Kelley is indeed a renaissance man. He has faithfully served his family, his country, and his community. As Judge Tjoflat observes, no matter what the need, "Judge O'Kelley can always be counted on." TFL

Joyce E. Kitchens is a sole practitioner in Hianvassee, Ga., specializing in employment discrimination. She is the national treasurer of the Federal Bar Association.