

Hon. Maurice M. Paul

By
Douglas W. Swalina

"The Honorable" — no two words are more fitting than these to precede the name of Maurice Mitchell Paul, senior district court judge for the Northern District of Florida. Indeed, throughout nearly three decades on the bench, Judge Paul has created a legacy of honor which will survive in the hearts and minds of each of his former law clerks, as well as the minds of many members of the bar for years to come.

A native of Jacksonville, Fla., Judge Paul graduated from the public schools of Duval County in Florida in 1950. Thereafter, he attended the University of Florida, where in 1954 he received his bachelor of science degree in accounting. He then entered the U.S. Air Force where he served as a pilot and first lieutenant in the 442nd Bombardment Squadron. Judge Paul then returned to the University of Florida's College of Law where he received his LL.B. with honors in 1960.

Judge Paul's legal career has spanned nearly four decades. His 26 years of service as a judge were preceded by more than a dozen years of service as a trial lawyer in Orlando, Fla. Upon entering private law practice, he also taught as an interim instructor of legal research and civil procedure at the University of Florida College of Law. In 1982, following nine years of service as a judge for the Ninth Judicial Circuit of Florida in Orange County, Judge Paul was appointed as a U.S. district judge by President Reagan. He served as the chief judge of the Northern District of Florida from March 1994 until July 1, 1997, when, after 15 years on the district court, he elected to take senior status. However, in Judge Paul's case, the transition to senior status has brought little change. In fact, he still maintains an equal share of his district's docket, and shows no signs of letting up anytime soon. He has also been an active member of the Court Administration and Case Management Committee, the Eleventh Circuit Judicial Space and Facilities Committee, the Eleventh Circuit Court Construction Committee, and the Judicial Council's Committee on Gender Bias. And while maintaining the same case load as the active judges in his district, Judge Paul has also served as a visiting judge in the district courts for the Middle District of Florida and the Middle District of Alabama. Most recently, Judge Paul also sat by designation on a panel of the Eleventh Circuit Court of Appeals in Jacksonville, Fla.

I began a two-year clerkship with Judge Paul in August

of 1997, shortly after he took senior status. Recently, as I began preparing for the transition to a clerkship at the Fifth Circuit Court of Appeals, I found myself reflecting on how invaluable my time with Judge Paul has been. My reflections left me with the inescapable conclusion that apart from the value of a district court clerkship, I was particularly blessed to be under the guidance and direction of such an honorable and distinguished jurist as Judge Paul. I spoke with my co-clerk and found that we both shared a tremendous amount of respect for Judge Paul. We decided to contact each of Judge Paul's 22 former law clerks to find out what their clerkships have meant to their careers and to share experiences. We were not surprised to find that each former clerk felt as strongly about Judge Paul, and about the experience of having clerked for him, as we did.

So, on the occasion of his taking senior status, and in an effort to honor him, I asked each of Judge Paul's former clerks to write a letter explaining what the clerkship meant both personally and professionally. The letters will be collected, bound in a book, and presented to Judge Paul at a surprise luncheon honoring him prior to this article's publication. The letters revealed that Judge Paul has had a profound impact on the lives and careers of each of his clerks, and his mentoring of so many fine lawyers has made a significant contribution to the quality of the bar. Indeed, Judge Paul has cut a wide path in the hearts and minds of all of his past clerks, and by his example of judicial excellence, he has left an indelible mark on the legal profession.

One of the words repeated most often by lawyers and former law clerks with regard to Judge Paul is "respect." It has been said that whenever you give of yourself, what you give will be returned to you some day. This axiom explains precisely why Judge Paul is so respected by not only his law clerks, but also by attorneys and defendants. He gives respect. Indeed, he accords every individual, whether an attorney, defendant, or the family member of a defendant, the utmost respect. Carole Heisler, who served as Judge Paul's secretary for more than 13 years recalls that Judge Paul "demanded respect in the courtroom and in chambers and returned respect, consideration and compassion to everyone, even as he delivered the death sentence." Donald W. Lee, who clerked for Judge Paul from 1985 to 1987, writes that "each time I appear in court I hope that the judge will treat my client and me with the dignity and respect with which parties and counsel were met in Judge Paul's court." Likewise, Shaw Stiller, who clerked for Judge Paul from 1991 to 1993, writes, "Judge Paul taught respect for the bench by his respect for those attorneys who appeared before him."

The respect Judge Paul gives extends beyond the

courtroom and into his own chambers where his former clerks unanimously agree that their concerns and questions about the cases were respected and appreciated. Michael Dupée, another of Judge Paul's clerks, writes, "what a pleasure it is for his law clerks to come to work every day, knowing that our input will be respected and relied upon. ..." Catherine Huidekoper, who was one of Judge Paul's first law clerks, writes, "I really didn't know whether I had what it took to be a good law clerk ... but from the first day, Judge Paul placed his trust in me, believed in me, and valued my opinions."

Judge Paul also respects the legal profession and his role in it. He is described by former clerks and attorneys as a working judge. He quietly and methodically does the work of a district court judge every day, without seeking the spotlight and without seeking to change or push the limits of the law. Instead, he simply applies the law to the facts of the cases before him, without regard for externalities such as the public's opinion or the media's possible reaction to his rulings. To those who have worked closely with Judge Paul, his personal legacy is one of hard work, humility, honor, and respect for our system of jurisprudence. He is committed to doing the job of a U.S. district court judge — nothing more, and certainly nothing less. Indeed, those who have worked with him on a daily basis regret that his public legacy may only be that he was the judge who put attorney F. Lee Bailey in jail for refusing to turn over nearly \$17 million in stock which had once been owned by one of his clients, convicted of international drug smuggling. Judge Paul's significant daily contributions to the law, for the most part, go unnoticed. He publishes only those rare decisions which either present an issue of first impression or which he believes have not been adequately addressed by other binding authorities.

Judge Paul's respect for the law, as one clerk writes, is evidenced by his ensuring that he has fully researched the law before making any ruling, and by his reluctance to extend the law beyond the boundaries which he has identified as set by binding precedent. It is further evidenced by his impartiality and his willingness to hear all of the evidence before making a decision. Mark Freund,



who clerked for Judge Paul in 1983, writes "I was always impressed with Judge Paul's ability to suspend his judgment until all of the evidence was adduced and the lawyers had tried their cases." Harry Detwiler, who clerked for Judge Paul from 1983 to 1984, recalls "I could not have worked with any person who was more motivated to coming to the correct result than Judge Paul." Another former clerk, James Tucker, writes "I never observed Judge Paul making any hasty or ill-advised decisions ... he always carefully considered his options, weighed all of the evidence, and unfailingly and faithfully followed the law to reach a just result." In the opinion of former clerk Charlotte E. Parsons, Judge Paul was always "willing to be convinced by the facts or the

law even when they were contrary to what he firmly believed earlier," and that quality helps explain his "reputation for being a fair and consistent judge." Gail Elkin, the judge's secretary since 1987, writes "the quality of the judiciary depends on the standard of selection ... Judge Paul has not exercised the power invested in him in an arbitrary or dictatorial manner, but rather with a determination to administer impartial justice to the end that justice may be preserved."

Judge Paul is also committed to upholding the integrity of the bench and the bar by refusing to accept or excuse poor lawyering. He has been described as a no-nonsense judge, first because of his common sense approach to litigation and his unique ability to focus the parties' attention and efforts on the true issues of their cases, and secondly because he will not tolerate any nonsense from members of the bar as officers of the court. Judge Paul expects candor, professionalism, respect, and a cooperative spirit, and he will return the same. One of Judge Paul's former clerks writes that Judge Paul has "... developed a reputation for an intolerance of poor lawyering and cheap tricks used by lawyers merely to gain a tactical advantage or to harass the other side."

By his own actions, both in and out of the courtroom, Judge Paul embodies all that is noble and honorable in

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■ **Judges Profile** (cont. from page 17)

this legal profession. His commitment to the ideals of truth, fairness, honor, duty, service, and fidelity is the hallmark of his judicial legacy, and it serves as inspiration to members of the bar, restoring faith in the federal bench. Hillary Ervin, who clerked for Judge Paul from 1984 to 1986, writes that he "showed me the gold standard of judicial temperament." And others agree that Judge Paul sets the standard for judicial conduct and demeanor. Bryan Gowdy, who will begin his clerkship in 1999, writes "Judge Paul's courtroom appears to be the way justice ought to be administered, and it makes me optimistic about my legal career." Scott Mitchell, who clerked for Judge Paul from 1983 to 1985 writes of his disappointment upon entering private practice and learning that "other judges did not do things the way I learned from Judge Paul." He concluded that he "had been spoiled, but that he had also been given a rare gift: an opportunity to see the work of a judge done the way it should be done, day in and day out." Ben Andrews, another former clerk echoes this sentiment in saying that Judge Paul's clerks are "privileged to see the excellence of his style on a daily basis." Indeed, Donald Lee writes that upon his departure from Judge Paul's chambers, "I left with a concept of what a judge should be, which will forever be the benchmark of judicial conduct and demeanor for me."

While Judge Paul might otherwise

appear to be all business, off the bench and in chambers, he is a warmhearted and humorous individual. Lu Ann Snider, who clerked for Judge Paul from 1987 to 1988, summarizes the comfort in knowing that clerks and secretaries were "more than just employees" to Judge Paul, noting that everyone was made to feel like part of Judge Paul's "extended family." John Newton, Judge Paul's first law clerk writes, "he was all business and hard work in the courtroom and on the job, but in chambers and off the job he was humorous and fun-loving."

Another aspect of Judge Paul's persona which evokes pride from his former clerks is his commitment to serving his country. This commitment began with his service in the U.S. Air Force, and continues to this very day with his service as a federal judge. Many law clerks write of how moved they were when invited by Judge Paul to attend as he presided over numerous naturalization ceremonies, ceremonies which Judge Paul himself describes as one of the most rewarding parts of his job. Shaw Stiller writes that "Judge Paul taught respect for country by his enthusiasm at naturalization ceremonies."

It would be impossible to adequately summarize the extent of Judge Paul's influence on his former law clerks and their appreciation for the honor of having worked with him. In their own words, Judge Paul's former clerks and his secretaries write: "thank you, Judge Paul,

for the lessons taught and your example of judicial and personal excellence"; "thank you for the many opportunities you have given me, for your constant example of professionalism and integrity, and for making my clerkship the best job a young lawyer could have."

Those who have worked with him understand that Judge Paul is not one either to solicit or encourage public displays of appreciation for his years of service to this country. His humility is yet another reason why so many remark that his is an example of what every judge's demeanor should be. And while he would not ever actively seek to be honored in this way, his former clerks feel that it is important for all members of the federal bar to know that such fine judges are still behind the bench. Judge Paul's legacy of honor should serve as reassurance to each practicing member of the federal bar that, so long as he remains on the bench, the integrity of our profession and of the federal bench is being sustained on a daily basis. ■

Douglas Swalina is a member of the Federal Bar Association and has served as a law clerk to Judge Paul since August 1997. He has accepted a second clerkship with Hon. Harold R. DeMoss Jr., circuit judge for the U.S. Court of Appeals for the Fifth Circuit, in Houston, Texas, which will begin in August 1999.



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