



Hon. Walter H. Rice

Senior U.S. District Judge, U.S. District Court for the Southern District of Ohio

Judge Walter Rice is a man who lives his values. His chambers are notable for the numerous photographs, honors, and memorabilia, a large number of which demonstrate the substantial amount of time the judge has devoted to equal rights for all and the fair treatment of the least-advantaged members of our society.

The biographical details do not really illuminate the man, or the judge. Born in Pittsburgh, Pa., (and still a fan of the Pittsburgh Pirates), Judge Rice graduated from Northwestern University and then from Columbia University School of Law. He also attended the Columbia University Graduate School of Business Administration, earning an MBA. He has received honorary degrees from the University of Dayton and Wright State University.

He began his legal career as an assistant county prosecutor in 1964. After several years in private practice, he returned to the county prosecutor's office as its first assistant prosecuting attorney in charge of the criminal prosecution division. He was elected judge of the Dayton Municipal Court in November 1969 and served in that position until 1971, when he became a judge in the Court of Common Pleas. President Jimmy Carter appointed him as a U.S. district judge in 1980, and he served as chief judge of the U.S. District Court for the Southern District of Ohio from 1996 to 2003.

Judge Rice is also fortunate to have successful children. He and his wife, Bonnie, have a daughter who graduated from college and works in New York City. His three children from his first marriage are the superintendent of the Kalamazoo Public Schools, a teacher, and an executive director of a trade association.

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treats all in his courtroom with dignity. He also likes lawyers; he often gives a speech titled, "Why I Am Proud to Be a Lawyer, and You Should Be, Too." He is much in demand as a speaker for his wit and erudition. He deplores the vanishing trial phenomenon in civil cases.

Both on and off the bench, Judge Rice displays his interest in helping people achieve their full potential in our society. He has served as an adjunct professor

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at Wright State University and taught for years at the University of Dayton School of Law (UDSL). The school named its moot court competition after him. In the early 1990s, he was one of the small group of founders of the Carl D. Kessler Inn of Court and received its Award of Merit in 1993. This spring, UDSL hung his oil portrait in recognition of his significant contributions, more than 25 years, to the success of the law school's Legal Profession Program.

He is also very active in community projects, including co-chairing the Montgomery County Ex-offender Re-entry Task Force, which aims to reduce recidivism by 50 percent within five years. The task force assembled an extensive collaborative including ex-offenders and more than 200 community leaders from a variety of professions to develop a set of recommendations to decrease the recidivism rate and assist offenders released from

prison with their reintegration into society. In a letter to the citizens of the county, Judge Rice observed, "[T] his initiative cannot succeed without the recognition of the inherent worth and dignity of every person, and the need for economic and social justice, equity, and compassion in human relationships."

The task force has achieved remarkable results. Before it started, the recidivism rate in the county was 40 percent. In the first two years of the task force, the rate has fallen to only 9 percent, which, Judge Rice com-

ments, is especially notable because of current economic conditions and the fact that many of these ex-prisoners lack the soft skills important to getting and keeping a job. The federal courthouse in Dayton now also operates a re-entry court program, and Judge Rice has played a significant role in its creation and success.

He was also a founder, and the driving force, in the Dayton Dialogue on Race Relations, which seeks to foster greater understanding between Caucasians and African-Americans. The program includes a series of dialogues of 8 to 12 people, presided over by two trained leaders (one African-American and one Caucasian) with the objective of promoting trust between the races. The discussions include the perspectives of the participants' parents and how they affected the participants as they grew up. The dialogue helps people to understand the importance of trust and that societal problems are not black-white problems, but everyone's problems. The dialogue began in 1998, and many people have shared their perspectives based on their life experiences in an effort to reach greater understanding between the races.

Judge Rice is also a leader of the American Veteran's

Heritage Center, an independent nonprofit organization located on the campus of the Dayton Veteran's Administration hospital. Judge Rice was attracted to the project because of his interest in history (the hospital is a National Historic Landmark) and its efforts to honor and preserve the legacy of America's veterans as a way to inspire and educate our youth—leading them to discover their own potential to serve, to learn, to lead, and to understand patriotism and what it means to sacrifice.

He is a trustee of Wright Dunbar, Inc., an organization dedicated to restoring a declining area in the City of Dayton, including the Dayton Aviation National Historic Park and the early 20th century homes of the Wright Brothers and Paul Laurence Dunbar. He is an initial, and remains a current, trustee of the Montgomery County Volunteer Lawyers Project, which provides legal services to indigents in civil cases and supplements the work done by the local Legal Aid society. He sits on the board of directors of Building Bridges, a group that serves as an adjunct to the Juvenile Probation Department, concentrating on work therapy for hard-core juvenile offenders. He is a former board member and vice chair of Improved Solutions for Urban Systems, Inc., an alternative, charter school specializing in high school academics for at-risk young people and training them for positions in construction and building and health care. His past community leadership positions include chairing numerous boards and committees, both in the organized bar and in the broader community.

When asked to describe the most interesting of the many cases over which he presided, he does not just select the highest-profile or largest-dollar cases. He describes three:

First are a series of jail cases in the early 1990s, in which inmates challenged conditions of overcrowding and lack of sufficient medical care. Judge Rice asked lawyers (including the author of this profile) to represent plaintiff classes of inmates. At one point, every jail in the district's six-county jurisdiction was under a consent decree. The litigation resulted in improving conditions for jail inmates. Judge Rice liked these cases because their outcome improved the lives of inmates at those facilities; many had been charged but not yet adjudicated. He says they are still human beings and are entitled to be treated that way. He adds that the county sheriffs were pleased because the action resulted in improvements that they needed. Judge Rice describes these cases as his favorite genre.

Second, he handled the Cincinnati school desegregation case in 1984. After a lot of motion practice had occurred, he spent seven days a week, 10 to 12 hours a day, successfully mediating the decade-old case. Judge Rice explains that the students benefited because the school district and the parents, previously at each other's throats, avoided the worst sequelae of some of the school desegregation litigation around the country.

He handled the third case as a state common pleas judge in 1972. The issues involved the question of who

owned a stretch of abandoned canal land in the downtown Dayton area. He describes the two-week trial as a trip through the history of the community in the 1840s. The Supreme Court of Ohio affirmed the result in the eminent domain case. Judge Rice found the case interesting because of his love of history.

Reflecting on his work on the bench, Judge Rice comments that every civil case fascinates him and every criminal case can be turned into a reflection on the human condition. He has been around courts and courtrooms for more than 50 years and, having a solid faith in the jury system, regrets the vanishing trial. He explains that there is no better way to grow the law than through the jury system. In civil cases, discovery has become the tail that wags on the dog of the trial method of resolving disputes. Costs drive litigants to settle. Too often, judges and lawyers have priced themselves out of the market. In criminal cases, many times the potential sentences are so draconian that they provide too much inducement to plead guilty. The result is the weakening of the jury

system; a generation of lawyers with less trial experience than preceding generations; more of the case law that constitutes the growth of the common law coming from summary judgment opinions rather than fully litigated cases; and, for judges and trial lawyers, less professional pleasure from the trial of cases.

He also bemoans both the lack of professionalism, as witnessed by all-too-frequent *ad hominem* attacks, and the lack of mentoring opportunities for new law graduates. The latter contributes to the former. As is his character, Judge Rice does not merely complain about this problem, he addresses it—in discussions with lawyers, in continuing legal education programs in which he speaks, and in his remarks to newly admitted members of the federal bar.

Judge Rice, although on senior status, is taking 50 percent of the civil docket in Dayton and a large share, as well, of the criminal docket. Is the caseload heavy? He could discuss that subject, but right now he is going back on the bench. ☺