

## Judicial Profile

WILLIAM FAHEY AND KIRK DILLMAN

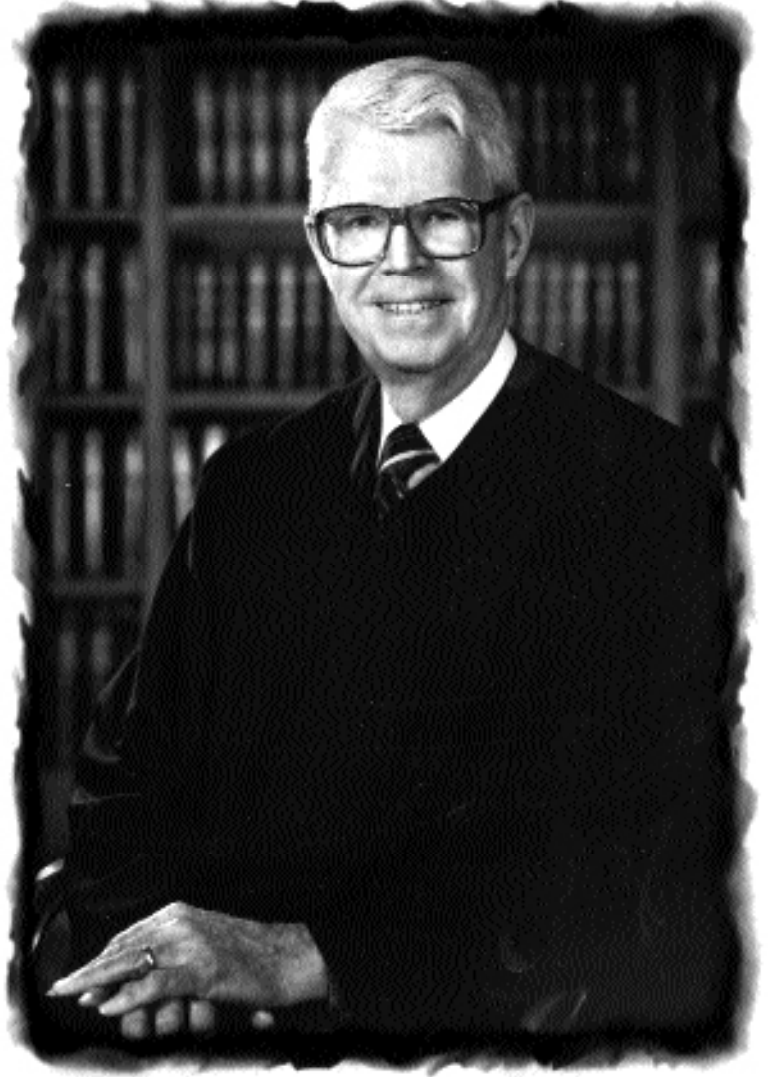
### Hon. Laughlin E. Waters Senior U.S. District Court Judge, Central District of California

On Aug. 19, 1944, in the small French village of Chambois, U.S. Army troops from the 359th Infantry were joined on the field of battle for the first time by allied Polish troops. These combined forces finally cut off Nazi General Von Kluge's 7th Army retreat out of

Normandy. G Company, at the spearhead of the attack, was commanded by a young U.S. Army captain, Laughlin E. Waters, later honored by local citizens with a monument in the town square proclaiming him the "hero of Chambois." Now a senior U.S. District Court judge for the Central District of California, Laughlin Waters remembers meeting his Polish counterpart, Major Zgorzelski, on the field of battle, with bullets and shrapnel thick in the air. "As his English was far superior to my Polish, we were quickly able to verify our identities and then salute our respective countries and commanding officers." For the next four days, Captain Waters' men and their Polish allies fought side by side in one of the fiercest battles of World War II.

Judge Waters was wounded twice after landing in Normandy on D-Day — once in the Normandy campaign and second at Metz — and received the Combat Infantry Badge, the Purple Heart with Cluster and the Bronze Star with Cluster. He returned from the war in 1946 and received his J.D. from the University of Southern California, where he had been enrolled when the war broke out, and began a distinguished legal career, which has spanned more than 50 years — in all three branches of government.

After a brief stint as a deputy California attorney general, Judge Waters was elected to the California State Assembly. He concedes that in his first election victory, he was aided by the fact that his father and brother both served in the assembly before him. He recalls with a grin the people he met during his first campaign who assured him that they had voted for him for years and that he could depend on their continued support. Once elected, however, Judge Waters quickly made his own name, becoming Gov. Earl Warren's floor leader and eventually the chair of the Republican State Central Committee. During his ca-



reer as a legislator, Waters sponsored and had passed into law bills creating tax-exempt schools, facilitating the acquisition of land for California's extensive freeway system, and permitting a plea of "nolo contendere" in criminal cases.

Judge Waters recalls fondly the most important event during his term in office — meeting his wife, Voula Davanis. A lawyer educated at the University of San Francisco, Voula was working at the time as a deputy legislative counsel. They married in 1953, and

raised five children, three of whom have followed their parents into the law. Although Voula never returned to the practice of law, Judge Waters readily points to her as the finest lawyer in the family.

In 1953, Judge Waters was appointed by President Eisenhower as the U.S. attorney for the then-Southern (now Central) District of California. Thirty-nine years old at the time of his appointment, he was the youngest U.S. attorney in the country. He soon proved himself to be one of the most influential. When he took over, the Southern District had the second largest volume of cases in the nation. Like all districts at the time, however, the Southern District was staffed primarily by part-time political appointees. Judge Waters recognized that if he wanted to attract the best and the brightest prosecutors, he needed to create full-time positions that were not subject to changing political tides. He did exactly that. As a result, the Southern District soon boasted one of the finest groups of prosecutors in the country, many of whom went on to become the premier trial lawyers and judges in Southern California. This model was eventually adopted throughout the country.

In 1955, sensing a need to have a professional organization dedicated to the practicing federal attorney in Southern California, Waters was instrumental in reinvigorating the dormant Los Angeles Chapter of the Federal Bar Association. He served as its second president in 1956. The current (and 45th) president of the Los Angeles Chapter, Richard Kirschner, recently stated that he knows of no one "who has a bad thing to say about Lock Waters."

As the U.S. attorney for eight years, Waters was involved in a number of high-profile cases. Perhaps the most bizarre was the notorious "Finn twin" case, reported at 219 F.2d 894 (9th Cir. 1955). The Finn brothers had been engaged in a long-standing dispute with the federal government over the purchase of a surplus war airplane. To publicize their grievance, the diminutive brothers approached the six-foot-four-inch Waters on a public street in Los Angeles and slapped handcuffs on him. After transporting U.S. attorney Waters to a police station, the Finns' attempt to press charges was unsuccessful; instead, they were arrested. The Finns were convicted, after a lengthy and contentious trial in federal court, of interfering with Waters' official duties. The Ninth Circuit Court of Appeals, in affirming the convictions, noted that "only the self-control of Waters under the greatest of aggravations prevented the events ... from reaching the atmosphere of a wrestling or prize ring."

Many a lawyer, as well as numerous parties who have appeared before Judge Waters over the years, have remarked on his self-control and dignity as he presides in court. These personal qualities were no doubt important to Attorney General Robert Kenne-

dy, who asked Waters to continue as U.S. attorney (in spite of his strong Republican background) after the 1960 presidential election. Judge Waters nonetheless elected to leave government work in 1961 to become a senior partner in the Los Angeles law firm of Nossaman, Waters, Krueger & Marsh. During his 15 years in private practice, Judge Waters represented a wide variety of corporate and individual clients in civil and criminal matters.

In 1976, President Gerald Ford appointed Judge Waters to the federal bench. He brought with him not only his extensive experience as a prosecutor and trial lawyer, but his courtly sense of humor, which he wasted no time in employing. Referring to the process by which a new judge receives his initial case load, Judge Waters lightly chided his new colleagues at his induction ceremony: "There have been rather subtle suggestions as to the case load I will be assigned, but all have expressed to me their deep consideration, that lest time hang heavy on my hands, they will willingly divest themselves of certain cases they are presently processing and take care of my idle moments." Judge Waters has carried his sense of humor into the courtroom: "I think that if there is a pleasant atmosphere — and I hope I add to that — in the long run it will be a better tried case, better received by the jury."

Since taking the bench, Judge Waters has continually sought to learn and improve as a judge. In 1985, he invited all of the nearly 2,000 lawyers who had appeared before him during the preceding 10 years to privately grade him on his strengths and weaknesses as a federal judge. He sent a questionnaire to each of the attorneys asking for an anonymous evaluation on areas ranging from impartiality and judicial temperament to knowledge of the law. Although reassured by the overwhelmingly favorable responses, Judge Waters notes: "One guy referred to me as a crusty old judge, and that's probably not too inaccurate." Many of the criminal defense lawyers who answered the questionnaire characterized Judge Waters as a tough sentencing judge. But virtually all lawyers who have appeared before him have praised his courtesy, punctuality and his obvious love of the legal system he so well represents.

While it is difficult to distill a 23-year judicial career into a few paragraphs, it is safe to say that Judge Waters has been able and willing to deal with tough cases, and apply his strong sense of justice and creativity to fashion the right result. Early in his career, he was not afraid to criticize the press for leaking secret grand jury information on the eve of a notorious Mafia indictment. In the 1980s, he was the first judge to apply the antitrust laws to professional football and rule that undergraduates were eligible to pursue their chosen careers. Star Oklahoma running back Marcus Dupree was the first beneficiary of this rul-

ing.

Always sensitive to the rights of the elderly and less fortunate, Judge Waters enjoined the forced retirement of a 60-year-old, otherwise fully qualified, lifeguard in a significant 1984 decision — long before the concept of age discrimination was wide-spread. In the 1990s, Judge Waters ordered a school district to accommodate and protect disabled students.

These cases mirror Judge Waters' other public service, which includes appointments as a delegate to the Conference on Environmental Problems in Prague, to the White House Conference on Aging, and to the board of directors of the Legal Aid Foundation, as well as his election as president of the Catholic Big Brothers.

One of his proudest accomplishments was the 1988 opening of the Metropolitan Detention Center (MDC) in downtown Los Angeles. Judge Waters had devoted countless hours over a 12-year period to obtaining the necessary political support and later the funding, as well as a suitable site, to bring the Central District of California into the modern era for humanely housing pretrial detainees. Judge Waters' efforts were summarized by former Chief Judge Real (C.D. Cal.) at the dedication of the MDC when he said: "We are forever in Judge Waters' debt for this much needed facility to house our pre-trial detain-

ees."

In 1986, Judge Waters made good on his promise to take senior status "so fast it will make everyone's head spin." Because a judge who takes senior status creates a vacancy for a full-time appointment (thereby creating a net gain for the court), Judge Waters has always believed that judges should take senior status as soon as they become eligible.

Judge Waters truly personifies the "greatest generation" about which much has been written of late: a war hero, an able young legislator, an innovative and dynamic U.S. Attorney, a successful member of the private bar and a highly regarded federal judge. Add to these accomplishments his countless hours of other public service and his fierce devotion to his wonderful family and you have a man for the ages, a man we are deeply honored to have worked for and to count as a mentor and friend. TFL

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