

## Judicial Profile

JOAN BRADY

# Hon. J. Gregory Wehrman U.S. Magistrate Judge, Eastern District of Kentucky

**“JUDGE DONATES KIDNEY to ailing prosecutor,” announced the headline that recently thrust U.S. Magistrate Judge J. Gregory Wehrman into the spotlight. The national media coverage of the June 2006 event caught the judge by surprise. The judge, who eschews publicity, did not even tell his staff about the impending operation until nearly the eve of surgery. With characteristic modesty, when the media broke the story, the**

judge used the opportunity to encourage others to follow suit. As he reported in the September 2006 issue of *The Third Branch*, “I’m a bit uncomfortable with all this notice. I simply reacted to seeing someone I knew in need. My family and I hope and pray that others hearing about this will be moved to do the same thing.”

The judge made his unsolicited life-giving offer to Assistant U.S. Attorney E. J. Walbourn shortly after he learned of the prosecutor’s urgent need for a transplant. The two had never socialized; they knew each other strictly on a professional basis. Long before the judge’s incredible gift, however, those who knew Judge Wehrman knew him as a true hero in the community. In the same issue of *The Third Branch*, District Judge David L. Bunning, who works in the same Covington, Ky., courthouse, described him as “a stellar person, a humanitarian, and just the consummate judge.”

Made comfortable by both his words and his sincere down-to-earth demeanor, people from all walks of life heed Judge Wehrman’s dictate to call him Greg. Outside the courthouse, whether at the Hoxworth Blood Center (where he regularly donates blood) or at the local soup kitchen, many are oblivious to his position or title. His humble demeanor is one of Judge Wehrman’s most striking qualities, one fostered from childhood.

Of course, when Judge Wehrman dons his robe, an air of judicial formality commands respect for the proceeding at hand. Yet even when the proceeding is formal, he is careful to address each litigant appearing before him with the utmost respect and courtesy. He

explains that his judicial philosophy has always been to treat all litigants—whether an indigent defendant or the president of a company—just as he himself would like to be treated. The effect is a perfect balance between putting litigants at ease and maintaining the dignity of the proceeding.

### Family Values

Judge Wehrman was born in Covington, Ky., the fourth of six children raised in a busy household, where Christian charity and politics were equally driving forces. His father was the county attorney and, for much of Greg’s childhood, a county judge. His mother was the glue that kept home and hearth together; she would gather her large brood around the family dinner table each night for lively discussions of the politics of the day and would make sure that they all attended church on Sunday. Both parents encouraged their children’s interest in civic affairs and community involvement, often reminding them, “You have much to be thankful for, express your thanks by helping those less fortunate.”

Judge Wehrman took advantage of the opportunities presented by his father’s position, often accompanying him to traffic court on Saturdays. As a boy, Judge Wehrman was impressed with the lawyers and the courtroom proceedings, but he remembers one incident that made a career in law seem particularly exciting. “One Saturday, Roy Rogers came into my dad’s office. He and his wife, Dale Evans, were in town for a rodeo show, which was really big back in that day, and had stopped by because they were in the process of adopting a child.”

Young Greg was awestruck at seeing the celebrity, since the television shows starring Roy Rogers and his horse Trigger were the only shows he and his brothers watched. The younger Judge Wehrman has continued his father’s tradition of spending Saturday mornings at the office, though he has held court on Saturday only once.

Another incident in his father’s career had a ripple effect on the judge’s own. His father’s position as Kenton County attorney made him instrumental in locating the future Cincinnati/Northern Kentucky International Airport on the Kentucky side of the river. In the late 1980s, the expansion of the airport led to an increase in the federal docket and spurred

the need for a full-time magistrate judge in Covington. The younger Judge Wehrman was the first judge appointed to this position when it was finally authorized.

Judge Wehrman attended St. Xavier High School in Cincinnati, a prestigious all-boys Jesuit preparatory school, where he competed on the school's golf team. His golf game was impressive enough that the assistant athletic director for the University of Cincinnati encouraged him to consider a scholarship there. Wanting an experience further away from home, Judge Wehrman initially selected the University of Florida in Gainesville. After toying with the idea of staying in Florida, Judge Wehrman moved back home "when I saw how much my brothers enjoyed practicing law with my dad." He transferred to the University of Cincinnati, from which he graduated in 1966 with a degree in political science.

Working summers at his family's law practice, Judge Wehrman attended law school at the University of Kentucky in Louisville, where he met his wife of 35 years, Diane. A consummate family man, Judge Wehrman is the proud father of four grown daughters and the doting grandfather of seven.

### Judicial Lessons

Soon after graduating from the University of Kentucky in 1969, the judge sought out trial experience as a public defender. He appeared frequently before U.S. District Judge Mac Swinford, who made a deep impression on the young lawyer. Judge Wehrman explains, "I watched how he treated litigants; he was kind to everyone and he always tried to be fair in his rulings."

Judge Wehrman would never forget one experience in which Judge Swinford taught him a valuable lesson about the jury system. Not infrequently, Judge Swinford would conduct two trials in a single day. One day, Judge Wehrman was representing two defendants in separate cases on similar charges. Judge Swinford sent the jury out and called the second case. Soon after, the first jury returned with a guilty verdict. Judge Wehrman protested vigorously when Judge Swinford left the second jury in the courtroom, arguing that the jury could not help being tainted by watching such similar proceedings involving the same defense counsel. Judge Swinford overruled the objection, and Judge Wehrman remembers meeting with Judge Swinford in his chambers:

I really was concerned that sentencing the first defendant in front of the second jury impugned my client's constitutional right to be presumed innocent. Judge Swinford heard me out, but responded: "Now Greg, I know you're upset, but I have great faith in the jury system." We concluded the second trial the next morning.



credit: The Cincinnati Enquirer/Ernest Coleman



(top photo) Judge Wehrman and EJ Walbourn; (bottom photo) Judge Wehrman and staff, l to r: Kim Stoneking, Elaine Oldiges, Joan Brady, Judge Wehrman, Barbara McFarland, Tammy Ziegelmeyer.

None were more surprised than I to receive the first and only acquittal I won during my years of public defender work in federal court.

The public defender took away two additional valuable lessons from U.S. District Judge H. David Hermansdorfer, who presided over the docket upon Judge Swinford's death.

Judge Wehrman was called to meet Judge Hermansdorfer—literally—when that judge issued a "show cause" order based on the defense attorney's failure to appear for an arraignment. Judge Wehrman explained that Judge Swinford's practice had been to orient new juries first and to wait until the afternoon to call cases. "I had assumed, having heard nothing to the contrary, that Judge Hermansdorfer would employ the same system. He didn't; instead, he called the arraignments first thing and, of course, I wasn't there." Even though the "show cause" order provided an expedient introduction to Judge Hermansdorfer's formidably

stern facade, the experience also taught the young lawyer to always be prepared and to learn as much as possible about the practices of individual judges.

As things turned out, not only did Judge Hermansdorfer quickly clear the attorney of his error, but after Judge Wehrman had appeared before him in a few additional cases—"all of which I lost," he reports with a laugh—Judge Hermansdorfer asked if he would be interested in becoming a part-time magistrate judge. And Judge Wehrman learned another lesson: the value of giving people a second chance.

### **Magistrate Judge Wehrman**

Judge Wehrman was appointed as a part-time magistrate judge in 1975. Initially his background as a public defender served him well, because he handled criminal proceedings exclusively. In time, his duties expanded to include civil pretrial proceedings, and he drew upon private practice experience gained at Wehrman & Wehrman, including experience as city attorney for Lakeside Park, Ky.

When a full-time position for a magistrate judge was authorized in 1991, Judge Wehrman was the obvious choice to fill the slot; he assumed his full-time position in January 1992. As noted by the Merit Selection Panel in reappointing him for a second eight-year term in 2000, Judge Wehrman exhibits "a superb work ethic, an excellent demeanor on the bench, ... high intellect and moral character and shows all due respect for lawyers and litigants appearing before him."

Judge Wehrman's unique ability to help people from all walks of life feel at ease—combined with his superb legal skills—have made him highly sought after as a court mediator. Few magistrate judges can boast of a similar success rate in this important service to the federal judiciary. As described by District Judge William Bertelsman, Judge Wehrman is "selfless and indefatigable, with a real expertise in settling cases."

Judge Wehrman's innate compassion and dedication to federal service have long been evident to other members of the judiciary. The U.S. Courthouse in Covington, Ky., sits but a few blocks from the Ohio River, just five minutes from its counterpart in Cincinnati. Always first to offer assistance to other judges when the need arises, in 2004 Judge Wehrman successfully initiated a request to the Judicial Conference to permit magistrate judges on both sides of the river to exercise adjacent jurisdiction.

Judge Wehrman is committed to educating the next generation of lawyers in ways that are both formal and informal. In addition to teaching as an adjunct professor at the Salmon P. Chase College of Law, he offers students the opportunity to intern in his chambers for law school credit or just for the "credit" of experience. Long active in the Federal Bar

Association, he also serves as president of the Salmon P. Chase Chapter of the American Inns of Court. The judge has garnered many honors through the years, most recently the inaugural J. Gregory Wehrman award instituted by the U.S. attorney for the Eastern District of Kentucky, but he remains as affable and genuine as ever.

### **Life Outside Chambers**

When he is not busy with civic, professional, and family commitments, Judge Wehrman enjoys playing golf, running, and traveling. In 1998, while playing a round of golf with three friends from law school, the judge experienced a highlight enjoyed by few—a hole-in-one. A well-timed snapshot of Judge Wehrman at the tee, taken by Fayette County Attorney Larry Roberts, captured the very moment of impact.

Unlike golf, Judge Wehrman's interests in running and travel took root in early adulthood. The judge fondly recalls his first trip abroad in summer 1968, when he traveled throughout Europe in a Volkswagen "Bug" with a high school classmate who had just completed a term with the Peace Corps. "When we were in Paris, U.S. Ambassador Sargent Shriver (brother-in-law to JFK) was in attendance. We noticed him coming out of the embassy and stopped to introduce ourselves. He asked us, 'How would you boys like to come to the USIS (United States Information Service) tonight?' So we went and enjoyed ourselves immensely."

The judge's running career began more than 30 years ago, when he was invited to join a friend on a run; he continues to train with the same partner to this day. The only break he has ever taken was to recuperate from the surgery required for his kidney donation. He completed two marathons in the 1970s and still recalls his times: "4:02 and 3:28," he says with a laugh. More recently, he has limited himself to running half-marathons with two of his daughters. And for more than 30 years he has run the "Turkey Trot," an annual 10K run held in Cincinnati on Thanksgiving Day.

A youthful 63 years old, Magistrate Judge Greg Wehrman gives no hint of slowing down. Perhaps this is not surprising when one considers that his father continued to work in private practice until his death at the age of 92. The federal judiciary is honored by the service Judge J. Gregory Wehrman has rendered. **TFL**

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*Joan Brady has been career law clerk to Magistrate Judge Wehrman since his appointment in 1992; she previously clerked for Judge Robert F. Chapman of the U.S. Court of Appeals for the Fourth Circuit and the late Judge John Weld Peck of the U.S. Court of Appeals for the Sixth Circuit. © 2007 Joan Brady. All rights reserved.*