

Judicial Profile

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Hon. William G. Young: “With Heart and Soul and Mind to Do Justice”

Hon. William G. Young is passionate about both his work and the role of the district court judge in the American system of government. He espouses a simple philosophy about judging: “I believe that the core function of an Article III judge is to try cases. I believe that that is the most important thing that a trial judge can do, simply put on a robe, go out on the bench, and try cases.” Judge Young has followed this philosophy for over 25 years: eight years on the Massachusetts Superior Court and the last 18 years on the federal bench, where he is currently the chief judge of the U.S. District Court for the District of Massachusetts.

Judge Young’s path to a distinguished career in law and public service began after he received his A.B., magna cum laude, from Harvard University in 1962. After

serving two years as an officer in the field artillery, Judge Young attended Harvard Law School, graduating in 1967. Upon graduation, he served as law clerk to Hon. Raymond S. Wilkins, chief justice of the Supreme Judicial Court of Massachusetts. Following his clerkship, Judge Young practiced law as an associate and then a partner at the Boston law firm of Bingham, Dana & Gould. In addition, he served as a special assistant attorney general and as chief counsel for the late Francis W. Sargent, former governor of Massachusetts.

The words of two seasoned colleagues greatly influenced Judge Young’s judicial development when he was first appointed to the state bench in 1977. Hon. Vincent Brogna, a distinguished justice of the Superior Court, approached Judge Young after his induction and said, “Now remember, have the courage of your own error.” Later, Hon. John H. Meagher, the senior justice

of the Massachusetts Superior Court told Judge Young, “This is a trial court. A trial judge should go on the bench every day and try cases.” Judge Young acknowledges, “I have never forgotten these words and have tried to live up to them.”

These early influences helped Judge Young develop a judicial philosophy that guides his work today. When trying cases, Judge Young believes there are two primary obligations of a trial judge. First, a judge’s obligation is to teach the law. “Judges are law teachers. And everything we do revolves around that role.” Second, a judge must be decisive. “I believe judges are teachers, but judges should decide; and therefore they’ve got to have the guts to make a decision.” According to Judge Young, failure to act is often as injurious to justice as judicial error is.

Any lawyer who has practiced before Judge Young can attest that his conduct mirrors his philosophy. To ensure that he is on the bench every day, Judge Young has developed what he calls a trailing trial docket. Criminal cases come first; then as civil cases appear on his docket, he provides the lawyers involved with the month and year they must be ready for trial. And he faithfully follows this calendar. Continuances are rare. And, consistent with his belief that judges should be decisive, Judge Young often unflinchingly rules from the bench, reserving the right to explain his ruling in a written opinion. His role as a teacher emerges through these written opinions. He explains his decisions as candidly and clearly as possible and, in the process, teaches what he understands the law to be.

It should be obvious to anyone who enters his courtroom that Judge Young simply loves the judicial process. His first courtroom deputy clerk, Kate Duffey, said, “Judge, your greatest strength and your greatest weakness is that you’d hold court in a parking lot.” Inside his black leather-bound bench book, a relic from his days on the Superior Court, is a yellow post-it from his current deputy clerk, Bonnie Smith. Below a smiley face it says, “Slow down!” Though neither comment was particularly intended as a compliment, he treasures them both.

Judge Young’s belief that trying cases is a core value of a trial judge does not stop at his own docket. He believes that the federal judiciary must be perceived as a truly national system of justice and that district court judges must be willing to engage in a multidistrict practice to relieve the burden of high-volume courts. To this end, Judge Young sits by designation in the District of Arizona, the Middle District of Florida, and the Southern District of New York. To encourage multidistrict practice, he helped develop a program in the District of Massachusetts to



handle civil nonjury cases by video teleconferencing.

Through his role as a trial judge, Judge Young has also come to believe that he, along with all trial judges, is a guardian of the American jury system. He is passionate about the jury system, and he argues that both the moral force of judicial decisions and the inherent strength of the judicial branch itself depend on the shared perception that democratically selected juries have the final say over actual fact-finding.¹ Concerned by the rapidly declining number of jury trials, Judge Young has written extensively on the importance of the jury system to the judicial branch and American democracy. Recently, in an open letter to U.S. district judges, Judge Young wrote:

The American jury system is withering away. This is the most profound change in our jurisprudence in the history of the Republic.

As district court judges, we ought to be in the forefront of a national debate concerning this matter. We are not. In fact, we operate as though we don't care.

As a result, we have lost focus on our prime mission; our status as the grassroots guardians of constitutional values is threatened as never before.²

Judge Young's enthusiasm for the jury system is never more evident than when he presides over a jury trial. He readily admits that he is "in love with the American jury system," and it shows when he interacts with jurors. During voir dire, when all the potential jurors are gathered in the gallery of the courtroom, Judge Young extols the virtues of the jury system. He tells the crowd that the jury system is direct democracy at work; it is, in essence, a New England town meeting writ large — the people themselves governing. He explains that the jury system is the only venue in which the citizenry takes a direct part in the execution of the nation's laws, and that in our system of government, the jury is an instrument of justice. Judge Young impresses upon all jurors that it is they, and not he, who will find the facts and apply the law as they, in their collective vision, see fit. And in doing so, they will "deliver the very best justice we, as a society, know how to provide." That is why, once a jury is empanelled, each trial day in Judge Young's session starts and ends with, "All rise for the jury."

Judge Young's role as a teacher extends beyond the courtroom. Each year he conducts motion sessions at local law schools. On these afternoons, the classroom becomes a courtroom as lawyers argue motions to dismiss, summary judgments, and motions for new trials in front of an audience of law students. After the motion session, Judge Young takes off his robe, rolls up his sleeves, and opens the floor to questions, encouraging students to ask anything. During these presentations, he introduces his "team" — the group of dedicated professionals without whom, as he candidly admits, his session would cease to operate. It is only because of the work of his administrative assistant, his courtroom clerk, his docket clerk, his court reporter, and his law clerks that Judge Young can be a "work-a-day trial judge."

In addition to taking the courtroom to the classroom, Judge Young is a longtime teacher of evidence and trial advocacy. He has

taught at several law schools, including Harvard University, Boston College, and Boston University. He has been active in judicial education at the Federal Judicial Center, National Judicial College, and Flaschner Judicial Institute. Judge Young also volunteers much of his time to educating the bar and remains a consistent presence at continuing legal education programs and institutions, including Massachusetts Continuing Education Inc. (MCLE), Practising Law Institute, and Suffolk University Law School. He won national acclaim for MCLE's award-winning annual lecture series, *On Trial with Judge Young*, which offers an intensive 15-week study of trial techniques and trial evidence. Judge Young has also written extensively. He is the principal author of *Massachusetts Evidentiary Standards* and co-author of the two-volume treatise, *Massachusetts Evidence (Massachusetts Practice Series)* and Daubert's *Gatekeeper: The Role of the District Judge in Admitting Expert Testimony*.³

It takes no more than a few minutes of conversation with Judge Young to realize that he is truly grateful for the opportunity to serve as a federal district court judge. As he gestures to his chambers, he candidly admits, "I pinch myself every day." Despite his seeming confidence on the bench and his list of achievements, Judge Young stays extremely modest, choosing instead to heap praise on the judicial colleagues, law clerks, and court staff with whom he has worked over the years. It is obvious that, in addition to the challenges of his work, Judge Young values his close association with his colleagues.

People who have worked with Judge Young consistently comment on his integrity and dedication to the court. This integrity and dedication is apparent when he sentences criminal defendants. Judge Young does not seek counsel from his law clerks when it comes to sentencing decisions; he does not believe that law clerks should carry such a burden. Although decisive on the bench, he recognizes that his sentencing decisions negatively affect the parties involved. Behind closed doors, he grapples with sentencing issues and is extremely conscious of the human toll imprisonment takes on families. He can identify by name the individuals whom he has sentenced — even when he was on the state bench — who have died while in prison. While he is publicly critical of the Federal Sentencing Guidelines, especially their burden on a criminal defendant's Sixth Amendment right to trial by jury,⁴ he took an oath to uphold the Constitution and the laws of the United States. He does so despite his misgivings. But he attempts to balance his duty as a judge with recognition of the frailties of the system in which he operates.

But beyond his role as a judge, Judge Young's colleagues cite his decency, kindness, and good-natured spirit as attributes. Judge Young maintains an open door and is accessible to any member of the court or the court staff as well as to any student who wants an opportunity to watch the judicial process in action. Always an educator, Judge Young believes it his duty to teach the law regardless of the student's age (or sometimes even interest). As an example of his attempt to weave teaching into every encounter, Judge Young relays the following story with much delight: During one trial, a court staff member brought her four-year-old grandchild to meet Judge Young during a scheduled break. After the introduction, Judge Young, still in his robe, knelt down and said to the child, "Do you know what a judge is? A judge is a teacher of the law." The unimpressed child responded, "Then why do you wear a dress?"

His penchant for telling stories, in fact for telling them more than once, is legendary — and he thinks it all the better if he can poke fun of himself in the process. He admits that one of the benefits of being a judge is that he has a captive audience. Moreover, his willingness to acknowledge his missteps, laugh at himself, and then confess them to an audience puts a human face on the judiciary.

Although he is dedicated to his job, Judge Young acknowledges that his family is most important to him. His commitment to them is evidenced throughout his chambers and courtroom: his father's paintings adorn walls of both rooms, and scattered around his office are photos of Beverly, his wife of 37 years, and his children and grandchildren. Indeed, when the opportunity to become a judge first arose, he and Beverly stayed up all night discussing the possible impact a judicial position would have on their family. It was not until both felt confident that they could afford to pay for college for their three sons — Mark, Jeff, and Todd — that Judge Young agreed to the appointment. His role as a husband and father has, without exception, trumped his role as a judge.

In 1998, his oldest son Mark, then a partner at the Boston law firm of Peabody & Arnold, penned a dedication to his father as the introduction to *Reflections of a Trial Judge: A Collection of Lectures by The Honorable William G. Young*. Produced as a surprise by MCLE to thank and honor Judge Young for his selfless service of educating the bar, the book's revenues are used to support a scholarship fund to provide subsidies to lawyers who wish to attend MCLE programs. Mark Young's introduction illustrates Judge Young's success in balancing his dedication to his job with his love for, and commitment to, his family.

As I go through the draft manuscript of what will become this book, I am reminded of words that my father gave me 14 years ago — words that so clearly and accurately captured what he had tried to do as a judge. It is with pride, respect, and love that I now give these words back to my father and, in doing so, know that he has thoroughly succeeded, “with heart and soul and mind to do justice.”⁵ **TFL**

Jackie Gardina is a former law clerk for Judge William Young. She is currently is a visiting professor of law at Vermont Law School.

Endnotes

¹See *In re Acushnet River & New Bedford Harbor*, 712 F.Supp. 994, 1006 & n.23 (D.Mass. 1989) (Young, J.) (“However highly we view the integrity and quality of our judges, it is the judges’ colleague in the administration of justice — the jury — which is the true source of the courts’ glory and influence. The involvement of ordinary citizens in a majority of a court’s tasks provides legitimacy to all that is decreed.”).

²William G. Young, *An Open Letter to U.S. District Court Judges*, THE FEDERAL LAWYER, July 2003, at 30. See also *United States v. Reid*, 214 F.Supp.2d 84, 99 n.11 (D.Mass. 2002) (“The American jury system is dying — more rapidly on the civil than the criminal side of the courts and more rapidly in the federal than in the state courts — but

dying nonetheless.”).

³Linda Sandstrom Simard and William G. Young, Daubert’s *Gatekeeper: The Role of the District Judge in Admitting Expert Testimony*, 68 TULANE L. REV. 1457 (1994).

⁴See *United States v. Berthoff*, 140 F.Supp.2d 50, 67–68 n.31 (D.Mass. 2001).

⁵*Reflections of a Trial Judge: A Collection of Lectures by the Honorable William G. Young* (MCLE, 1998) at 3.