



Hon. Timothy D. DeGiusti

Chief Judge, U.S. District Court for the Western District of Oklahoma

by James E. Warner III and Brandi M. Haskins



James Warner is an attorney with Nix Patterson LLP. He previously served as a law clerk to Judge DeGiusti and worked with the judge as an associate in the law firm Holladay, Chilton & DeGiusti PLLC (now Holladay & Chilton). Brandi M. Haskins is a member of Fuller Tubb & Bickford PLLC. She also previously served as a law clerk to Judge DeGiusti. Both are active members of the Oklahoma City Chapter of the FBA. The authors are grateful to those who contributed to this profile, most particularly Chief Judge DeGiusti and his judicial colleagues, staff, and former clerks.

Timothy D. DeGiusti became the chief judge of the U.S. District Court for the Western District of Oklahoma on July 1, 2019. Chief Judge DeGiusti brings to the federal bench a unique personal story, one influenced by a pivotal chapter in this nation's history. His many accomplishments, which include a distinguished career as a prosecutor and officer in the U.S. Army, are the fruit of devoted parents who valued hard work and education and passed these beliefs on to their children.

In *Dowell v. Board of Education of Oklahoma City*,¹ Chief Judge Luther L. Bohanon issued an opinion that effectively began the desegregation of Oklahoma City public schools. During this time, “young Tim” (as he was affectionately known by friends and family) lived in the Capitol Hill neighborhood of Oklahoma City. His father was a first-generation Italian-American whose parents emigrated from Northern Italy in the early 1900s. At 16 years old, DeGiusti's father moved to Oklahoma City, where he engaged in the terrazzo (Italian marble flooring) industry, ultimately doing business as Southwest Terrazzo. In fact—in a classic case of foreshadowing—Southwest Terrazzo worked on the terrazzo floors that decorate the Western District of Oklahoma courthouse where DeGiusti now sits as chief judge.

DeGiusti's mother was born in Hooker, Okla., and raised outside of Rolla, Kan., just north of the Oklahoma panhandle. After a short stint in California during the Dust Bowl years, she moved to Oklahoma City during World War II, where she later met DeGiusti's father. The couple went on to have five children (three boys and two girls), with Tim DeGiusti being the youngest.

Pursuant to Judge Bohanon's order, DeGiusti was bussed from Capitol Hill in South Oklahoma City to Douglass High School, a predominantly black school located on the city's northeast side. For many Oklahoma City residents affected by Judge Bohanon's order, the court's decree ushered in a dramatic change in their lives. For DeGiusti, however, the court's order introduced him to a new world that produced lessons and friendships that have lasted a lifetime.

Frederick A. Douglass High School began as an elementary school. In January 1891, the Oklahoma City



Board of Education met to form schools for Oklahoma City children. A motion was made and passed for the establishment of a “colored school” to be located in a long, barn-like building. By 1898, the elementary-aged students were ready for high school and Douglass High School was born. It currently sits in northeast Oklahoma City at 900 N. Martin Luther King Avenue. It has produced such notable alumni as jazz guitarist Charlie Christian, blues singer Jimmy Rushing, and writer Ralph Ellison.

During DeGiusti's time at Douglass, approximately 90 percent of the student body was African-American (today, minority students make up approximately 97 percent of Douglass' student body). Despite the racial disparity, Judge DeGiusti says the environment at Douglass enabled him to thrive. He was the president of his sophomore class and the student council. He played on the basketball team (the Trojans), and it was at Douglass where he met many life-long friends with whom he remains close even today. Indeed, it was at Douglass High School where DeGiusti first felt inspired to become a lawyer. As he describes it:

“The first time I ever thought about the law as possibly a career choice for me was when I was at Douglass High School. I was a sophomore or junior. We had a student teacher (Patrick Cudjoe) who was full of new and great ideas. And this teacher decided

that we would put on a mock appellate argument. And it was an interesting case. It was a reverse discrimination case that had been handled by the United States Supreme Court maybe a year or so before. I can't even remember now which side I argued, but I was selected to argue one of those sides. And so I read the opinion and I put a lot of effort into my presentation. And when I did it and I don't even remember if I won the argument, by the way. But after I did it, I thought for the first time, you know, this is something that maybe I could do. So that seed was planted in the back of my mind."

DeGiusti remembers his time at Douglass High School as very enriching, not only from an academic standpoint but also a cultural standpoint. It was there that he learned how to blend with other cultures much different than his own and to understand the point of view of people who, at least on the surface, might appear to be different than him. Judge DeGiusti values these life lessons to this day.

From Douglass, DeGiusti attended the University of Oklahoma (OU). Despite his earlier inspiration to practice law, DeGiusti did not fully commit to attending law school until his senior year of college. Instead, he gave serious thought to teaching (graduating with a degree in ethics and religion) and had been accepted into both Chicago Theological Seminary and OU's graduate program for philosophy. Another option was going on active duty in the U.S. Army (more on that later), as he had participated in OU's Army Reserve Officer Training Corps and received his commission as an infantry officer. By the age of 20, DeGiusti was an Army second lieutenant. Hence, the study of law, in his own words, was "late to the dance" and for all intents and purposes, third in line, as he had viable career options before him in teaching and military service.

In the end, however, law school won out by a literal coin toss. Struggling with the choice, DeGiusti flipped a coin to narrow down his options; at the end it came down to law school and active duty in the Army. He flipped the coin and active duty in the Army won; he flipped it again and ended up going to law school. On that decision, Judge DeGiusti remembers knowing in his heart that he was not yet ready to go on active duty in the Army:

"Something inside me, it just—I knew that I was not ready at that moment in time to go on active duty in the Army. My father recently passed away. I was uncomfortable, I think, leaving my mother—although she had help here from my brothers and sisters, I think I was just uncomfortable at that time in leaving for the amount of time that it would have taken to do a stint on active duty in the Army or, for that matter, to go to Chicago to the theological seminary and study there. So I ended up at that point selecting an option that would keep me here in the Oklahoma City area."

DeGiusti attended law school at the OU College of Law. Like many law students, he did not have any firm thoughts on the type of law he wanted to practice as a career, saying he was a *tabula rasa*. After about a year, however, he found himself gravitating toward trial work

and litigation. He participated in the moot court competitions each year and, in his last year, he became a moot court finalist. Additionally, DeGiusti was on the national trial team and a member of the Order of Barristers. Consequently, oral advocacy and trial work became his focus.

In 1988, upon graduation from law school, DeGiusti practiced for two years with Oklahoma City law firm Andrews, Davis, Legg, Bixler, Milsten and Murrah as a litigation associate. His closest friend at the firm was Brad Henry, who would go on to become a state senator and subsequently the governor of Oklahoma. Another member of that associate class was Marcia Rupert, who currently serves as Judge DeGiusti's career law clerk.

DeGiusti always saw himself serving in the military in some capacity. Indeed, while in high school, he enlisted in the Army Reserve Components and attended boot camp in South Carolina after graduation. After two years practicing at Andrews Davis, he began champing at the bit to try cases. However, law firms do not generally allow brand-new associates to just go into the courtroom and start trying cases, and Andrews Davis was no exception. Don G. Holladay, who was a partner at the firm and DeGiusti's mentor, spoke fondly of his time in the Air Force Judge Advocate General's Corp (JAG) and DeGiusti became enamored with that experience. So in 1990, after just two years of private practice, DeGiusti went on active duty in the Army JAG, where he was stationed in Baumholder, Germany.

With JAG, DeGiusti got an extraordinary amount of trial experience. He tried approximately 60 general and special courts martial cases—everything from AWOL to first-degree murder. One of DeGiusti's most memorable cases during his JAG years was his prosecution, with frequent co-counsel Capt. Randy Kirkvold, of Spc. Albert T. Sombolay, who was charged with espionage and contacting the enemy. Sombolay eventually admitted offering to provide military information once his unit was deployed to Saudi Arabia; he provided a Jordanian intelligence officer with samples of U.S. Army chemical protection equipment and Saudi deployment information, and he offered to photograph his unit's activities in Saudi Arabia. He was sentenced to 34 years in prison. It was the only espionage case that arose out of the first Gulf War.

On one occasion, when DeGiusti was on military leave back in the United States, Holladay asked him to dinner. At that dinner, Holladay said he was authorized to extend a standing offer for DeGiusti to rejoin the Andrews Davis law firm. Accordingly, after serving three years in the Army, DeGiusti rejoined the Andrews Davis law firm in 1993, where he eventually met his wife of 21 years, Elaine, who was also an associate at the firm. At Andrews Davis, he spent the next seven years developing a litigation practice. He also continued his military service between the Army Reserve and the Oklahoma Army National Guard, which is where he ended his military career. DeGiusti retired from the Army in 2003, with 22 years of combined active and reserve service.

In 2000, DeGiusti left Andrews Davis and became one

of three founding partners in the firm of Holladay, Chilton, & DeGiusti, joining Holladay and Gary Chilton. Contrary to today's standards, there was no formal partnership agreement—the three men agreed to their partnership structure on a handshake. Although he loved Andrews Davis and the people there, Judge DeGiusti wanted to experience life in a small law firm. Holladay, Chilton & DeGiusti was a boutique litigation firm whose practice was much narrower than the “full service” firm, Andrews Davis. Nonetheless, DeGiusti's practice did not change much, and he still occasionally tried military cases despite retiring from JAG, representing a number of clients in felony-level courts martial as a civilian defense counsel.

Although DeGiusti enjoyed his years in private practice, the most professionally fulfilling time for him were the years of active duty as an Army prosecutor. He longed to have that sense of duty again and began thinking about ways in which he could return to public service in the law. Accordingly, in 2006, at the encouragement of many people in his circle, including Holladay and Judge Ralph Thompson (his father-in-law), DeGiusti applied and was ultimately selected for a position in the Western District of Oklahoma. This did not come without its complications. First, such a move would obviously change the character of the firm he founded with his good friends. Second, DeGiusti's appointment meant that Judge Thompson would have to step down

from the bench due to a federal statute prohibiting simultaneous service by family members on the same court. Despite these considerations, however, DeGiusti received overwhelming support from Judge Thompson and his law partners, making possible his appointment to the federal bench.

As a federal judge, DeGiusti appreciates that he still gets to be directly involved with litigation and trials, albeit not as an advocate. He also enjoys working with students and law schools, and doing what he can to advance the law and make a positive impact on people. To this end, he is especially proud of his court's drug reentry program, the Court Assisted Recovery Effort, which is designed to assist nonviolent drug offenders in making a successful return to society. And his love of lawyering and lawyers, as well as his own law practice experience, informs Chief Judge DeGiusti's interaction with the bar. His message to attorneys is one of balance: “Ensure that you are healthy; that you are happy. That you are pursuing things in your personal life that are gratifying to you and help provide meaning to your life. And that you are doing the very best you can as a professional” to effectively represent your clients and advance the law. ☺

Endnote

¹*Dowell v. Bd. of Educ. of Okla. City Pub. Sch.*, 338 F. Supp. 1256 (W.D. Okla. 1972).



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