

Remarks of Denny Walsh, Nov, 10, 2016

I didn't anticipate being asked to speak.

As some of you know, I lost the use of my right lung a couple of years ago, and run out of breath when I move around. Fortunately for you all, it doesn't affect my ability to talk.

So.... here we all are.

Overused word or not, this is truly unbelievable. Those who knew me before I came to the court would have trouble accepting this scene as real, starting with my parents.

In fact, the only reason Peggy came down here tonight was to see what the catch was.

She has said in the past, however, that the court changed me, made me more human. For her, my new environment's influence was apparent when I came home and told her what a good time I had at Allison Claire's baby shower.

Peggy knows me better than anyone. She has brought me this far. A lot further than I had any right to expect. We celebrated our 50th anniversary last February. She is the Roy Hobbs of wives - the best that ever was.

My older daughter and first born child Catherine came all the way from Florida to be here. That by itself makes retirement worth it as far as I'm concerned.

And even my old umpire partner, Jim Shivley, is here with his lovely wife Carolyn and son Mike. You can't miss Jim. He's the one with the white cane.

My dear friend and old reporting partner Jim McClung is here from South Carolina.

Jerry Bier, who partnered with Jim and me on a long-running project, and his beautiful wife Charleen, are here from Fresno.

I am so touched that, on a national holiday, you all would chose to come here tonight to celebrate with me. I'm sure you would rather be out celebrating the Marine Corps birthday.

There's a song written by Glenn Ray that was turned into a classic by Cal Smith in 1977. It's called "I Just Came Home to Count the Memories." It's been running through my mind lately, because that's really what I would like to do tonight, if you all will kindly indulge me. Please don't follow Peggy's lead when she starts with this [Denny makes throat-slitting gesture].

After 25 1/2 years, the court holds so many memories for me, so many people and times I will remember to the end of my days. I know what you're thinking - "He must have a short memory."

I'd just like to run over a few things with you.

There I was in early 1991. Fifty-five years old, unable to afford retirement, and no longer wanted at The Bee. "Disruptive presence" I believe is the phrase that was used. Now, I know you all don't believe that, but there it was. I was sent to the federal courthouse at 650 Capitol Mall.

Dan Bernstein was the reporter posted there. I was told, "You go on over there and do whatever Dan tells you to do. You'll work at his pleasure." But when I looked at Dan's face that following Monday morning, I could tell he wasn't pleased.

He turned out to be an exceptional individual and, eventually, a valued friend, and we worked together for nine months in that oblong office on the second floor that we shared with a row of file cabinets filled with God knows what. The paper wouldn't give us any additional tools, so we shared a tiny little Tandy laptop from Radio Shack and one phone.

I remember the first assignment Dan gave me. *Cortez v. Thornburgh*, a fight over benefits to Salvadoran refugees.

After a while the executive editor tired of waiting for me to leave, and Dan, with his acquiescence, was recalled in February '92, and I was left to my own devices.

It was a little bit like going home even then. My history with federal courts went back more than 30 years, to a Tuesday morning in early December 1961, in the St Louis courthouse of the Eastern District of Missouri. It was there that I experienced an epiphany that proved decisive to the depth of my resolve to continue to try to be a reporter.

In September 1961, I went to work for the St. Louis Globe Democrat, now gone, but then a feisty metropolitan daily. I had worked for most of the preceding two years for the *Missourian*, a daily paper circulated in mid-Missouri and published by the University of Missouri School of Journalism. And, I had read Ben Hecht's "A Child of the Century." What more was there to know? I soon learned my education had not yet begun.

Two of the early lessons were: never ask for a byline or you could find yourself on the street, and never spit in the wastebasket. Every desk had a spittoon, although not all of the reporters chewed. As a matter of fact, I don't think any of the women did.

The Globe was a morning paper going head-to-head with the formidable Pulitzer flagship, the afternoon *Post Dispatch*. I was placed on night rewrite. (Please don't laugh out loud Sam and Marjie.) It didn't take long for them to realize I couldn't write my name in the dirt with a stick.

So, given my lack of talent as a word mechanic and my background covering the Boone County state court, I was dispatched to the federal building. Ralph Wagner, the longtime beat man, was going off to have cataract surgery - a big deal in those days - and I was to fill in while he was recovering.

Early on a late fall morning I reported to the press room in the courthouse. It was a large room with very few accoutrements. In one corner was Ralph's desk, and in another was the Post reporter, Ed James, whose head was buried in that morning's Globe.

Both Wagner and James were legends in the newspaper business of that era in St. Louis.

A straight-back chair sat opposite each desk in the unlikely event somebody might want to stay that long. Near the door was a coat tree, and in another corner was a sink with a mirrored medicine cabinet on the wall above it. There was a phone on each desk, but no typewriters. They dictated to rewrite from handwritten notes.

With some trepidation, I approached Wagner and announced myself.

"Have a seat," he said, and that was a huge relief in itself. He reached into the bottom drawer of the scarred, wooden desk and pulled out a bottle of I.W. Harper. "Want a drink?" he inquired. After a moment's hesitation, I tossed off a "Sure" as if it was my custom and practice to have a drink of whiskey at 9 a.m. each day.

"Want ice?" he asked. "Sure," I replied, this time more casually.

With that, Ralph rose, walked to the door, and yelled "Hey, bring us a bag of ice" down the long, dark hall you all are familiar with in those buildings like the one at 8th and I. He then walked over and peed in the sink.

Soon a maintenance guy appeared with a bag of ice and Ralph instructed "Just dump it in the sink." He picked up the two cloudy glasses earlier retrieved from the desk, went to the sink and scooped ice in both of them. He poured two good, honest shots and handed one to me.

The man's hospitality knew no bounds.

Many things flashed through my mind in that moment. It appeared now that the glamour I had attached to the business may have been fantasy. I remembered what Charlie Pierson, the Globe's executive editor, told me when he hired me. "I don't want you to think I'm hiring you because you went to college. You can't learn this business in school." The truth of that pronouncement was instantly much more apparent to me than it had been that day in Pierson's office.

Out of the corner of my eye, I could see Ed watching me carefully over the top of the paper. I truly felt that I had to make a decision while sitting there with that glass in my hand. Had I made a horrible mistake in my choice of occupations? I decided to push on; that the shame of the alternative would be unbearable.

I downed the whiskey with studied flair, and the die was cast.

Later, Ralph and Ed crowned me a "throwback," to this day one of my most treasured accolades.

Ralph, God rest his soul, became my friend and one of my mentors. From time to time he was a problematic guest in our home.

Flash forward to the modern era. Dan had built a tremendous amount of trust and good will at the court, and I benefited mightily from that. It allowed me a much greater level of acceptance than otherwise would have been possible.

Clerk of the Court Jack Wagner and his chief deputy, Pat Sandlin, made me feel welcome and were helpful way beyond what was called for. They are my friends today, and I'm proud to say they are here tonight.

I met Keith Holland right at the top of the gig. He and Connie Farnsworth were running a boiler room operation in the farthest corner of the clerk's office. They were surrounded and damned near hidden by stacks of files and those huge old docket ledgers. But, all I had to do was ask, and they could reach into that morass and pull out precisely what I was looking for. Connie is now a valued employee at the federal defender's office. Keith is now the chief deputy of Marianne Matherly, clerk of the court. She was Judge Lawrence Karlton's courtroom deputy when I arrived.

Keith is a true friend and the man behind tonight's affair, but I know he had stellar help, and I sincerely thank him and those who assisted him. I think I am safe in saying this is an unprecedented event, and I'm sure it required the approval of Marianne and Chief Judge Lawrence O'Neill. My thanks to them as well.

I feel just a tinge of guilt about taking unfair advantage of Keith's gullibility. Unbeknownst to me, he bought into my modest routine. Nobody fakes modesty better than I do, and Keith really believed that when he asked if I wanted a party I would wave off the idea as not my style and profusely thank him for the thought. True to my real nature, I pounced on the offer like a duck on a June bug. Keith later admitted to me he wasn't really ready for that.

Back to Dan, he came to his senses, went to law school while working at the paper's Capitol bureau without missing one of his daughter's soccer games, graduated near the top of his class at McGeorge, and is now a supervising deputy attorney general. Yes folks, Elmer Fudd replaced Captain Marvel.

Coming to the court gave me a chance to renew my friendship with Bill Shubb. He and David Levi were newly appointed to the district bench. In another incarnation, Bill had been a partner in the Diepenbrock firm and outside litigation counsel to McClatchy. I, on the other hand, was a rainmaker wherever I went. After all, I was Time magazine's "most sued reporter in America." I still wear that title proudly, and back then was determined not to relinquish it. So, after I settled in and began to generate libel lawsuits, Bill and I - and not incidentally his associate Charity Kenyon - became well acquainted.

Today, I am proud to say they are my friends. Charity is here tonight and, obviously, Bill was gracious enough and courageous enough to say some extremely nice things about me right out in public.

Very shortly after I went solo, Linda Reader invited me to speak to a group from the clerk's office, giving me a valuable opportunity to introduce myself. I explained to them that, much like Blanche DuBois, I depend on the kindness of strangers. And much as Mitch did for Blanche, they pitied me and comforted me. Linda has been my friend ever since.

Early on, Peggy and I encountered Tim and Sonya at a Merle Haggard concert at the old Red Lion Inn. It was obvious I had to get to know Tim a lot better. From that time to the day Merle died last spring, Tim hauled me to a least 20 of his concerts. My life won't be the same without those regular get-togethers with Tim and Merle.

As Waylon said, I've always been crazy, but they kept me from going insane.

There were so many kindnesses and so many breaks. A good example came the day I mentioned to Shani that I had a serious hearing impairment and found it to be a real handicap in the cavernous courtrooms. She told me to sit in the jury box of Judge Burrell's courtroom on the fourth floor of the old courthouse. She told me to sit in the left chair on the back row, next to a door that opened into a passageway leading to the main hall. She explained that this would allow me to slink away unnoticed while court was in session, much as she does. I immediately realized that here is an admirable woman, one who thinks things out.

Shani suggested I make similar arrangements in all of the courtrooms. So, I went around and talked to each judge, and all were agreeable, but none more so than Judge John F. Moulds.

"The Bee has sent us a deaf reporter?" he exclaimed. "What did we do to deserve such royal treatment?"

My first trial was the U. S. versus Buck Garrett and some of his associates. A memorable affair on so many levels. Garrett and others were cooking meth in the remote reaches of Modoc County. But there was a lot more to Buck than that. He was a feared member of the Hell's Angels and its chief assassin. After his conviction in Sacramento, he was found guilty in Oregon of a particularly heinous quadruple murder. A hair-raising highlight of the Sacramento trial was the testimony of a cutthroat biker from North Carolina who was in protective custody and cooperating with the government.

This baby had an all-star cast. Bob Twiss and Bill Portanova were the prosecutors. Tony Serra represented Garrett. The judge obviously did not appreciate some of Tony's antics, but never allowed them to get under his skin.

Bill, on the other hand, finally got fed up and lashed out at poor Tony as only Bill can. He's a very nice fellow until you get him riled. Unfortunately, Bill's home sick and couldn't be here tonight.

I have to throw a bouquet to Ron Peters. He walked his guy - a rancher from Butte County - out of there.

Presiding over all this was Judge Edward J. Garcia, the most self-contained individual while on the bench that I've ever seen. He kept a tight rein on this crew without ever betraying much emotion and never raising his voice. Of course, it helped that his reputation as a fierce, tough jurist was not just rumor.

I later came to know Judge Garcia quite well, along with his loyal staff - Laurie Richardson, Colleen Lydon and Marianne Separavich and a number of his former clerks - and am very proud to call them friends. I am particularly proud that Judge Garcia is here tonight, because he is not a believer in these kinds of bloated back-pattings. He wouldn't hear of one for himself when he retired. Public acclaim has never been his thing. Something the rest of us might do well to consider. I think I'll adopt that approach just as soon as this party is over.

One of my best moments at the court came in 1993, at the outset of a very high profile trial, one of a series that grew out of the FBI's Capitol corruption sting. The state's media was out in force, getting acquainted with this thing called federal court and crowding the panhandlers out from in front of the building.

In a jammed courtroom just before voir dire was to begin, Judge Garcia announced from the bench that he wanted reporters to quit calling his chambers with procedural and other types of questions. He said reporters should address all questions to me, and asked me to stand so they could know what I looked like.

The most important point, of course, was that a man of Judge Garcia's caliber would publicly place that much confidence in me, and my chest puffed out like one of the pigeons that hung around outside.

There was a secondary, albeit fleeting, reaction. By and large, I have never liked reporters, and I took great pleasure in imagining what I might do with my newly bestowed power in order to make their lives miserable. Perhaps I would make them stand at attention while they addressed me.

Not surprisingly, few of them sought me out with questions, and I secretly was happy to help those that did as much as I could, while presenting a facade of impatience.

Ten years later, I was again caught flat-footed when, in the middle of a civil rights trial and while the attorneys were arguing outside the presence of the jury, Judge Karlton suddenly asked me if I recognized the ridiculous nature of the proceedings. While the stunned attorneys and their clients stared at me with incredulous expressions, I rose and stammered that I did, indeed, agree with the court that the whole matter invited derision. I'm sure that brief, unorthodox little tableau would have shown up on appeal but for the fact that the parties settled following the jury's generous monetary award to the plaintiff.

I watched for 23 years - until his retirement in 2014 - Judge Karlton's endless struggle to bring justice to a world with way too much injustice.

He used to remind me that he was my elder by six months. I, in turn, would tell him I was wise beyond my years.

I had occasion to profile him in 1999. One of the editors decreed that I should write a piece explaining why this guy is always involved in some kind of controversy. In it, I happened to mention the "God-like powers" of Article III judges. I got a lot of reaction to the piece, both pro and con, but none from Karlton. Not long after it was published, I was sitting in his jury box listening to oral arguments in a complex civil matter, and he had come to one of those places where he would inform opposing counsel that he frankly did not know what he was going to do. But this time, without so much as a glance in my direction, he expanded his usual remark with "Despite my God-like powers, I frankly don't know what I'm going to do."

With Charity's big brain and prolific talent, I mounted a challenge to him in pursuit of a sealed proffer. During one hearing in that protracted dispute - which is the subject of two published circuit opinions - he referred to me as a scandal monger. I still wish I had had the guts to stand up and say, "Perhaps you don't realize that is a compliment."

I miss him.

I also miss many of his clerks. Some of the finest, smartest young people I have ever known. And, just to set his mind at ease, I might add that, when I say young people, I include Dale Drozd. He is another judge I'm proud to call a friend.

My favorites - Marc Seitles and Eric Levin - were not only smart, they were very entertaining.

Who can forget Eric, in the video of his law clerks paying homage to the judge, humbly thanking him for taking a chance on someone without a law degree?

Or Allison stepping out from behind the lectern in her newly donned robe, spreading her arms and asking her parents, who were watching on Skype, "How's this for mainstream?"

Or Quin Denvir breaking it to the judges as gently as possible that, while he was looking forward to his new job as federal defender, he was not sure he wanted to join the court family?

Or George O'Connell, my favorite U. S. attorney, shutting up the know-nothing kibitzers complaining that the Capitol sting targeted only Democrats by obtaining an indictment of Pat Nolen and Frank Hill, two of the Legislature's Republican leaders?

Or Woody Harrelson's irreverent and defiant testimony in defense of his friend B. E. Smith during B. E.'s trial for growing marijuana?

Or ATF Agent Steve Carman arresting Tanh Huu Lam at the San Francisco airport as he was about to board a flight to Vietnam, just because Steve, unlike the locals, was not about to let Lam go free from the murder of a 9-year-old girl in an arson fire in Carmichael?

And, every law student within a 100-mile radius should have been there to watch:

1. Russ Porter try a labor complaint on behalf of three engineers at Kaiser.
2. Andi Miller argue summary judgment on behalf of Mario Moreno, whose building was arbitrarily destroyed by mean spirited city of Sacramento bureaucrats. One observer remarked to me, "I never want to do an oral argument again, now that I see how bad I am."
3. Pete Nowinski taking the bench and explaining that he had agonized overnight and talked to a member of his family, and then reversing a ruling he had made the day before, saying he had been wrong. How many times will you witness that kind of straight-from-the-heart justice? Not very many.
4. John Vincent's withering cross examination of super lobbyist/defendant Clay Jackson.

Speaking of John, I owe him a huge debt of gratitude that I would like to acknowledge. He and Julie could not make it today. They are traveling. But I want to express my profound appreciation for all the stuff he leaked to me. John was the best source I had in my years at the court, and he made me look so much better than I actually was. He was always willing to share confidential information. Sometimes I couldn't shut him up.

I wish more people had been that cooperative. Zipper lips like Mark Reichel and Don Heller.

It's been a pleasure folks. Thanks for the memories.