



THE HISTORICAL SOCIETY OF THE TENTH JUDICIAL CIRCUIT

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Chairman's Notes • *By Paul Hickey*

I hope that you all are enjoying Spring and the change of seasons that it brings to our part of the Country. There is much to share with you about the Historical Society as we enter this new season.

We were able to provide needed financial assistance to allow the Byron R. White Courthouse to remain open during the April 13 and 14 "Doors Open Denver" annual event. Because of "sequestration" the Court's budget has been impacted and the approximate \$2,300 of utility expense and security service charges were no longer funded. The Board of Directors unanimously agreed to assist in light of the published invitations listing the Courthouse as one of several government buildings "open" on this weekend for visitors. We were pleased to hear that 359 folks visited the Courthouse during that event.

The Board has committed to funding consulting services viewed as necessary to finalize the various state display cases on the West end of the first floor of the Byron White Courthouse. Greg Kerwin and Alleen VanBebber are both assisting in finding the right person or firm for this role.

The Bench Bar Conference, set for the 29th-31st of August at the Broadmoor in Colorado Springs, promises to be a wonderful conference. Judge Scott Matheson has arranged a very interesting program with many nationally recognized speakers. I am delighted to pass along that the Fireside Chat is now scheduled for Friday evening, August 30th. Justice Sonia Sotomayor will be interviewed by Judge Stephanie Seymour and Pete Williams of NBC News. It promises to be an outstanding evening. Be sure to make plans to attend the conference and because you are a Historical Society Member, you will be given preference seating for this event. We also plan to have a reception for members and guests following the Fireside Chat.

Lastly, I note the passing of two great friends of the Historical Society. Jean Seth, widow of Judge Oliver Seth, died in Santa Fe on January 19th. Judge Robert McWilliams died in Denver on April 10th. We acknowledge both of them for their many accomplishments, their love of family and their friendships to so many associated with the Court and this Historical Society. May God bless them.

COURTHOUSES OF THE TENTH CIRCUIT

Joseph C. O'Mahoney Federal Center • *By Paul Hickey**



The Joseph C. O'Mahoney Federal Center is the largest GSA-owned property in the state of Wyoming. It was built in 1964 as the main Cheyenne Post Office and Federal Courthouse. It is made of pre-cast reinforced concrete, and was built at a cost of \$4,211,152. It replaced the old Post Office and Federal Courthouse which, sadly, was torn down in the 1960s. There are three courtrooms on the second floor of the O'Mahoney Federal Center used by the District Court. The Bankruptcy Court is also located in the building, along with the U.S. Attorney's Office and other Federal agencies. It stands nearly 108 feet tall and has 156,942 square feet of space.

The second floor of the Joseph C. O'Mahoney Federal Center underwent a major realignment in 2009. Through the combined efforts of the Administrative Office of the U.S. Courts, the Tenth Circuit, and the District of Wyoming, the \$2.1 million project included the relocation of Magistrate Judge Kelly H. Rankin's Chambers, the Tenth Circuit Library, a Courtroom, and the Grand Jury Suite. Chief Judge Nancy D. Freudenthal, Judge Alan B. Johnson and Senior Judge

Clarence "Bud" Brimmer all serve the U.S. District Court for the District of Wyoming in Cheyenne. Judge Scott W. Skavdahl's chambers are in Casper in the Ewing T. Kerr Federal Courthouse.

The Joseph C. O'Mahoney Federal Center was named after the politician, attorney, and U.S. Senator Joseph C. O'Mahoney. O'Mahoney, originally from Massachusetts, started out in the newspaper business, then moved to a career in Washington as a Capitol Hill staffer. O'Mahoney was instrumental in exposing the Teapot Dome scandal, as he took the rumors of inside deals to Wyoming Senator John Kendrick, who, at O'Mahoney's urging, introduced a resolution asking the Secretary of the Interior Albert Fall for information on the secret granting of oil leases in the Teapot Dome naval oil reserve. Fall was subsequently convicted of bribery charges. Until Watergate, the Teapot Dome Scandal was widely regarded as the most sensational scandal in American politics.

* The author acknowledges and thanks Clerk of Court Stephen Harris and Chief Assistant Clerk of Court Maggie Botkins for their assistance.

Judge Oliver Seth • *By MacDonnell Gordon*



Judge Oliver Seth, of Santa Fe, New Mexico, served on the United States Court of Appeals for the Tenth Circuit from 1962 until his death in 1996. He was Chief Judge of the Circuit from 1977 through 1984. A tall and imposing figure physically, he was the archetypal "gentleman and a scholar." Judge Seth had a deep knowledge of the law and history, but he wore his erudition lightly and with modesty. He had a quick wit that you might miss if you were not paying attention, but he could be very funny, and he was adept at gently puncturing the pretensions that came his way.

Judge Seth was born in Albuquerque in 1915. His father, Julien Seth (known as "J.O."), was also an attorney and had arrived in New Mexico in the year of its statehood. J.O. Seth founded the Santa Fe law firm of Seth & Montgomery (that continues today as Montgomery & Andrews). The young Oliver Seth graduated from Santa Fe High, went on to Stanford University where he was Phi Beta Kappa, and then graduated from Yale Law School in 1940. He returned to Santa Fe and joined his father's firm, but world events shortly intervened. Rather than waiting to be drafted, he volunteered for service, and he later was informed that he had been the first man from Santa Fe County to volunteer at the outset of the Second World War. He rose to the rank of major in the United States Army, serving as an Intelligence officer in the European theatre, and receiving the Croix de Guerre among other decorations.

Returning to Santa Fe after the war, he practiced law and married Jean MacGillivray. Judge Seth and Jean had two daughters, Sandra and Laurel. During the years before his appointment to the bench, Judge Seth was known for his devotion to his family, his commitment to his community, and his highly professional and ethical demeanor. In 1962, President Kennedy nominated Oliver Seth to the Tenth Circuit, and Judge Seth began his tenure with the court.

During his years on the bench, he developed a reputation for thoroughness and diligence. His opinions were straightforward but intellectually rigorous, and he eschewed flowery rhetoric or the urge to stray past the questions presented. This law clerk learned quite quickly working for Judge Seth that he did not like footnotes; he would simply say something along the lines of "If it's important enough to say, it's important enough to put in the body of the opinion." Judge Seth's tenure also coincided with the explosion in the number of cases being handled by the Circuit Courts and with the advent of technological changes. Especially during the time he served as Chief Judge, he ran the administrative side of the court with his usual quiet efficiency, he ensured that he and his colleagues in the Circuit kept up with the advent of computers and electronic communication, and he was instrumental in laying the groundwork for the planning and construction of the Circuit's new courthouse in downtown Denver.

Judge Seth had a special and always supportive relationship with his law clerks. At the time of his death, there were some fifty-one attorneys who had the privilege of having clerked for Judge Seth (a group that includes current United States Senator Tom Udall). Judge Seth was an effective if subtle teacher, pointing out that many difficult legal questions are perhaps not as difficult as lawyers like to make them. He knew how to get to the heart of the matter. But working in his chambers had its less formal moments, including the daily coffee ritual each morning at La Fonda, where the Judge would meet friends, discuss everything other than his cases, and laugh at the events of the day. He made a point of including his clerks in those forays, and he made a point of learning about the clerks, their families, and their backgrounds. Upon leaving his chambers, a clerk was always welcome to return for a chat, and the Judge would drop what he was doing with a smile and inquire, "Tell me what you're doing."

Judge Seth also was deeply involved in the life of his family. His beloved wife Jean (who recently passed away) opened one of Santa Fe's first art galleries, and in his "spare time" the Judge could be found helping Jean with many of her projects. He was largely responsible for the beautiful gardens and grounds at their home as well.

A final story told by an old friend of the Judge is emblematic of the modesty and goodness of the man. Driving north from Albuquerque to Santa Fe in the winter, the steep grade of La Bajada Hill often presents some difficulty to motorists in the snow and ice, and Judge Seth would routinely stop and render assistance to those in need. Once, a stranded driver who had been picked up by the Judge and Jean told them, "I'm a civil servant and work for the government." He then asked the Judge, "What do you do?" Judge Seth, who was then Chief Judge of the United States Court of Appeals for the Tenth Circuit, paused for a moment and said "I work for the government, too."

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Judge H. Dale Cook • *By Steve Balman*



The Honorable H. Dale Cook served as a District Judge of the United States District Court for the Northern District of Oklahoma [Tulsa] from 1974 until his death in 2008. He served as Chief Judge from 1979 until early 1992, when he took senior status. Judge Cook continued to hear cases until 2008.

Judge Cook was born in Guthrie, Oklahoma on April 24, 1924. Guthrie is located approximately 20 miles north of Oklahoma City and served as the first capital of the State of Oklahoma. After graduating from Guthrie High School, Judge Cook joined the United States Army Air Corps. In 1943, he was commissioned as a Second Lieutenant. He served on active duty until 1945. An instructor at Luke Field in Arizona, he trained pilots to fly fighters—the P-40 Warhawk and the P-51 Mustang.

Judge Cook graduated from the University of Oklahoma with a bachelor's degree in 1949 and a law degree in 1950. He then held a succession of government posts: Logan County [Guthrie] Attorney (1951-1954); Assistant United States Attorney—Western District of Oklahoma [Oklahoma City] (1954-1958); and Legal Counsel to Governor Henry Bellmon (1963-1965). Judge Cook returned to private practice in Oklahoma City from 1965 until 1971. He also served as Chairman and President of the Shepherd Mall Bank from 1969 until 1971. From 1971 through 1974, Judge Cook served in Washington, D.C. as Director of the Bureau of Hearings and Appeals for the Social Security Administration.

On December 2, 1974, President Gerald R. Ford nominated Dale Cook to fill the seat vacated by the Honorable Luther L. Bohanon as a United States District Judge for the Western, Eastern and Northern Districts of Oklahoma. He became Chief Judge of the Northern District in February 1979. He was succeeded as Chief Judge by the Honorable James O. Ellison.

Judge Claire Eagan of the United States District Court for the Northern District of Oklahoma recalls Judge Cook as “[t]he most impressive jurist one could appear before because he always knew more than the lawyers, and he had no time for gamesmanship—he cut right through it.” H. Dale Cook & Kris Cook, *H. Dale Cook: Born To Serve Honorably* 477 (2010). Judge Cook believed that “[a] lawyer who tries to wing it is a lawyer with a broken wing who is destined to be wrong.” *Id.* at 942.

Judge Cook led the effort to restore the original federal courthouse in downtown Tulsa, Oklahoma. Since renovation was completed in 1995, the courthouse has housed the United States Bankruptcy Court for the Northern District of Oklahoma and provided courtrooms and chambers for Senior Judges of the United States District Court for the Northern District of Oklahoma.

NOTABLE LAWYERS

Winston S. Howard • *By John W. Low*

Winston S. Howard had a long and distinguished career with the law firm that now bears his name, Sherman & Howard. He was born in Des Moines, Iowa in 1907, attended the University of Wyoming and graduated from its law school in 1930, a difficult time for young lawyers since this was the beginning of the Great Depression. For an entrepreneurial graduate, Denver seemed to offer more opportunities than Wyoming. He connected with the Denver Union Stockyards Company, doing whatever legal work he could find with the company. There he met a senior lawyer from Pershing Bosworth Dick and Dawson (then the firm's name) who invited him in 1936 to come to work for Denver's oldest law firm.

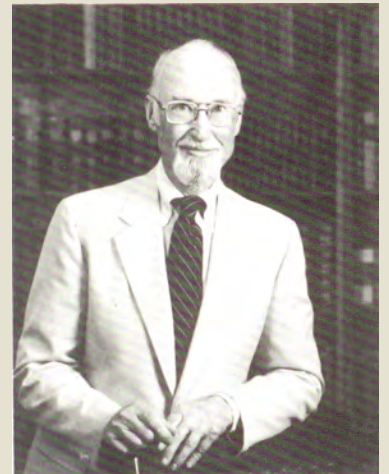
The Stockyards Company was in litigation challenging certain regulations imposed by the Secretary of Agriculture. Winston worked on this litigation, which ultimately found its way to the United States Supreme Court. The client was willing to pay only the travel costs of one lawyer to argue the case before the Supreme Court. That excluded Winston, but he was not to be denied. He arranged to get to Washington, DC as a caretaker for a load of sheep. No obstacle was going to prevent this young lawyer from sharing an opportunity to sit in on the presentation to the Supreme Court.

In 1941 he became a partner in the firm. Between 1944 and 1946, he served as a Second Lieutenant in the U.S. Army Reserve and a Lieutenant Commander in the United States Navy Reserve. In the immediate post-war period, Winston became the firm's senior litigator representing such then well known mining companies as Climax Molybdenum Company and New Jersey Zinc, reflecting an era in Colorado history when the mining industry was still at its apex. For a number of years he served as the firm's managing partner, but this responsibility never surpassed his interest in litigation, which continued until he retired in 1973.

Winston's interests were not limited to the firm or trying cases on behalf of his many clients. He was also involved in various community organizations, including the Salvation Army where he served in various leadership positions for 40 years, Swedish Medical Center where he was the Chairman of the Board, Colorado Woman's College where he was Chairman of the Board, and the Episcopal Diocese of Colorado.

Retirement did not change Winston's approach to life, his acuity, or the occasional use of the acid wit he often employed effectively in his trial work. His interest in the legal profession remained keen until his death in 1994. Throughout his career, he received numerous professional and civic honors and awards, including the 2001 Wyoming College of Law Distinguished Alumni Award.

In 1980, the firm changed its name from Dawson Nagel Sherman & Howard to Sherman & Howard.



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