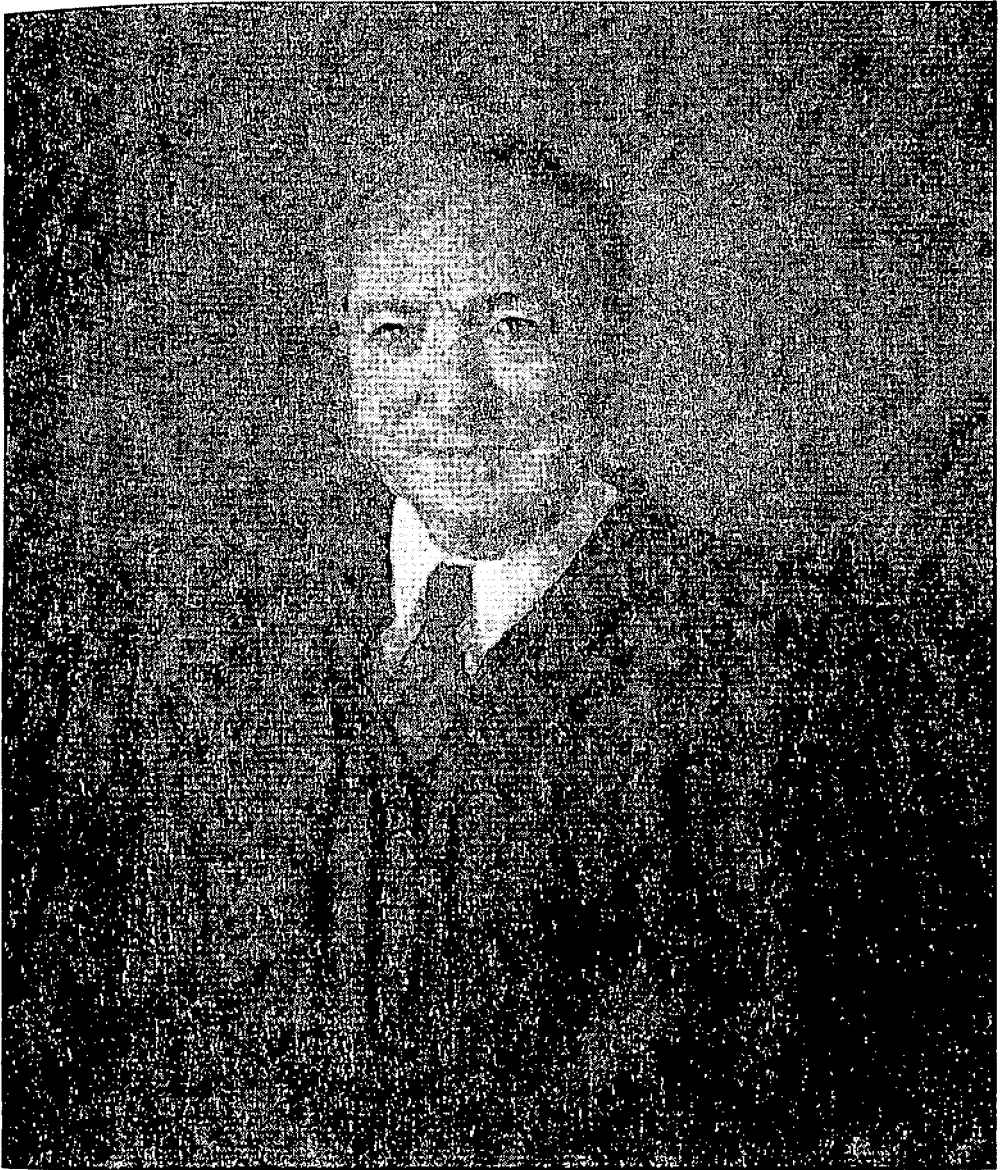


United States District Court  
for the District of Kansas

**Presentation of Portrait**  
**HONORABLE**  
**G. THOMAS VANBEBBER**

March 30, 2001  
3:00 p.m.



HONORABLE G. THOMAS VANBEBBER

# Proceedings

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CHIEF JUDGE LUNGSTRUM: The Court is gathered in a special session this afternoon for the purpose of receiving the portrait of our good friend and colleague, G. Thomas VanBebber, Tom VanBebber, marking the occasion of his taking senior status with our Court. On behalf of all of the judges and staff and the entire Court family, I'd like to welcome the friends and family of Judge VanBebber to this momentous occasion. At lunch he went through and introduced you all to us and us to you and, frankly, that was a remarkable feat. It was especially remarkable to have the people from all over the country here who are family and friends of Judge VanBebber. As I told a few of them in my chambers a little while ago, I doubt if my family would have come across town to honor me under these circumstances. And you come from all 19 four corners of the United States. It's just absolutely remarkable. This is a special occasion celebrating the career of a wonderful Judge and an even more wonderful person, our good friend.

We have a number of people with us today that I would like to introduce to you.

First of all, my colleagues seated up here on the bench, to my right, of course, Judge VanBebber; to his right, Judge Kathryn Vratil; to her right, Judge Tom Marten; and to his right, Judge Dale Saffels. To my left, Judge Dick Rogers; to Judge Rogers' left, Judge Monti Belot; to his left, Judge Carlos Murguia; to his left, Judge Wesley Brown, and finally, last but not least, Judge Crow. These are all the district judges of the District of Kansas sitting in the three locations where we hold court in Kansas City, Topeka and Wichita, both active and senior status judges.

Sitting behind the bench, we have our distinguished group of magistrate judges and bankruptcy judges. In the group behind me to my left, the magistrate judges, Judge Karen Humphreys, Judge Don Bostwick, Judge David Waxse, Judge Jim O'Hara, Judge Jerry Rushfelt, and Judge Catherine Walters.

To my right, our extremely talented bankruptcy group, Chief Judge Jim Pusateri, Judge John Flannagan, Judge Julie Robinson, and our newest bankruptcy judge, Judge Bob Nugent for the first time being part of this gathering with us. Thank you for being here today.

There are also a number of dignitaries in the crowd, but you're all dignitaries in the crowd, but some of you I'm going to give some special recognition to and will do that at this time. From the Tenth Circuit Court of Appeals, with us here today are Chief Judge Deanell Tacha and Judge Mary Briscoe. Deanell and Mary, thank you, for being with us today.

From the Western District of Missouri, Chief Judge Dean Whipple and Judge Ortrie Smith, glad to have you two with us today.

From the Eighth Circuit Court of Appeals, Judge John R. Gibson, pleased to have you with us, Judge Gibson.

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From the Kansas Supreme Court, The Honorable Fred Six. And from the Kansas Court of Appeals, Judges Bob Gernon and Christel Marquardt and Judge Joe Pierron.

Also we have with us one who falls into multiple categories, Bob Miller, former Chief Justice of the Kansas Supreme Court, and, of course, a member of our family too, as a retired magistrate judge of the United States District Court for the District of Kansas.

In addition, Dean Jim Concannon of the Washburn University Law School is with us here today. We're glad to have you in the crowd.

We also have a number of state district judges, too numerous to mention, but seated, I believe, back across here. If you could just acknowledge your presence for us, we'd appreciate that. That's wonderful to have you with us here today as well.

Also, we have, and I am missing this on my list, we have the special judicial member of the VanBebber family and I want to pay recognition. Could you help me with that.

JUDGE VANBEBBER: Yes, I would, John. I'm really honored to have my first cousin, The Honorable William W. Wenner, who is a Senior Judge of the Maryland Court of Special Appeals. That's the Intermediate Court of Appeals in Maryland. And he's one of my favorite cousins. All of my cousins are pretty favorite. I'm really honored that Bill Wenner and his wife, Lila, could come today.

CHIEF JUDGE LUNGSTRUM: Thank you very much, Judge. We wanted to pay special recognition to him as well.

We have a presentation that now is going to be made on behalf of the Wyandotte County Bar Association by James D. Scherzer who is the president of the Wyandotte County Bar Association. Jim.

MR. SCHERZER: Thank you, Judge. Good afternoon to all the members of the judiciary and all the honored guests, and, of course, Judge VanBebber and his family.

Judge, we have a presentation here this afternoon from the members of the Wyandotte County Bar, the Board of Governors, and we thank you for your active participation in the Bar Association and congratulate you on your status at senior status as senior judge and hope that you continue to participate in the Bar activities.

If I may, we'll take a moment to read this, this is a medal, it would be an Olympic medal for the Judge, on the front of it has the State of Kansas and has his initials GTVB and on the back it says, "Judge VanBebber to commemorate 46 years of service to citizens, the legal profession, and the federal judiciary of Kansas. Wyandotte County Bar." Thank you, Your Honor.

(Applause.)

CHIEF JUDGE LUNGSTRUM: The fact is that a number of different groups affiliated with the courts and with the Bar have made presentations to Judge VanBebber, and at his request, really because of his exceeding humility, we limited the formal presentation today to one, that being the Wyandotte County Bar because that's where we are and we're proud to be here in Wyandotte County. But all of you in the audience should know that Judge VanBebber has been deluged with appropriate honors from all of the various bar and bench organizations here.

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I'd now like to present to you for the purpose of making some remarks, Richard Dean Rogers. Judge Rogers is a Senior United States District Judge. He sits in Topeka, Kansas. He is a distinguished jurist in his own right and the person whose seat on the Court was taken by Judge VanBebber when he was appointed. Judge Rogers.

SENIOR JUDGE ROGERS: Chief Judge Lungstrum, Chief Judge Deanell Tacha of the Tenth Circuit, Tenth Circuit Judges, United States District Court Judges, I haven't seen the Chief Justices of the Supreme Court here, but she's a great friend of mine, and the Kansas Supreme Court Justice, state court judges, magistrate and bankruptcy judges, and friends and relatives of Judge VanBebber, and we had a lot of them here today, I will tell you that.

Judge VanBebber made a bad mistake. He said to me, I do not want this serious. So I moved down here thinking I might have to run here a little bit later. Let me say, though, I am honored to have a part in the encomium ceremony and Portrait Hanging of my great and good friend, Judge George Thomas VanBebber.

Now the word "encomium" is not a part of my daily vocabulary. According to my dictionary, an encomium is a formal expression of glowing and warmly enthusiastic praise. And I'm able to give that and I'm happy to give that. Now there's some difference, though, between a eulogy and an encomium. On the eulogy they're easier to give because they're dead. But Samuel Johnson once said that in eulogies or encomiums, an allowance must be made for some degree of exaggerated praise "for in lapidary inscriptions a man is not under oath." In talking about Judge VanBebber, I am under oath, my second class Scout oath, and I want to tell you I'm trustworthy, loyal, helpful, friendly courteous, kind, obedient, cheerful, thrifty, brave, clean, and reverent. However, when I made second class scout, my Boy Scout leader ran off with another man's wife and that terminated my Boy Scout days.

A eulogy has been described, differing from an encomium, as a belated plea for the defense after the evidence is in. And examples of eulogies and encomiums are many.

Now Gore Vidal said at Truman Capote's death, said about it, said it was a good career move. At the funeral of Harry Cohn, head of Columbian Pictures, who was a much disliked man, a spectator observing the large crowd said, "Well, he always said, you give the people what they want and they'll turn out." At the funeral of the great escape artist, Harry Houdini, Charles Dillingham said to fellow pall bearer, Florenz Ziegfeld, "Ziggie, I'll bet you a hundred dollars he ain't in there." Mark Twain said, "I didn't attend his funeral, but I wrote a nice letter saying I approved of it." Voltaire once said, "He was a great patriot, a humanitarian, a loyal friend, provided, of course, that he is really dead." Garrison Keillor said, "There are such nice things said about people at their funerals that it makes me sad to realize I'm going to miss mine by just a few days." To sum it up, Paul Eldridge said, "Reading the epitaphs and their exaggerations, the only salvation lies in resurrecting the dead and burying the living." He thought that would be better. And Henry Thoreau once said when they asked him, "Henry, have you made your peace with God?" He said, "We have never quarreled." I don't think Judge VanBebber has ever quarreled.

Let me confess to another thing here and that's about I'm always nervous when I appear in the presence of appellate judges. And most trial judges feel this way. Because of my age, many of my distinguished friends have now received justice

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awards and I have been required to appear in appellate courts four times in the past four years. With help from my analyst, I've been able to survive this ordeal. One reason for this apprehension is that trial judges are accustomed to receiving orders from appellate courts that read as follows: We have studied carefully the orders and findings of the learned trial Judge, you're generally referred to as a learned trial Judge, and we must regretfully reverse the judgment as we find the judge's elevator in this case did not go to the top floor. For this reason, you see why trial judges generally refer to appellate judges as akin to hired mercenary troops who entered the fray after the battle is over and kill off the wounded. I also remember the statement that judges are like dogs. A one-to-one encounter with a dog or a judge is a friendly, warm experience. But when dogs and appellate judges run in packs, they become dangerous. Madam Reporter, if these remarks are being sent to the Tenth Circuit, please strike the last four sentences.

When I was in law practice at the turn of the century, I used to win cases in trial court and then I'd be reversed in the higher court due to the efforts of some book lawyer who would capture the attention of the Supreme Court to my detriment. On the rare case when I would win in a court, my client would ask, "How did the case come out?" And I would answer, "Justice was done." And he'd say, "Appeal! Appeal!"

One legacy that I received from my illustrious predecessor, Judge George Templar, was a wealth of word-of-mouth Polk Kline stories. One such story would illustrate my feeling about my reversals. Many years ago, Polk Kline, a battling lawyer from Larned, Kansas, rode a train to Topeka and argued a case. He forgot to bring his necktie and he argued without it. Later he received the opinion and was reversed. He once again boarded the train and went back to Topeka. And went to see the Chief Justice and he said, "Many people feel I was reversed for the breach of dignity in appearing in front of the Court without a necktie." The Chief Justice said, "Mr. Kline, we would never reverse you for not wearing a necktie in our court." Polk said, "Well, Mr. Chief Justice, I'm very much relieved, but I'm still greatly perplexed and disturbed because the absence of a necktie was a far better reason for reversal than the reason cited in the opinion."

My occasional luncheon companion, Justice Edward Larson, introduced me to some friends recently and carried this subject further by referring to the old skit put on by Johnny Carson and Ed McMahon. You'll remember it entitled "Carnack the Magnificent". And as this, you'll remember in this skit Ed would give the answer to the question and Johnny dressed in a turban and a robe as a seer from the Far East, would then give the question. Justice Larson said in my situation the answers were: A two sided-coat, a vasectomy, and Judge Richard Rogers. He then gave the question: "Name three things that can be easily reversed!"

Experiences of reversal put me in my place, but not quite as completely as a recent letter I received from a friend in Seattle. He said with welcome news that I was still dispensing justice. He also remarked that as he remembered my career and court work, "that no guilty person ever escaped my court unpunished, and damn few innocent ones either!" And it also bothers me when a trial lawyer gets up in front of the jury and says to them, "The reason we have selected the 12 of you to hear this matter is because we wanted people to hear it who had common sense. Otherwise, we'd have just had the Judge try the case."

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However, I now recall I'm here for another purpose. I want to say that only in America could such a thing happen. Young man born in a small Kansas town; he attends high school works his way through high school, makes fine grades; he then attends a fine Kansas university and graduates from law school. Thereafter, he has an active and successful law practice serving as county attorney several times; he follows this with legislative service and becomes a leader in the legislature; he then takes on additional duties for the state of Kansas and eventually enters the federal service where he becomes a United States District Judge. After years of service, he becomes known and loved by all who had associations with him. He then takes senior position carrying with him the great respect and the admiration of the Kansas people everywhere. But, enough about me—I'm here—Let me admit right now that the resume' just given belongs to Tom and much more belongs to Tom. And, in spite of that cheap shot, Tom for many years, has been my closest friend. When he was in Topeka as a magistrate, we ate lunch together every day. At noon we would ride all over town looking at historical monuments and tombstones. I read a great number of books and I always like to discuss them with someone of a higher intelligence level. Tom supplied my need to the T. When he moved to Kansas City, I felt a great loss. And the only thing we ever disagreed upon was the rivalry between K-State and Kansas University. We had a little disagreement there. I attended college at K-State before the War, and perhaps this is the reason I required an advisor and a guardian.

The old Michael Bishop story probably further explains my need. K-State was playing Nebraska for the championship, and with the crowd assembled, they announced over the loudspeaker that the quarterback Michael Bishop was ineligible due to grades and could not play. The crowd went wild. President Wefald came on and announced the faculty had reconsidered, they would ask Michael one question. If he answered it correctly, he could play. The question was, it was asked over the loudspeaker, "What is the sum of 7 and 6?" He hesitated. He hesitated. He finally said, 13. A gasp went over the entire crowd and they shouted in unison, "Give him another chance!"

When Tom left Topeka, I felt like the Irish poet, Thomas Davis, felt when he wrote the Lament for the Death of the Irish Patriot, Owen Roe O'Neil. And one stanza of that is:

"We thought you would not die—we were sure you would not go, and leave us in our utmost need to Cromwell's cruel blow—like sheep without a shepherd, when the snow shuts out the sky—Oh! Why did you leave us, Owen? Why did you die?"

And I said to Tom, that's the way I felt. I said, "Tom, why did you leave me?" And he answered, "Let's be realistic: Judgeships and two friendly senators do not come around often—good-bye and good luck!"

George Thomas VanBebber was born at Methodist Hospital in St. Joseph, Missouri on October 21st, 1931. His parents lived in Troy, Kansas. He has been a lifelong Kansan. His father was a pharmacist who had been a veteran of World War I. His father and his brother, also a pharmacist, operated a drugstore in Troy. This was the time of the Depression and Tom's father was to be appointed Postmaster of Troy by President Roosevelt. He had an unfortunate early death and Tom's mother, who had four children, with Tom the youngest, was appointed in place of the father. She raised the four children and all had successful careers. Tom attended public

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schools at Troy and graduated from the University of Kansas. This is not in my remarks, but I might say here that it was easy for him at the University of Kansas because they used the same textbooks they used at Troy. He graduated from KU with an LLB degree in 1955. He had an outstanding academic career. He was a member of the Editorial Board of the University of Kansas Law Review. He was a member of the Order of the Coif at the law school. He was admitted to practice in the Kansas Supreme Court on June 29th, 1955, and the United States District Court on the same day. He was admitted to practice in the United States Court of Appeals for the Tenth Circuit on March 28, 1961. And the Interstate Commerce Commission in 1962.

Tom had a wide and varied law practice. He was an associate and partner in Reeder and VanBebber from July 1955 to February 1959. He was Assistant United States Attorney in Topeka and Kansas City from February 1959 to July 1961 where he made many appearances before Judge Stanley and the Tenth Circuit. He then practiced as a sole practitioner of Troy from 1961 To 1982. He was County Attorney of Doniphan County from '63 to '69. He was elected for three terms.

He served as a member of the Kansas House of Representatives from 1973 to May 1975. He was elected to two terms and it was during this time that I was a state senator and I became a close friend of Tom's and I attempted to induce him to follow my unwise legislative and political efforts. Luckily, he was able to throw that off. From May 1975 to March 1979, he served as chairman of the Kansas State Corporation Commission appointed by Governor Robert Bennett. Tom ascended to heights beyond my control.

Actually, I had known Tom before his legislative service as he was Chairman of the Doniphan County Republican Central Committee and I was on the State Committee at the time. His triumphs continued and he was appointed as US Magistrate at Topeka, Kansas effective June 14, 1982, and served as magistrate until December 1989 when he was sworn in as District Judge, replacing a much older and infirm judge who stayed there. He served as Chief Judge of Kansas from April 1, 1995 until December 31st, 2000.

Now Tom was replaced by a brilliant, vigorous and handsome Chief Judge at the beginning of the year. As you can see, there's quite a few things we want over in Topeka, Kansas. I'm looking forward to additional perks. Our honoree has been active in many organizations including: the American Bar Association, the Kansas Bar Association, American Judicature Society, the Johnson County Bar Association, the Wyandotte County Bar Association, he was the director of the Kansas State Historical Society, he's on the United States Supreme Court Historical Society, and he was on the committee for the Administration of Magistrate Judges in the United States Judicial Conference.

In my research for this stumbling talk, I have reviewed the legislative record of Representative VanBebber. He always served on powerful committees to wit: Federal and State Affairs, Assessment and Taxation, Judiciary, Labor and Industry. I have studied every bill that he introduced and I will not detail them except to say this man was a Populist. Shades of Lyndon Johnson came in here. I will mention, however, one bill, House Bill 1365 in 1973 which allowed certain American Indians to hunt, fish, and trap without a license. As a shrewd political observer, I looked at the



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Indian population of that area and I think Tom knew where the votes were buried in Northeast Kansas where a lot of his constituents were Native Americans.

The state library sent me a great number of clippings about Judge VanBebber and one I'm sorry that I found. There was one right next to a very favorable one for Judge VanBebber and what it said was, there was an announcement from the State Party Democrat Chairman Henry Lueck, large headline in which he said, "Rogers Labeled Unfit for Judge." I was sorry to read that, but I had tangled with the Attorney General when he tried to take away from the Kansas Senate the power to advise and consent in certain governor appointments and I came out like a biting shoat on this and didn't get along well with the Democrat State Chairman.

Now Judge VanBebber has been an outstanding Magistrate Judge, an outstanding District Judge and an outstanding Chief Judge. As Chief Judge, he has borne many heavy responsibilities and has had many accomplishments. I have stolen some of these from our present Chief Judge, but his accomplishments certainly included overseeing the move from the old courthouse on Seventh Street to the new courthouse on State Avenue in Kansas City, Kansas; the historic preservation and renovation of the Wichita courthouse, and I've said to Judge Marten at great expense; and the remodeling of the Topeka courthouse at very modest expense. His steady and knowledgeable hand in overseeing the Local Rules process; his endorsement, encouragement, and guidance of the district court standardization process; his championing of technology enhancements; presiding over the appointment of two new district court judges and three new magistrate judges; providing courage and leadership when the Court experienced the untimely death of two district court judges and a magistrate judge; and streamlining the process for the disposition of prisoner cases, just to name a few. Chief Judge VanBebber's intangible accomplishments were even more significant. Most important was the restoration of the Court as a collegial family, a family who may from time to time disagree, but who respect one another and strive to develop consensus.

In my study of newspaper clippings, I recall that when he was chairman of the Corporation Commission, that's a political office and often you can be attacked in political campaigns. And there you're in the big league and you're playing hardball. A political campaign can be won and a fine qualified leader can be attacked with last-minute propaganda about utility rates.

During this time, Tom served with great courage and let the waves break over his head at the Corporation Commission.

An old saying, "In the fell clutch of circumstance, he did not wince or cry aloud. Under the bludgeoning of chance your head was bloody but unbowed." And in the end, right prevailed. There's an anonymous piece entitled "Anyway" that explains the action you took and you did at that time and the actions that you've taken all your life. It leads like this:

People are unreasonable, illogical, and self-centered. Love them anyway. If you do good, people will accuse you of selfish, ulterior motives. Do good anyway. If you are successful, you will win false friends and true enemies. Try to succeed anyway. The good you do today will be forgotten tomorrow. Do good anyway. Honesty and frankness makes you vulnerable. Be honest and frank anyway. People favor underdogs but they follow the top dogs. Fight for underdogs anyway. People really need help, but may attack you if you help them. Help people anyway. Give the world

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the best you have and you will be kicked in the teeth. Give the world the best you have anyway.

And Tom has always done this.

Tom is married to Alleen, who, prior to her retirement, had an outstanding legal career in her own right. After service as Assistant United States Attorney in the Kansas District where she tried many cases, civil and criminal, many of them in my court, she completed her federal service as Chief of Civil Litigation in the Western District of Missouri. Tom is the stepfather of Alleen's son, David Castellani. They live in Johnson County and Tom plans to continue his judicial work at the Kansas City, Kansas courthouse.

Tom, let me conclude by saying that it has been a great amount of fun being associated with you, and as Kahlil Gibran said in his famous work *The Prophet*:

"People of Orphalese, you can muffle the drum, you can loosen the strings of the lyre, but who shall command the skylark not to sing."

Tom, let's continue to sing, even though you are now properly and officially enshrined.

To all of you attending this ceremony, thank you for your patience.

(Applause.)

CHIEF JUDGE LUNGSTRUM: And so, Dick, when are you going to give your speech?

Thank you, Judge Rogers. That was wonderful. I'm sure for those of you who are acquainted with Judge Rogers, I'm sure you were pleased to have a chance to hear from him again, and for those of you who haven't been exposed to Judge Rogers' wit and humor, intelligence before, you now know why he is such a favorite of Judge VanBebber's as well as the rest of ours.

It's a tough act to follow, but we've got three people lined up who are pretty good at that sort of thing. A number of Judge VanBebber's law clerks, former law clerks, are with us, and two of them have been roped in—I mean, have been volunteered to come forward and speak.

The first of which is the—likes to think of himself as the Honorable Bradley J. Schlozman. Have any of us been reversed today? Brad, did you check?

Brad Schlozman, who is now lawyer in Washington, DC, is the first to come up to those and speak. Brad, the Court recognizes you.

MR. SCHLOZMAN: Chief Judge Lungstrum, members of the Court, distinguished guests:

It is a distinct honor to speak on behalf of Judge VanBebber's law clerks today. Being somewhat conservative on law and order issues, I've always been intrigued by the idea of public hangings, and thus was most eager to participate in this ceremony. For those of you who have been following the latest political developments in Washington, you can perhaps share my excitement as well at this opportunity to speak at a ceremony commemorating one of the few Republican appointees in recent times deemed worthy of a Well Qualified rating by the ABA.

As I look upon the bench and the gallery, the enormity of this moment is underscored by the sight of all these federal judges still here in the courthouse late

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on a Friday afternoon . . . and in positive spirits to boot. I apologize for that comment.

When Judge's wife, Alleen, called and asked me to prepare these remarks, her primary edict was to keep it light. He's not retiring and he's not dead, she reminded me, but has many years of active service ahead of him. This, of course, is welcome news to all but a handful of habeas petitioners. In fact, the only thing Judge VanBebber is really giving up is a small portion of the civil docket including the cherished responsibility of ruling on social security appeals. Yes, I suppose senior status does have its sacrifices.

Encapsulating the highlights of my own two-year clerkship with Judge VanBebber into a brief speech was no easy task. Indeed, I have so many fond memories of my time with him that it's difficult to know where to begin. For those of you who know the Judge well—and his finely-honed brand of irreverent humor—you'll understand my job was made even more difficult by virtue of the fact that a substantial number of my fondest recollections are, shall we say, not well suited for disclosure in a public setting, particularly if I want to avoid being found in contempt at these proceedings. Accordingly, I have attempted to draw on just a few themes that best convey the essence of the Judge.

The first is his innate humility. It has been said that humility is a "virtue that all preach, none practice, and yet everyone is content to hear." I can attest firsthand Judge VanBebber is one of the great practitioners in this regard.

In law school, I'd been led to believe that federal judges were largely arrogant and egomaniacal, impervious to all but the most benign criticism. And Judge didn't disappoint. I'm kidding. In reality, with Judge VanBebber, nothing could be more inaccurate. Although extraordinarily bright, the Judge has always relied on a most endearing self-deprecating style. During my brief tenure, he commented frequently that he has no monopoly on legal insight, and always insisted that his clerks feel free to challenge him prior to the issuance of his rulings. Of course, on the rare occasions we would disagree, the judge's logic would prevail over my simplistic reasoning (or at least that's how the Judge saw it), but he always employed the greatest tact in shooting down my proposals. Not that he had anything to worry about, of course. As he jokingly told me on more than one occasion, the Tenth Circuit always affirmed his decisions. Any reversals were the sole responsibility of his law clerks.

Judge often remarked that the most important attribute of a district judge is a well-balanced judicial temperament. And Judge VanBebber exemplified that trait. Litigants appearing before him were, without exception, treated with the greatest degree of respect. I watched with amazement as the Judge exhibited the patience of Job listening to attorneys spin the law and defendants explain their malfeasance. Even when confronting the most abhorrent of criminals and meting out the stiffest of punishments, he was calm and deliberate, employing a demeanor that assured defendants they were receiving all the process that the judicial system afforded them.

I note as an aside here that, although by no means a pushover, the Judge stressed to me on many occasions the importance of "tempering justice with mercy." Sometimes he probably wondered if I was listening. Following one spirited discussion over a sentencing, I insisted if I were ever on the bench, I naturally, too, will temper justice with mercy. At that point, curling his brow and suppressing a laugh,

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he rejoined, "Perhaps, Brad. But it would be an awfully weak alloy." What can you say to that?

In any event, for me personally, the sincerity of the judge's beliefs and the genuineness of his character came most clearly into focus when the Judge took his clerks on a road trip to Troy to see his boyhood home and truly humble beginnings. (A trip, incidentally, that took much longer than necessary because of the judge's insistence of driving several miles under the posted speed limit.) While I have a feeling the Judge may have just been looking for an excuse to get out of the office, my big city co-clerks and I devoured this rich slice of Americana.

As we arrived in Troy, everyone came up and greeted the Judge as if he'd never left, swapping old stories and exchanging the latest gossip. After visiting the Doniphan County Courthouse, we stopped by Sheila's Cafe and were welcomed warmly by the town's mayor, an extremely unassuming individual decked out in jeans, and a T-shirt several sizes too small for a man of his obviously hefty appetite. We then strolled down Main Street and went by his old office where his remarkable journey first began. The Judge reminisced fondly on his early legal practice and the close friendships that have endured to the present day. Reflecting on this trip days later, I realized that the Judge today is very much the same man he was in Troy years ago.

Fittingly, it was on that same trip that Judge VanBebber told us how he learned that President Bush would be nominating him to the District Court bench. Senator Dole, making a rare appearance in his office in the Topeka federal courthouse, called the Judge up and asked him to stop by. After explaining why he wouldn't be recommending to the president the other candidates being considered for the opening—the reasons for which I dare not go into here but are most amusing—Dole looked straight at the Judge and said, Tom, the reason I like you is everything you've gotten in life, you've earned. I've always found that comment extremely poignant, and I must admit that I get a little choked up when I recount that story.

The second, and closely related, theme that came to my mind in putting together these remarks is Judge VanBebber's unflagging commitment to the law. As a clerk, I was always concerned with getting just the right precedent for every legal issue. But the Judge always saw the bigger picture, and understood his role to be more than merely the dispassionate application of statutes and precedent. He recognized that his job is to do justice, and in that endeavor, had an uncanny ability to separate the ounces of wheat from the pounds of chaff in getting to the heart of issues. At the same time, I never saw him lose sight of the fact that his ultimate function as a member of the judiciary is to say what the law is, and not what the law should be. It is this difficult exercise of self-restraint that I've come to admire most about him.

To be sure, the Judge has had his moments. I can recall a criminal trial in which a Kansas City, Kansas police officer was charged with illegal drug distribution. His guilt was over so overwhelming that I jokingly asked the Judge if it was really necessary to include a "not guilty" option on the jury verdict form. Well, the jury, which was a few tacos short of a combination plate, concocted a half-baked theory of events that was so preposterous, the defense itself did not dare present it at trial and, ultimately voted to acquit. After publishing the verdict and dismissing

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the jury, the Judge sternly admonished the defendant that he should consider himself very fortunate to have escaped justice. Having endured a series of seemingly endless Maalox moments listening to the jury's "deliberations" from my bailiff desk, I found this comment most cathartic and, at that moment, was extraordinarily proud to be serving in his chambers. Although that event, of course, is singled in my mind, it's hardly the most memorable event of my clerkship. To the contrary, my most vivid memories revolve around the judge's warm and engaging spirit. A few examples will provide illumination.

Every morning, the Judge would come into chambers and engage his law clerks in a lengthy discussion of every conceivable topic, ranging from current events to the latest restaurants to how to mix the best whiskey sours. The sheer breadth of his knowledge was amazing. These discussions would often go on for 30 minutes or more, at which point I had to excuse myself and say, "I'm sorry, Judge, but I actually have some opinions I need to write."

Judge would also invite his clerks to eat lunch with him at his conference table every day but Tuesday when the judges would get together. Here, Judge would regale us with his hilarious wit comprised primarily of recycled Judge Rogers jokes. We learned, for example, of Wamego, Kansas' version of a seven-course meal: A possum and a six-pack. We heard the true meaning of the government's "Don't Ask, Don't Tell" policy, that is, it's okay for Uncle Sam to want you, but if you want Uncle Sam, keep it to yourself. Then there were the simply unrepeatable vignettes on the Virgin Mary as well as President Clinton and a clock. Judge could keep us in stitches for hours. Of course, sometimes the jokes would begin to repeat themselves. Indeed, Judge VanBebber once suggested that he was considering going from two-year to one-year clerkship terms because, by the end of the first year, he had exhausted most of his good material. But then he'd go down for a visit to Topeka with Judge Rogers and come back and entertain us for weeks with a new batch of outrageous humor and off-color humor.

On occasion, at lunch, we'd go out always frequenting the same two finest eating establishments in Kansas City, Kansas. I speak, of course, of Jennys and Loretas. For myself, I always preferred to join Judge Lungstrum's clan at Ruby's Soul Food. Now I won't say Judge Lungstrum has a big appetite, but I swear I once saw him eat enough at Ruby's to feed one of those Sally Struther's adopted villages for a month. I won't go into too much more about food because that will be a lengthy subject of my co-clerk's speech next.

In so many respects, I've always felt like Judge and Alleen are an extended part of my own family. And I owe so much of the success in my brief professional career to them. Indeed, the Judge was instrumental in convincing Judge Briscoe to lower her standards and take me on for a one-year term. And I know he didn't do it just to have a ringer up on the Circuit because Judge Briscoe recused herself from all VanBebber cases during my tenure.

The advice of Judge and Alleen on other fronts—both professional and otherwise—has served me extraordinarily well and I am most grateful. In short, I am thrilled to join in celebrating this magnificent career. Judge VanBebber, congratulations on this well-deserved honor. Thank you very much.

(Applause.)

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**CHIEF JUDGE LUNGSTRUM:** Thank you, Brad, in at least a couple different ways: one for your wonderful remarks and, second, for establishing beyond a reasonable doubt to those of us on the trial bench that even distinguished members of the Tenth Circuit can't change an irrepressible soul like you. So that's a wonderful thing.

Our next speaker and other former clerk of Judge VanBebber's is a man whose judgment has to be questioned. Although he is here today, the last I saw Scott Wissel, he walked into Memorial Stadium in Lawrence last August on the night when a news conference had been called to announce whether or not the basketball coach at KU, Roy Williams, was going to stay or not. And it was packed with Jayhawk aficionados, including myself, waiting for that word.

Suddenly, I'm looking down there on the track is some person comes in with a North Carolina University T-shirt on, powder blue, of that well-known university. Well, the crowd is booing and hissing and I'm with one of my former law clerks, who states to me and says, Judge, Judge, that's Scott Wissel down there. So I said, well, damn right. Boo! Fortunately, for Scott, Roy decided to stay or else his life would not have been spared and I would have been down there right in the middle of the pack.

But besides that, Scott, it's now your opportunity to come forward and say your good remarks about Judge VanBebber.

**MR. WISSEL:** May it please the Court.

**CHIEF JUDGE LUNGSTRUM:** You may proceed.

**MR. WISSEL:** With Brad Schlozman, I'm here to honor Judge VanBebber on behalf of his court family, which consists of 18 law clerks, 5 courtroom deputies, numerous court reporters, and one secretary. They've all served the Judge between 1982 and today. Although each member of the court family has different memories and each had a unique relationship with the Judge, all who were privileged to work for him, were warmed by his kindness, delighted by his wit, enlightened by his wisdom, and made greater by simply knowing him. I hope that my memories, while insignificant in themselves, help explain why Judge VanBebber is so well-liked and well-respected and why working for the Judge is both an honor and a pleasure.

I was Judge VanBebber's 13th law clerk. Unlucky 13 for the Judge, but ever so lucky for me. I was lucky because Judge VanBebber, who, at first meeting, was temperamental and intimidating, but he turned out to be kind, funny, and gentle. And eventually he became my mentor, my teacher, my role model, and my friend. I'm lucky for all these things, and because no one else would hire me out of law school.

From the time Judge VanBebber asked Brad and me to speak at this grand event, we wondered why we were chosen from Judge's elite group of former and current law clerks. I asked Brad if I had been chosen because of my keen legal mind and excellent writing ability. He said, "No;" that is why he had been chosen. But regardless of why I had been chosen, I was now faced with the daunting task of preparing this speech worthy of this occasion, of painting, with words, my own portrait of Judge VanBebber.

When I picture the Judge, I picture him seated at his large oval conference table enjoying his lunch with his law clerks. In my picture, he is relaxed, he's

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engaging, he is smiling, he is at his best. My fondest memories, comprised mostly of my discussions with the Judge, took place at that table. As it is the center of Judge VanBebber's chambers, and in a sense, the center of my clerkship, that conference table will be the touchstone for my remarks today. Every day at twelve or 12:30, Judge would amble over to his conference table, survey his lunch, which was delivered with stunning consistency by Carol Barnthson, and he would bellow, "Is anyone going to join me for lunch?" Well, with that signal, my fellow law clerks and I would gather up our sack lunches and head into Judge's office for an hour or so of friendly conversation spiced with Judge's down-home wit, his sage advice, and when we talked about work, his judicial wisdom.

Over lunch, we would talk about our families, current events, politics, the latest box office hit, or the books that we were reading. I specifically remember discussing the latest books by Stephen Ambrose, John Updike and Thomas Pynchon, and being assured by the Judge that President Clinton was not going to be impeached regardless of what I had read. He was right. We also had lively discussions about recent legal decisions from the Tenth Circuit and the Supreme Court. Our discussion from the Tenth Circuit opinions became particularly lively when the Appellate Court showed its unparalleled wisdom by affirming one of Judge's decisions, and when, on rare occasions, it mistakenly reversed him.

Our legal discussions with Judge VanBebber were greatly outnumbered by our discussion and debate of the mundane and trivial. I cannot count the times that Judge dispatched me to Webster's Unabridged International Dictionary or Bartlett's Familiar Quotations to settle the dispute about the preferred spelling of a word, or the origin of a particular word or saying. As a general rule, I learned that, A, the Judge is always right; and, B, that the saying usually came from Shakespeare.

I also recall the time that Judge VanBebber, after a lengthy lunch discussion about the proper attire to be worn in the workplace, spent a considerable amount of his time teaching my fellow law clerk, Dave Kresin, how to tie a double Windsor knot in his necktie. On another occasion, Judge taught me the basics of playing Bridge after everyone left the lunch table. Why? Because I told him I didn't know how to play. That was all the reason he needed. Judge's lessons were indicative of his larger philosophy: you're never too old, too smart, or too busy to learn. I think that is why I recall my conversations with the Judge with such fondness: Judge VanBebber was genuinely interested in our opinions, in our points of view. It takes a special man to remember that you can learn something valuable from everyone you meet if you'd just take the time to listen.

I've been careful not to paint Judge VanBebber as some sort of Norman Rockwell grandfather figure while he, like every good grandfather should be, was strong and kind and knew everything about everything, there was no generation gap between the Judge and his clerks. Because he listened to and learned from each new law clerk that passed through his chambers, he knew more about pop culture, the best new restaurants, and recent legal trends than did his young law clerks.

Although Judge VanBebber was as up-to-date as Kansas City, he remained grounded by his small town roots. Rarely a day went by without the Judge sharing one of his wonderful, self-deprecating stories about his experiences growing up and living in Troy, Kansas. I think his stories were so memorable and so entertaining

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because of his uncanny ability to remember names and details. When re-telling events that happened in the fifties and sixties, Judge VanBebber was able to remember each unique person's full name, nickname, occupation, and major accomplishment; not to mention the names of his or her spouse, their children, and their invariably three-legged dog.

The Judge's ability to remember everyone's name, and I am sure he knows the name of almost everyone here today, is not just indication of a great memory, it shows that the Judge knows how to listen and he cares about what he hears. A wonderful trait to have as a judge; an even better trait to have as a person.

The lunch table was also a place where the law clerks could voice their concerns and work through the difficulties of their job. There's no disputing that being a law clerk is an excellent job, but it also places great responsibilities on the shoulders of young, newly-minted lawyers. A particular case may be "one of 200" on the court's docket, but that case is likely to be the single most important thing in a particular plaintiff's or defendant's life. Judge VanBebber taught us that every case, no matter how dry the subject matter, is driven by the emotions and concerns of real people. The Judge, however, made our duties manageable and rewarding by insisting that we come into his office and work out our questions and concerns as often as necessary. His door was literally "always open".

Judge VanBebber's conference table took on added significance each March when the NCAA College Basketball Tournament began. Every year, Judge would let us set up a TV in his office, and we would sit at his table and watch the NCAA tournament games over lunch or whenever he was out of the office. During the tournament, I learned that Judge VanBebber is quite the KU basketball fan, and Judge, in turn, learned that I was a die-hard fan of the North Carolina Tarheels. Our respective and divergent alliances eventually caused the Judge to play an intricate practical joke on me.

As Judge Lungstrum told you, I made an innocent indiscretion by attending a news conference held by Roy Williams when he was going to announce whether or not he was staying at KU or accepting a coaching job at North Carolina. Well, Judge found out about that. The Judge also found out that I wore the North Carolina T-shirt, and in doing so, nearly started a riot.

Well, the Judge discussed this in discretion with our mutual friend, Linda Sybrant, who, coincidentally, is a federal prosecutor and determined retribution was in order.

Pursuant to the Judge's plan, an undercover Kansas City, Missouri police officer, armed and brandishing handcuffs, burst into my office at Lewis, Rice & Fingersh and arrested me. Hands behind my back, I was led out of my office and into my firm's conference room where Judge VanBebber was waiting—waiting to pass judgment on me. Along with the Judge, the conference room contained about 50 other individuals, including Judge's entire staff, most of my law firm, two federal prosecutors, and my parents.

At Judge's bidding, Linda Sybrant read the indictment. I was on trial for crossing state lines with the intent of inciting a riot. Moreover, the prosecution was seeking an upward departure due to the vulnerable condition of my victims—namely, the KU fans who had not yet figured out that Roy was staying at KU. Even



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in this mock trial, Judge was careful to include the allegation that I had crossed state lines—that way, he established federal jurisdiction.

Judge VanBebber then empaneled the jury, all of whom wore KU pins and assured the Court they could issue a guilty verdict regardless of the facts of that case. Witnesses were called, and evidence was presented. Needless to say, I was found guilty. At this point Judge stole the show. He donned a black executioner's hood which was connected to his otherwise judicial-looking robe, and sentenced me to be tarred and feathered. Upon the imposition of sentence, I was forced to put on a T-shirt covered in crimson and blue feathers and don a KU baseball cap. The Judge then concluded the ceremony by ordering everyone to adjourn to the local watering hole.

I know what you're thinking: do any of these people work? And I'm not going to answer that. But I hope you are also thinking that not every federal judge, or anyone else for that matter, would be willing to expend so much of his valuable time and energy to play a practical joke on a former employee. Judge VanBebber's willingness to leave his chambers, to travel to my law office, to learn his lines, and to participate in such an elaborate plan is a testament to his sense of humor, his humility, and his loyalty as a friend and as a member of the Court family. When my embarrassment and significant confusion passed, I was truly honored that Judge VanBebber had gone so far out of his way for me.

Judge's loyalty is further exemplified by the fact that he has had the same secretary for 31 years, 11 months, and 11 days. I, of course, am speaking of Carol Barnthson. Judge and Carol began working together in April 1969 in Troy, Kansas, when Judge VanBebber was still in private practice and Carol was working part-time at the local newspaper: The Kansas Chief. Interestingly, Carol didn't even want to work for the Judge. After being talked into attending a job interview, Carol devised a plan to ensure that the Judge would not hire her. During the interview, Carol told the Judge that she could only work half days because her son was beginning kindergarten. When the Judge said that half days would be fine, Carol had no come back and reluctantly took the job. Little did Carol know that her failure to come up with a good excuse would begin a partnership with the Judge spanning five decades. I should add, that while Judge's decision to employ Carol for almost 32 years is an indication of his loyalty, it is also a sign of his common sense. Carol is the finest secretary, office manager, and second "Mom" ever to grace a judge's chambers.

(Applause.)

So far, my remarks have been limited to the Judge's interaction with his Court family. While Judge VanBebber may be local, I assure you that he is prized elsewhere. During my clerkship, Judge received the great honor and weighty burden of playing an important role in the final chapter of one of our nation's darker moments: the bombing of the Murrah Federal Building in Oklahoma City. Judge Seymour, then Chief Judge of the Tenth Circuit, chose Judge VanBebber to preside over the sentencing of Michael Fortier, the third named defendant in the Oklahoma City bombing. Judge Seymour's selection is a testament to Judge VanBebber's deserving reputation for integrity and fairness.

The sentencing issues faced by the Judge were complex, and the sorrow and anger displayed by the victims' families at the sentencing were overwhelming. It is

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with pride that I remember the courage, wisdom, and dispassionate justice Judge VanBebber displayed as he carried out his unenviable task.

I will end with a quote from Judge Learned Hand that is appropriately and prominently displayed at the main entrance of this courthouse: "If we are to keep our democracy, there must be one commandment, 'Thou Shalt Not Ration Justice.'" Judge VanBebber lives by this commandment. But equally important, Judge VanBebber every day proved that he is a good man who never rations goodness. That he's a kind man who never rations kindness.

Thank you all for being here today to honor a man who is as courageous as he is kind, as wise as he is witty, and who is greatly worth knowing.

(Applause.)

CHIEF JUDGE LUNGSTRUM: Scott, thank you very much. And I think even in the eyes of us die-hard Jayhawks, you've redeemed yourself. That was a wonderful, wonderful talk.

Next, the very distinguished Alleen Castellani VanBebber, herself, a distinguished lawyer in her own right, but for these particular purposes today, also the good friend of all of us seated up here and the spouse of our honoree. Alleen.

MS. CASTELLANI VANBEBBER: May it please the Court. I don't know why I have to follow three guys who know what they're doing. I'm telling you, this is not my idea. When Tom asked me to speak, I immediately declined and I told him that it would make me very uncomfortable. Well, His Honor was not buying that excuse. According to him, being uncomfortable in Federal Court is a way of life for me. After all, for many years my client was the Internal Revenue Service.

Now that made some sense, so the next thing I considered was why he wanted me to speak. The other speakers represent his good friends, his colleagues and his former employees. So I figured I had to be representing either his family or the members of the bar who had appeared before him. Now I know that there are many people in this room who think that the only reason I married him was that so I would never, ever again have to appear before him in court. Now that is not true. That is not the only reason.

In any event, I've concluded that I'm here to be a family member and to talk about the man rather than the judge. We've been married for a while now. And I suppose you think it's easy. Well, first, let's just consider that he's a regular guy and that, ladies, alone, is problematic. He has every male genetic flaw that all the rest of the men have.

For example, he has the Christopher Columbus gene. He truly believes that he will get there without a map or any assistance. Now how many times do you think that I, after hours of begging and wondering, have been graciously permitted to, as they say, exit the vehicle and ask for directions. Now unfortunately, by that time usually I have to get out and ask a tattooed fellow which is decorated with concertina wire and predominantly occupied by a large, snarling German shepherd.

He also has the universal male zapping gene. For nearly 15 years I have not seen more than 20 seconds of any television program. Except the KU basketball game.

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In addition to all these generic quirks works, he, of course, also has his own personal quirks. Do you think it's easy being married to a man who really thinks he has no reason to admit he's wrong unless at least three people sitting in Denver tell him so in writing? Do you think it's easy being married to a man who truly believes that Troy, Kansas is the cradle and the seat of Western civilization?

You law clerks do not know what a debt of gratitude you owe me. That man had to be forcibly restrained from requiring each of you to display a bumper sticker that reads, "I love Troy." Well, it may not be easy, but it's surely been a lot of fun, and I fully expect the fun to continue.

Actually, you know, I do have a dim recollection of what it's like to appear before Judge VanBebber and I have some sympathy with the guy who reported that litigators should be very wary of him because he has a dangerous demeanor. Now usually I only see it these days when dinner is late. But I do distinctly remember the famous judicial glare. It appears when some attorney shows up rude, unprepared, or less than candid, and it's not a pretty sight. Some of those less hapless individuals may be harboring the delusion that Judge VanBebber's days on the bench are over. Well, dream on; he's not changing much of anything. Partly because he loves his work and he's good at it, but partly because I won't let him. He knows perfectly well that only one of us can be retired at a time. As I recall, Judge Saffels saying at a similar event, "We got married for love, but not for lunch."

Now I will mention Tom's most obvious characteristic here since no one else has. And that would be his marvelous speaking voice. Attorneys would give a lot for those stentorian tones and that persuasive, measured delivery, especially ones like me who have to have Mr. Microphone here to even been heard by the court reporter.

And, in fact, one evening, and this is a true story, several years ago we were having dinner at a Topeka restaurant and we noticed there was a man who was wandering around the room and he was obviously listening to people's conversations and then he would move on. He finally decided to concentrate on us and then he came over and he told us that he hoped he had not disturbed us, but that he had a hobby and a skill. He explained to us that he could listen to other people's conversations for a brief time, and then he could tell you their occupations. For example, he said, that woman over there is a real estate agent; and that man there is a plumber; and those two over are there elementary school teachers; and, you, madam, he says to me, are an attorney. And you, sir, are a radio sports announcer. Tom doesn't have any plans to leave the bench, but if he does decide to make a break for it, you now know what his new career should be and Max Falkenstein should be very, very nervous.

I told everybody to keep it light, now I'm going to break my own rule, but we are so pleased that so many people came. And we both want to talk to everybody at the reception. It's particularly meaningful to see old friends and to have so many family members here. We've got Tom's family here, we have David's family here, we have my family here, and it's just wonderful.

Most important to me, there are a number of our favorite young people here. And I'd like to talk to them. I know, you're sick and tired of old people telling you what to do with your life, but, please just indulge me one more time. Some of you are beginning college, some of you are beginning careers, some of you are just

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beginning life. If you look around these two rooms, you will see a remarkable collection of very successful men and women. Whether they're successful because they have money, whether they're successful because they have power, or whether they are successful because they are satisfied because they're doing what they want to do with their lives, you could ask any one of them what does it take and I expect that they would all say that success will come if you are honest, if you work hard, and if you take advantage of every single opportunity that drops in your lap. And that's all true. But here you are, young people, in my opinion, you're the best and brightest we have. But the same life that has given you the brains and the beauty and the talent and the opportunity is also going to give you things that are terribly hard to bear. Some people are going to tell you that luck doesn't have anything to do with it, that you make your own luck. But, you know, that's only partly true. All the successful people in these two rooms can tell you about grief and pain and problems that they have and that they never deserved and that they certainly could never have anticipated or prevented.

We're here today to honor somebody who quickly is going to tell you that he has been lucky and he has been fortunate, but we all know that he's had his share of bad fortune as well. Some people say that the measure of a man is how well he handles bad fortune. But look around you and you're going to see all kinds of famous people who have everything in the world going for them and ruin their lives. So maybe the measure of a man is also how well he handles good fortune. I think that Tom's loved and respected because he handles good fortune and bad fortune in exactly the same way.

So what does he have special to teach you about success? I think there are ones that he has taught me and ones that you can learn from. First, you don't whine. You are interested in many things, you find joy in many things, and you never lose your ability to laugh, especially at yourself. You find within yourself every day the strength to do what it is that you have to do. And above all, you always, always keep a kind and gentle heart.

Now I think that's the measure of this man and I think that that's a measure with which none of you could go very wrong.

(Applause.)

CHIEF JUDGE LUNGSTRUM: Thank you, Alleen.

With that, I'd like to call on David Castellani to unveil the portrait.

(Whereupon, the portrait is unveiled by Mr. David Castellani.)

(Applause.)

CHIEF JUDGE LUNGSTRUM: That portrait, of course, will be displayed on the walls of this ceremonial courtroom, and the record should reflect it maintains a red and blue striped tie.

The Honorable G. Thomas VanBebber.

(Applause.)

JUDGE VANBEBBER: Thank you very much, John. May it please the Court and all of my colleagues and all of my judicial friends, both federal and state, local.

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I don't know, I'm kind of at a loss for words at the moment. I guess it's a wonderful occasion. It's like being at your own funeral, but not being dead. I appreciate it.

I want to express my appreciation to the Wyandotte County Bar Association for their good thoughts and good wishes and presenting me with this beautiful medal. I'm going to treasure that always. And I do appreciate it.

I want to thank Dick Rogers for the remarks that he made. He was in very fine form today, as always, and I listen to those speeches and I always come to the same conclusion that there must be something wrong with me because I've heard most of those stories, maybe many, many times, and I still laugh and think they're the funniest things that I've ever heard. And every time he tells it, it's just with that particular emphasis and joy that he gets out of telling those stories and his jokes and his speeches that just makes a wonderful impression on me. And I thank you, Dick, so much for being here.

You've heard two of my law clerks speak and they're just representative of the 18 that I've had while I've been on the federal bench or associated with the Federal Court in the years that I've been a magistrate judge and a district judge and I don't see how anyone can say that I have not had wonderful law clerks throughout my career. They have been wonderful. And I'm going to say a few more words about them a little later. And I'm going to say a little more about Alleen. Well, your remarks really moved me.

The portrait that you see here, I should tell you, was made by an artist named Steve Childs. And Steve Childs had a studio here in the Kansas City area in Leawood for a number of years and he then has removed to Winston-Salem, North Carolina where he now has a studio. But he came out last fall and we spent a day together and he took maybe 150 different photographs of me. I don't know how his camera survived that, but it did, and from every angle and that's the result. I am pleased by it, even though it looks quite a bit like me.

I'm looking out over the crowd that's assembled here today and I must say I'm astonished at the number of people at how many of you would want to come to this event and I see friends from just about every chapter of my life. And I see friends from my earliest childhood days, I see friends from my childhood days who were contemporaries of mine and also were contemporaries of my sister and my older brothers. I see friends from my law school days at KU, friends here from my days of practice in law in Troy, friends from my days in service in the US Attorney's Office, and friends from the Kansas Legislature and from my service on the State Corporation Commission, friends that we have made, Alleen and I have made, when we were in Topeka, and friends that we made since moving to Kansas City, the host of friends that I have made here in this Court among staff of the Court, friends among the lawyers who have appeared before, and I'm truly honored and flattered that you are all here today. I can't tell you how much it means to me.

And I'm especially honored by the fact that so many members of my extended family and Alleen's family are here. Some of them have come from—well, they've come from the furthest coast, from the Atlantic and the Pacific Coast. I have dear cousins here from Maryland and Virginia and California, I have nieces and nephews from the far reaches of the country and I have the warmest feeling about that.

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As this event has approached, and Alleen alluded to this a little bit, my thought has turned to, and I mentioned to her, what a fortunate man I am and I'm not only married to a wonderful woman and have a wonderful stepson, David, but I'm also blessed with having achieved my career-long ambition, and that is to be a Federal Judge. It's a truly marvelous thing to do that. And not everyone has the similar good fortune to realize what their deep-seated ambition is. And I'm one of the fortunate few who has done that and I can tell you, it gives me a real sense of sort of awe that this has happened to me.

And as I thought about my professional career, there have been a number of significant events that come to my mind that stand out as a part of the process in getting where I am. It's kind of been like a step-by-step thing. Events happen and that event leads to another and that one to another and you finally end up, here I am.

Most of all, though, I suppose it is like the late Circuit Judge and former governor of Kansas, Walter Huxman, said, Jim Logan has quoted this to me several times and Judge Huxman has quoted as having said, "It is a matter of being the right rat at the right rat hole at the right time." There's lots of truth to that.

But all that I have achieved is because of the unselfish assistance that has been given to me by a set of marvelous family members, friends, and supporters over more than six decades. And I would like to briefly mention some of those who have been involved, and I can't mention everyone because if I did, we'd be here far into the night and we're already running over time.

And so Judge Rogers has described my family about my father having died when I was a very young person and how our mother raised four young children. My mother supported and encouraged each of us, and she expected much of us as well. My siblings included my sister, Virginia Henry, who died in January of this year and her husband, my brother-in-law, Ward Henry, is as close to me as any sibling could be, and my two brothers, Greg and Bill VanBebber, have always been very supportive and role models for me. And they're here today, and my nieces and nephews, many of them are here today. We've always maintained a close relationship with all of them and I think they all know that I adore them and I hope that they feel the same about me.

I have a host of cousins, and in many families, perhaps, cousins don't maintain as close relationship as we have done in our family, but that's always meant a lot to me and we have generally kept in touch.

I suppose I should mention my education in the Troy public schools that I attended. I have some outstanding teachers. I had some memorable professors when I was an undergraduate at KU and, of course, the law school faculty at the KU Law School, which was not very large at the time I was in school, I think there were eight professors, but I remember such notables as Bill Scott, Quentin Johnstone, Charlie Oldfather, Fred Moreau, who was Dean, M.C. Slough, and Robert McNair Davis, and then, of course, I guess I should go ahead and add J.B. Smith and Leslie Tupy to that list as well. Donn Everett calls me frequently from Manhattan, law school classmate, and he frequently mentions Leslie Tupy. I don't know if that was because Les taught wills and estates which was a pretty good income provider in practicing law.

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But from my high school days, it was my ambition to become a lawyer and I have had the good fortune to know many outstanding lawyers in the course of my career and I'd like to mention that Robert Reeder of Troy, and I see Bob's out here today and I'm quite honored by his presence. My first entry into the practice of law was in his office at Troy and he taught me a lot and was a wonderful lawyer and excellent trial lawyer.

And I left that practice with him to spend a couple of years with the US Attorney's Office in Topeka and here in Kansas City and then I returned to Troy to practice solo like Dick Rogers has said. I had lots of good friends in the law practice at Troy in addition to Bob Reeder; Jack Euler and his brother, J. D. Euler, were excellent adversaries and good friends throughout the years; Bob Gernon from Hiawatha would go to Troy or I'd go to Hiawatha and we were good friends and adversaries at times and that was a great experience. The Bar over at Hiawatha left me with a lot of good memories including the late Chet Ingels, who was judge of the 22nd Judicial District of Kansas. Bob's dad, John Gernon, was the first judge I ever appeared before, I guess. He was the Judge of the 22nd Judicial District when I began to practice law.

The first federal judge I appeared before was Judge Arthur Mellott, whose picture is hanging here on the south wall closest to the bench, and I was a very young lawyer when I appeared before Judge Mellott. I appeared either before or then served on the bench with every other federal judge since Judge Melot's day.

Another great and good friend and who was a judge was Virgil Begesse. Virgil's out here, I see, he was probate and county judge in Doniphan County when I practiced law at Troy. I'm very pleased that he could come today.

I also appreciated the service and friendship of Otto Newton. Otto is out here, but he's behind—I can't see him, he's behind the portrait. He's seated with my law clerks and that's an appropriate place because he was an associate in my office right out of law school while I served as chairman of the KCC and he kept things going for me while I was off in Topeka being a utility regulator and was great help.

I've always admired many of the lawyers who have appeared in my court. I've presided over dozens of trials, I suppose, and I'm still constantly impressed and sometimes amazed at the ingenuity of argument, the resourcefulness and diligence in preparation, and the depth of thought that is put before me by so many members of the bar. Of course, there are always those disappointments too. But I guess I can't help it, lawyers still just happen to be among my favorite people. I think because we all sort of think the same way, maybe.

As has been mentioned, the person who has really kept things going for me over the years is my faithful and loyal secretary, Carol Barnthson. Carol came to work for me in my law office in Troy almost exactly 32 years ago on April 1st of 1969 and I hope she doesn't think that was a portent to that date was signified anything. Maybe she was foolish to work for me, but we've had a wonderful relationship. And when I was appointed US Magistrate Judge in June of 1982, Arthur Johnson, who was then Clerk of the Court, told me that I could bring along my own secretary and I turned to Carol and asked her if she'd like to come along to Topeka I said, "It will pay about twice what I've been paying you here at Troy." And so she leaped for the offer; took the bait. And so she's been with me ever since at Topeka and Kansas City when I became district judge, and her support and her

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loyalty has just been of the utmost help to me. She's kept me organized and on track and is so loyal that she has been willing to overlook each and every one of my many faults.

I can't fail to mention the support I received from Senators Bob Dole and Nancy Kassebaum. I see Marci Adler here and her husband, David, and Marci was Bob Dole's AA in Washington at the time of my appointment, Senator Kassebaum and her staff all really went to bat for me, and, of course, President George Bush, who appointed me, I'm eternally grateful to him also.

I remember the senators appeared at my confirmation hearing before the Senate Judiciary Committee and I also remember my cousin, Bill Wenner, showed up too. He came over from his duties at the Maryland Court of Special Appeals and sat through the hearing that afternoon. The senators are so important in the appointment of any federal judge. I remember there was a time when a lawyer brought his young son to the courthouse several years ago and after we'd been introduced, he told his youngster that if he studied hard and got a good education and worked diligently, he might also be a federal judge some day. Well, I agreed with that, but I felt constrained to add that, although education and hard work are very important, it would be a great benefit if he became friends with a United States Senator. My good friend, the late Governor Robert F. Bennett, and I see Olivia Bennett is here, and I'm honored by her presence. He gave my career a real boost when he appointed me to the KCC. He was very good in helping me in my career in the Legislature as was Pete McGill who was Speaker of the House at the time, and my dearest friend, John Hayes and Betty Hayes, while I was in the Legislature, they were good friends and supported me and supplied a place to play Gin Rummy every afternoon after the sessions. We had a wonderful time.

My friendship with Governor Bennett, I suppose, really began many years before I was in politics. It began because of my dear friend, Bob Lytle, who I see out here this afternoon, Bob and I were very close friends in law school. We shared an apartment one semester or two before he was married while in law school and he entered a law practice with Governor Bennett in Johnson County and that established a very important relationship and our friendship has continued to this day.

It has been my privilege to serve with what I consider to be one of the finest group of judges on any Court in the federal system. I don't know how I could ask for a finer Court than we have here in the District of Kansas. In fact, several judges of the Tenth Circuit have told me when I was Chief Judge that they thought we had such fine Court here. And I won't tell you how they compared it with the other Courts in the Tenth Circuit, but it was very favorable. And I appreciate certainly the attendance of Chief Judge Tacha and Judge Mary Briscoe this afternoon. They've been long-time good friends and supporters of mine.

Our judges are very congenial and they're so bright and cooperative and they never hesitated to respond to any request that I made of them when I was Chief Judge of the District and I'll be eternally grateful to them. And, above all, they are dedicated to the preservation of the Constitution and to providing equal justice to all under the law.

I was first inspired with the ambition to become a federal judge by the example of the late Arthur J. Stanley, Junior when I was an Assistant US Attorney here in Kansas City. I tried many cases before Judge Stanley, and if there's anyone whom I



consider my role model as a judge, it would be Judge Stanley. I think that about the greatest honor I will ever receive is to have my portrait hanging on the same wall with Judge Stanley, who is over here on the north wall, and with Judge Earl O'Connor as well.

I also want to mention my particular debt to Judges Dale Saffels and Dick Rogers who first encouraged me to apply to become a US Magistrate Judge. Dale and I became friends when we served together on the Corporation Commission and Dick and I became friends especially when we served in the Kansas Legislature, he in the Senate and as a member and president, and I was in the Kansas House.

I also owe a special debt to Judge Rogers because he was the matchmaker who set up the frequent social occasions which resulted in Alleen and me going out together and ultimately resulting in our marriage. And he was best man at our wedding. And so that appreciation is eternal.

As we've said, I've been assisted by 18 law clerks. We've had a very special professional relationship and I've certainly been blessed by them. I've received applications from and have hired what I've always considered to have been an outstanding group of young lawyers. They have all been exceptionally bright, hard working, and congenial and all had wonderful senses of humor and they've endured my sense of humor as well. They have generally kept me from straying too far from what the Court of Appeals will accept; although, there have been instances when my insistence on a particular decision has resulted in a correction of my errors by the Tenth Circuit and it has always been a comfort to me to know that the Court of Appeals is there to correct my errors. It's a nice cushion to have.

I've saved mentioning the most important person for last and that is my wife, Alleen. We met when I was a magistrate judge at Topeka and she was a US Attorney who appeared before me almost daily, and I can tell you that I consider her one of the best lawyers who has ever appeared before me. And I'm not the only judge who feels that way about her. Time and again judges of the Tenth Circuit and of the Eighth Circuit have told me how much they miss having Alleen appear before them since the time that she has retired from the US Attorney's Office.

She had to quit appearing before me when we became serious about one another and Jerry Rushfelt came to our rescue by taking all the cases in which Alleen was involved that had been assigned to me as a magistrate judge, and when it became likely that I would be appointed district judge here at Kansas City, fortune smiled again and she was offered the position of Chief of the Civil Division in the US Attorney's Office in the Western District of Missouri. And this ended any possibility of a conflict of interest because she was not only working in a different judicial district, but she was in a different judicial circuit as well, so that served a double fire wall or Chinese Wall between us in that regard. Her support, encouragement and love have meant more to me than anything I could possibly describe. And her son, David, my step-son, who became my family, shares the same importance.

A lot of things have happened since I came to the Court here in 1982. We did not have a single personal computer in the court at that time. We had not even thought of having a computer personnel system person on staff. This courthouse had not even been thought of. Now today, every Judge's chambers is equipped with computers, most of the judges have become computer literate, and most communicate with one another with our system of Internet e-mails and law books have

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almost vanished in many chambers and legal research is done more efficiently and thoroughly using computer-assisted research. We're very well provided for in the Federal Courts because the Administrative Office has the contract with Westlaw and Lexis that gives us unlimited time. We never have to worry about how long we're on Westlaw or Lexis or how much we're printing out and that's a wonderful thing. All of these technological advances have improved and they have enhanced the ability of our judges to administer justice promptly and efficiently.

Other things are changing as well and some are not so good. The expense of litigation is a constant concern to all of us. Alternative methods for the resolution of legal disputes have become widespread since I joined the bench and more and more frequently cases are settled or compromised through mediation or resolved through arbitration. And that's probably a good thing. I see that the number of trial days that federal judges has declined. I do not spend nearly as many days per year in trial as I did ten years ago. That's been a big change. But that's not to say that the volume of paper has declined. We're still plenty busy.

I continue to believe that my job, that of a judge of the United States District Court, is the best job that there is. It's a life; there is nothing I would rather be doing, and I still have a feeling of anticipation every day when I come to the courthouse, I'm always eager to see what's going to happen next. I've had a great career, and I assure you that it is far from over. As I said, US district judges are appointed for life and I look forward to continuing to be a part of this Court for many years to come. Today's ceremony simply represents another milestone along the way.

I thank each of you for honoring me with your attendance today. Thank you.

(Applause.)

CHIEF JUDGE LUNGSTRUM: And now to accept the portrait on behalf of the United States District Court for the District of Kansas, the Honorable Kathryn H. Vratil, Judge of our Court sitting here in Kansas City. Kathy.

JUDGE VRATIL: May it please the Court. I'm sure nobody thinks it was a mistake when Judge VanBebber said to keep it light, but about now you're probably wondering why he didn't set a time limit. Judge Rogers knows a lot of stories and I think we heard them all. Again.

CHIEF JUDGE LUNGSTRUM: Don't challenge him.

JUDGE ROGERS: No, no, no.

JUDGE VRATIL: I know for a fact there's one he didn't tell and I was expecting he would tell it because of this being a public hanging. And I think it has to do something with Great-Great-Great-Great Grandpa, who was hanged, actually hanged by the neck, till dead in 1778 in Albany, New York. It's a matter of the family genealogy and I think it has to do with some horses that were missing.

All of the earlier speakers have described so thoroughly the outstanding judicial career which Judge VanBebber has had and all of his many fine judicial qualities. We all know there's a party that's about to happen just in the corridor outside this courtroom, and so in the interest of time, I'm going to resist recounting my own personal anecdotes about Judge VanBebber and just say that he's a man whose

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friendship has become very dear to me and to all of the members of our Court. And he's among the finest jurists that have ever sat on this Court.

We all know, as you've heard many times, that he is not just a formidable jurist, but he has a sense of humor which is second to none; he has a heart which is as big and as wide and roaring as the Kansas prairies and he has an ability to temper gravity of judicial service with a light and gentle touch which has added so much to all of our professional lives.

He is also, as Alleen mentioned, a man of uncommon courage and very uncommon tenacity. Every single day we see him come to the court without complaint and, in not just his work, but in every other respect of his life, he's accepted the burdens and the responsibilities that have been his and he just simply puts one foot in front of the other on a path which has led him to this moment. His judicial role has fit his wise and robust spirit like a glove and we trust that he will continue to serve this Court with distinction and be a model of judicial adherence to judicial duty for many years to come.

I recently read a passage from 1927, it's by Learned Hand, who was an eminent jurist, this passage, because of the days, is not necessarily gender perfect or gender neutral, but it does perfectly capture, I think, the life of a judge as we see it from our side of the bench: He says, "A judge's life, like any other, has in it much of drudgery, senseless bickerings, stupid obstinacies, captious pettifogging, all disguising and obstructing the only sane purpose which can justify the whole endeavor. These take an inordinate part of his time; they harass and befog the unhappy wretch, and at times almost drive him from that bench where like any other workman he must do his work. If that were all, his life would be mere misery, and he a distracted arbiter between irreconcilable extremes. But there is something else that makes it—anyway to those curious creatures who persist in it—a delectable calling."

Judge Hand continues: "For when the case is all in, and the turmoil stops, and after he is left alone, things begin to take form. From his pen or in his head, slowly or swiftly as his capacities admit, out of the murk the pattern emerges, his pattern, the expression of what he has seen and what he has therefore made, the impress of his self upon the not-self, upon the hitherto formless material of which he once was but a part and over which he now has become the master. That is a pleasure which nobody who has felt it will be likely to underrate."

Judge VanBebber, on behalf of your colleagues on the Court, we hope that your judicial service has indeed been a delectable calling and that you will continue to take unspeakable pleasure in a continued association with the Court for many years ahead.

On behalf of all of those who have known and worked with you, or like Alleen mentioned, those who have stayed awake at night because they might have to appear in front of you and know and work with you, you have built a life that commands our respect and admiration. We're indebted for your work, we're grateful for your friendship, and we're thankful to you for your many kindnesses and your leadership on the Court.

On behalf of this Court, let me say that we are intensely proud to accept this portrait in permanent recognition of your service on the Court. To you and Alleen,

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and I should mention that Alleen is not just a gifted litigant, but, in her retirement, she has become the court's official hostess, chef, gardener, domestic goddess, and so forth, that's her word, not mine, we salute you both and we wish both of you many more years of health and happiness.

And most importantly, given that the reception and the caterer is in the wings, I would borrow from the words of Justice Edward Greenfield, from the Supreme Court of New York, and say, "Let us hope the years will not deprive us of camaraderie inter vivos."

(Applause.)

CHIEF JUDGE LUNGSTRUM: Thank you, Kathy.

And as I bring this joyous occasion to a close, let me ask all of you at the request of the real boss of this affair, Alleen, to vacate the courtroom promptly so there can be reset for the purpose of coming back in to eat your food and drink your drinks because, as I understand it, everything is all set in the hallway. Is that correct? So at the direction of the queen of cookie baking and the spouse of Judge VanBebber, that's what I'd ask you to do.

With that, this Court stands adjourned.

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