

CONGRATULATIONS JUDGE PROCTER R.
HUG, JR. FOR TWENTY-FIVE YEARS OF
SERVICE AS A UNITED STATES CIRCUIT
JUDGE FOR THE NINTH CIRCUIT

CONGRATULATIONS FOR FIVE YEARS OF
SERVICE AS CHIEF JUDGE OF THE NINTH
CIRCUIT COURT OF APPEALS

CONGRATULATIONS JUDGE PROCTER R.
HUG, JR. AS YOU ASSUME SENIOR
STATUS AS A UNITED STATES
CIRCUIT JUDGE

The Honorable Melvin J. Brunetti*

Dear Proc,

I have known you for over fifty years. We are both native Nevadans and grew up together and attended school in Sparks, Nevada. I was two years your junior and you were an upperclassman at Sparks High School, when I became aware of you and your leadership abilities. Your achievements have been many, and from an early age, you have been recognized as a leader and a person who helps and inspires those around you. I watched you develop as an athlete, lettering in football, basketball, and track, and your outstanding qualities were self-evident. Track was your forte and you were named "Outstanding Track Athlete of Sparks." You won high and low hurdles in the Western Conference High School meet, tied the Western Conference record in high hurdles and, in your senior year, won seven out of fourteen events in the Sparks High Inter-Class meet in both the high and low hurdles.

It has only been in the last few years of our friendship and work as judicial colleagues that I have come to realize the significance of the abilities you developed as an outstanding track athlete, especially as a hurdler. Proc, your outstanding strength is the ability not only to hurdle problems but to solve them with grace and style.

I opened by addressing you as "Proc" and I am privileged to do so. You are known as Proc for a very special reason. Your early leadership qualities were evidenced not only in athletics but also in your scholarship and student

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government activities. You were named the “Outstanding Boy,” selected as a representative at Boys State and Boys Nation, elected Senior Class President, became a debate champion, and were Salutatorian at graduation. These achievements, together with your winning style, earned you the respect of your classmates and the faculty and the respectful identifier – “Proc” – which has carried forward with you until this day.

I was fortunate to be an underclassman at the University of Nevada at Reno, when you, Proc, honed your hurdling and leadership qualities. You lettered four years in track, served as captain of the track team, and maintained leadership roles in student and fraternity activities. You were an outstanding scholar and you were also active in the ATO fraternity and, as I look back, your emphasis in the fraternity was to produce leaders and to raise the scholarship of your fraternity brothers.

In student government, you became the “conductor” of a symphony of activities. You served on numerous student service organizations; but, Proc, you came into your own in 1953 when you were elected Student Body President. Under your watch, the student government produced leadership conferences, a revision of the student body constitution, and a statewide lobbying campaign which successfully obtained funds to build a new campus student union building. Your achievements as Student Body President were recognized by then University President Stout as “spectacular.” I concur. I was there and, thanks to you, part of the experience, and it was spectacular!

But, Proc, what has stayed with me through all these years and what I have seen in you as a person, a lawyer, and a judge is your compassion for others and your desire, as it is popular to say today, to “include everyone” and “to leave no one behind.” Most of all, then and now, you are always ready to give a helping hand. You are the first person to recognize the achievement of others, to include all those around you in opportunity, to instill confidence and to encourage excellence. Proc, these have always been your values.

After graduating from the University of Nevada and marrying your high school sweetheart, Barbara Van Meter, you served as an Ensign in the United States Navy. Upon discharge, you enrolled in Stanford Law School and upon graduation entered into law practice in Reno, Nevada.

We lost each other after you left college; however, after I graduated from law school and entered into law practice in Reno in 1964, we were fellow members of the Nevada Bar until your appointment to the bench in 1977. I was fortunate to experience your work as an outstanding trial lawyer first hand. In the one and only case we had together, you handily presented your client’s position, won a quick victory, and I received a lesson in lawyering.

You continued your role as a “conductor” in the legal world and reached beyond an active trial practice into other facets of the legal spectrum. As a member of the Nevada State Bar Board of Governors, I was proud to participate in your appointment as the Nevada State Delegate to the American Bar Association. Your work as a delegate for seven years led to your election to the ABA Board of Governors, where you served with distinction for two years.

Proc, you have had an enduring interest in the University of Nevada since the day you entered as a student and, I think, when you were elected to the Board of Regents of the University in 1962, your love of education and your

abilities merged into an inspired period for you and the University. You served ten years as a Regent, the last three of that tenure as Chair of the Board. Your contributions helped establish a medical school and the community college system in Nevada. As Board Chair, your skills were put to the test. This was the Vietnam War period and, even though the University of Nevada had its share of problems and unrest, your strong leadership resolved conflicts without the violence that erupted in some other institutions during the period.

Your work as a Regent was so respected that, when you left the Board, you were retained as General Counsel for the University of Nevada system for four years. During this representation, you were instrumental in writing a new University Code and working out the compromises necessary to achieve its adoption.

I marvel at the commitment and energy you displayed during your legal career – you were an active trial lawyer and a devoted husband and father with a growing family, yet you were also a director of the American Judicature Society and a director at the National Judicial College in Reno. These activities, and more, are evident in your extensive biography, but what I and many others know is that your diverse participation in the law was with a dedication and passion for justice and an interest in making law and government work for society.

In 1982, your service to the University and the community were recognized when the University of Nevada presented you with the Distinguished Nevadan Award, and recently when you were made a Distinguished Eagle Scout.

The lawyers who appear before you as Judge Hug well know all of your talents. Their evaluations in the Almanac of the Federal Judiciary are extensive and, in a capsule, you are seen as an “outstanding legal mind,” an “extremely capable judge,” “very conscientious and diligent,” “fair minded,” “pleasant,” “gracious,” “not afraid to make difficult and unpopular decisions,” having “compassion for people who have not done well in life,” and a “very competent writer.” I know you well and I concur in all of these assessments.

We again went our separate ways in 1977, when you were appointed to the Ninth Circuit Court of Appeals, but we became judicial colleagues in 1985 when I was appointed to the Ninth Circuit.

I have looked into the past and recounted what I have observed and participated in with you because it is significant of the person and leader you are today. The best has come last. I think I can speak for all of us who have been privileged to serve with you on the Ninth Circuit Court of Appeals and who have experienced your helping hand, your outstanding leadership, your ready smile, and good humor.

You are a strong man with strong convictions and a compassionate man with deep and honorable values, but your unique quality is your sense of humor. When human events create conflict, tension, stalemate, and unpleasantness, you have the uncanny ability and timing to insert humor at the critical moment and defuse the situation. It is not only your humor, but how you use it. When judges and others engage in the resolution of difficult issues only to find tensions building and tempers rising, and with the real issue being buried in the heat of the moment, you patiently watch the situation develop. Then, with

laser-like precision and timing, you find the humor in the developing dispute and, with one, short, humorous memo or well-placed retort, you disarm the participants. The result is a quick resolution that, until your humor intervened, had been buried in the discourse.

Proc, you possess great courage and conviction, and you have always had the ability to identify and address the most challenging of problems. Once you see the injustice or the unfairness in a situation or the need to help or protect, you step fearlessly into the breach. You never let a problem go until there is a fair and equitable resolution. As a judge, I have seen you approach difficult cases and situations and, regardless of the pressures or whether you are standing alone, you always follow your convictions.

When you assumed the leadership of the Ninth Circuit as its Chief in March of 1996, you immediately faced some of the greatest challenges in the court's history.

During your term as Chief Judge, case filings in the Circuit Court increased from 8,500 to 10,000 per year. The workload for each active circuit judge increased from 433 to 518 merit terminations. Trying to keep up with increasing case loads is one thing but, Proc, you were faced with leadership of a circuit court experiencing serious judge vacancies, at one time being up to ten vacancies in the allotted twenty-eight active judgeships.

Your position as Chief Judge of the Ninth Circuit went beyond the Circuit Court of Appeals. You were also responsible for the administration of all of the ninety-eight district court judges in the fifteen districts in the Ninth Circuit, extending to the nine western states – Alaska, Washington, Idaho, Montana, Oregon, Nevada, Arizona, California, Hawaii, Guam, and the Northern Mariana Islands. During your term, the case load in the districts increased twenty-nine percent from 47,967 to 58,811. Your administration also included seventy-five magistrate judges, seventy bankruptcy judges, twelve public defenders, in addition to 5,100 court personnel.

Proc, not only did you handle the day-to-day matters of the Circuit Court and the districts and their executive officers and staff, but you also carried a caseload as a circuit judge and, as Chief Judge, presided over all en banc hearings of the Circuit Court. As you assumed these duties, you were faced with legislation in the U.S. Congress designed to split the Circuit into two circuits, generally leaving California and Nevada as the Ninth Circuit and placing the remaining states in a new circuit.

The movement to split the Circuit was not new. Your predecessors, Chief Judges James Browning, Ted Goodwin, and Cliff Wallace, continually battled attempts to split the Circuit, and their untiring efforts stopped all prior attempts. However, as you became Chief Judge, the threat of splitting the Circuit became serious and real.

In 1996, you sought and received the help and advice of judges, lawyers, academics, staff, and others and, with that help and advice, you and your delegation traveled to Washington, D.C. to persuade Congress not to split the Circuit. The first legislation in November 1997 failed and resulted in Congress creating a Commission to study a Circuit split. The Commission found that the Circuit should stay intact for administrative purposes, but recommended it be

split into three separate judicial units. Not all of the judges of the Ninth Circuit were in favor of retaining the Circuit; indeed, some favored a split.

Proc, this is where I saw you at your finest. With increased caseloads and vacancies, with no new judges being appointed pending resolution of the split issue, and with the Circuit-split dialogue in full bloom, the judges and personnel of the Circuit were under enormous pressure and uncertainty. You were calm and focused. You presented the case against a split to Congress, the public, and the court system with strength, detail, and dignity, and with respect to our colleagues who had different views. With all your heart and hard work you led to keep the Circuit and courts functioning, only to be faced with a second Circuit split effort being initiated by the U.S. Congress following the report of the Commission.

Again, despite resistance in the Circuit, the legal and judicial communities, as well as in Congress, you again rallied support to stop the split. With the help of many dedicated people, the issue of the Circuit split was finally put to rest in March of 1999 when all legislation to split the Circuit failed.

Your skills were put to the test and everyone came to know "Proc" and knew that your deep concern for the value and integrity of this Circuit was and would be protected. Through your leadership and the leadership of our prior Chief Judges, the Circuit exists intact today, with new judges ready to meet the challenges of the new millennium.

You have hurdled the challenges – you have extended your friendship. Your leadership has my respect and the respect of all those you have touched.

With all of this, I know that your greatest love is your love for your family. I have been fortunate to share in your family experience and know that your greatest achievements are as a devoted husband and proud father and grandfather.

Proc, as your friend and as a fellow Senior Circuit Judge, I offer my congratulations as you assume senior judge status. I expect that senior status will only give you another forum in which you will keep running and keep jumping those hurdles.
