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Dedication - John Simpson Hastings

Judicial Conference of the United States

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Dedication - John Simpson Hastings

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Dedication — John Simpson Hastings

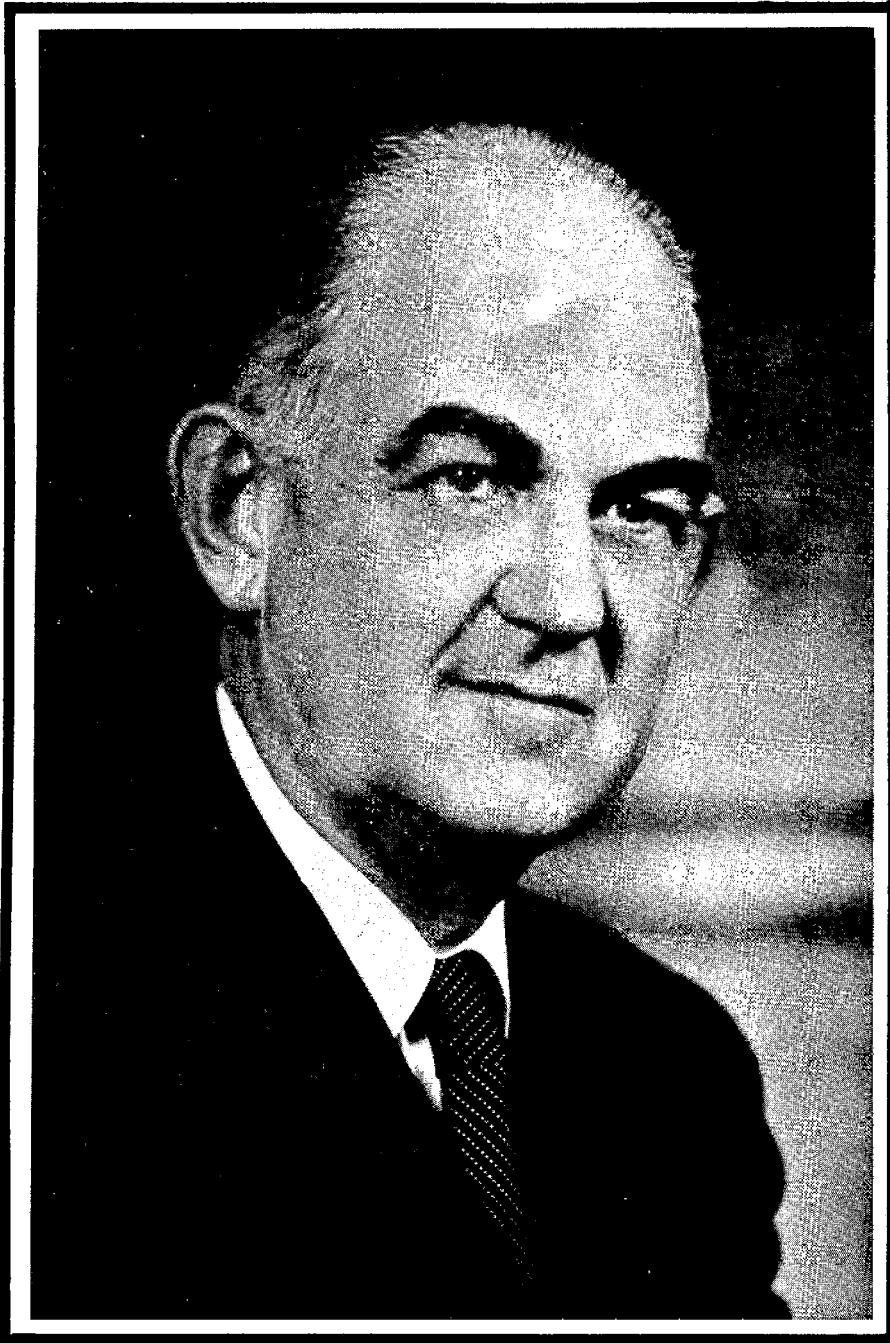
The Board of Editors dedicates this issue of the Indiana Law Journal to the memory of the honorable John Simpson Hastings. In a manner befitting the man, many of Judge Hastings' friends and associates have provided their personal remarks regarding his achievements on the bench and as an active alumnus of Indiana University. We hope that these remarks will serve in some small way to preserve the memory of a truly great man.

JUDICIAL CONFERENCE OF THE UNITED STATES

John S. Hastings, a lawyer from Washington, Indiana, was appointed a Circuit Judge for the Seventh Circuit on August 26, 1957. He was Chief Judge of the Circuit and a member of this Conference from 1958 to 1968. In addition to his outstanding work as an active and, later, a senior judge of his court, he made significant contributions as a member of important committees of the Conference, and a judge assigned by the Chief Justice to the Temporary Emergency Court of Appeals.

An historic development of recent years has been the vast increase in appointment of counsel under the Criminal Justice Act. As first Chairman of the Conference Committee implementing the Act, Judge Hastings was a pioneer, and he has left his lasting imprint upon this area of the administration of justice. He also served as a member of the Committee on Court Administration from 1958 to 1968 and the ad hoc Committee on Committees in 1967; at the time of his death he was a member of the Advisory Committee on Civil Rules, the Advisory Committee on Appellate Rules and the Bicentennial Committee.

In every role, Judge Hastings won the respect and affection of everyone for whom he worked, and was revered as leader, counselor, and friend. His death on February 8, 1977 deprived the federal judiciary of a distinguished member. The Judicial Conference of the United States adopts this resolution in memory and appreciation of his life and service. The sympathy of all its members is extended to Mrs. Esther Hastings and their sons, William and James.



JOHN SIMPSON HASTINGS

JUSTICE WILLIAM H. REHNQUIST
SUPREME COURT OF THE UNITED STATES

At the time I became Circuit Justice for the Seventh Judicial Circuit, John Hastings had already stepped down from his distinguished career as Chief Judge of the Court of Appeals for that Circuit and taken senior status. But he continued to participate actively in the work of the Court of Appeals, and in the activities of the annual circuit conference which it was my privilege to attend, until shortly before his death. Mrs. Rehnquist and I had the pleasure of sitting with John and Esther Hastings at the informal opening dinner of the Seventh Circuit Conference at French Lick, Indiana, last May, and we will long treasure the delightful visit we had with them that evening. Judge Hastings was a credit to his state, his profession, his court, and to his alma mater.

JUSTICE JOHN PAUL STEVENS
SUPREME COURT OF THE UNITED STATES

John Hastings believed that a federal judge should do his own work. In that respect, as in all other important matters, John demonstrated the wisdom of his counsel by his example.

His years of practice as an outstanding trial lawyer had taught John the importance of a complete mastery of the facts. When discussing an opinion that he was drafting, he would often say that once the facts are adequately stated, the case seems to decide itself. His opinions always reflected a meticulous and accurate understanding of the record because he examined it himself, he had a rare ability to interpret testimony and colloquy, and he wrote in a clear straightforward style.

His discussion of the relevant law was equally clear and reliable. I regularly stopped in his office just before we assembled for lunch, and would typically find him at his large work table with several official reports bookmarked or open, and with his partially completed handwritten draft in front of him. More often than not, he would want to talk about a feature of the case that he had just discovered during the drafting process. His work was an unending source of gratification for him.

I have used the word "fierce" to describe his love for the court.* I selected the word because his feeling about the court was so intense and so

*Last September I gave an informal talk to a group of fellow lawyers in Chicago. My deep affection and admiration for Judge Hastings prompted this digression:

As you know, it was customary for the Court of Appeals' judges to have lunch together on almost a daily basis. Much of the credit for the success of that custom must go to John Hastings, who has always set such a magnificent example for his colleagues. It is no secret that John's meticulously accurate opinions were always drafted in longhand and reflected his own analysis of the record and the law; that

uncompromising. A few of the decisions he made as a senior judge will illustrate his appraisal of the judge's function.

After he took senior status, he continued to carry a full load of work. Because of his special interest in the Seventh Circuit, and his conviction that he could make his most effective contribution to his own court, he declined to sit elsewhere as a visiting judge. When he assigned opinions, he would normally give himself the toughest cases to write. He was prompt, diligent and thorough in completing his own work, but he never lost sight of the overriding importance of quality.

Two or three years ago he told me that he could tell that it was taking him a little longer to write an opinion than it had in the past. Rather than compromising with quality, or delegating to others what he thought he should do himself, he reduced his sittings somewhat; he also exacted a promise from me. I agreed to tell him frankly if I ever felt that the quality of his work had declined.

Had the occasion arisen, I would have kept that promise. I am, however, acutely conscious of the fact that it never did arise; for only recently I wrote to him about one of his opinions and observed in passing that he had written a "typical Hastings opinion." He knew, of course, that my comment related to the quality of the opinion rather than the merits of the case.

In every sense of the word, John was his own man. He respected the law as interpreted by the highest court of any jurisdiction, but he recognized that reasonable, benevolent judges could differ about specific issues. He frequently reminded us that one of the major differences between the Court of Appeals and the Supreme Court was that "they have

his decision to move from southern Indiana to Chicago when he was appointed is the precedent which the entire Seventh Circuit has since followed—and which I believe other circuits will eventually emulate; and that his fierce love of the court and his awareness of the importance of its work dominates his approach to every problem. Two rather trivial examples will illustrate my point.

As we all know, judges make their share of mistakes, including mistakes that their law clerks do not catch. One of mine was made in an Indiana election case in which I dissented from an order John had prepared. John's response to my draft was a friendly visit in which he helped me restate my disagreement with him in an accurate way. The second example is his advice on when a judge should recuse himself—John felt that if a judge had a question about whether or not he should sit on a case, the question itself was usually a sufficient reason for not sitting. There are reasons why that test may be too strict, but I concluded that I could not improve upon it when I was considering whether or not a Supreme Court Justice should participate in cases in which he had reviewed a petition for rehearing en banc or otherwise acted as a Circuit Judge.

In all events, John's firm conviction that a court that eats lunch together will work well together was shared by all of us. * * * I think I have said enough to give you some insight into how I felt about the court I was leaving.

What I said about John in Chicago is less significant than the fact that it was perfectly natural for any comment about the United States Court of Appeals for the Seventh Circuit to include some special reference to him.

the last guess." Nevertheless, he was justly proud of the fact that their respect for the law and its processes prompted "them" to make the same guess as he did in his dissenting opinion in *United States ex rel. Allen v. Illinois*, 413 F.2d 232, 235 (CA7 1969) (Hastings, J., dissenting), *reversed*, *Illinois v. Allen*, 397 U.S. 337.

John Hastings was a great federal judge. The character reflected in his work and his life will always be a source of inspiration to those of us who were privileged to work with him and to know him well.

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

This tribute to Senior Circuit Judge John S. Hastings was prepared by Circuit Judge Wilbur F. Pell, Jr., and unanimously adopted by the Judges of the Court of Appeals for the Seventh Circuit.

When a judge of this court, the United States Court of Appeals, Seventh Circuit, authors an opinion, he is mindful that the finished work not only must express his own views as to the correct disposition of the case but must also be acceptable in form and substance to at least one other member of the panel; further, he also is aware that the opinion when filed must reflect the approval of other members of the court sufficiently to repel the attack of a suggestion of en banc rehearing.

The preparation of a tribute to our late brother, Judge John S. Hastings, has at once attributes of and total dissimilarities with the drafting of an opinion. His impact upon each of us was tremendous, yet each of us tends to recall a particular characteristic which has left its indelible impression. Collectively there were none of us who did not react to the saddening news of his loss by thinking that indeed a giant has fallen. Some of us, however, may, in thinking back over the nearly two decades during which he reflected honor and dignity on the title "Federal Judge," recall an incident in which he gave guidance on a troublesome question of potential conflict of interest. Others are as likely to remember the facet of his character that he never volunteered his advice until it was asked for, giving each of us credit for working out his own problems in the manner expected of one in the position held. But still others may remember as an outstanding attribute that the counsel when requested was never ambiguous or uncertain, and its firmness we found was based upon its correctness.

But whether we each in reflection seize upon the memories of different particular contacts, and the foregoing are only examples of the influence that John Hastings had upon us, we are in agreement that that influence was meaningful and substantial upon all phases of the operation of a court of which he was very proud and for which he bore an abiding affection.

No attempt in this tribute will be made to trace the biographical facts of this Hoosier county seat lawyer, a scion of lawyers; that has been, and is being done, elsewhere. While so saying, we cannot ignore the period of his

service on this court during which he undoubtedly set a tone of which we all are the beneficiaries and for which we are all grateful. From the time that his name first appeared in the frontispiece of the Federal Second reporter, volume 245, his scholarly and carefully written judicial opinions have appeared in the nearly three hundred succeeding volumes. His opinions did not always represent the majority view of the panel, but when they did not his precise analysis of the issues and application of the pertinent law to those issues demonstrated beyond peradventure that the question was indeed a close one, as subsequent Supreme Court reversal sometimes verified.

John Hastings, from our observation, did not consider the writing of an opinion to be an occasion for fanciful flights into hyperbolic dissertations reflecting personal views or philosophies. While his prose flowed smoothly, he obviously operated upon the premise that a judicial opinion should fulfill the dual purpose of deciding the question before the court and laying down during this process the principles which would guide future decisions; purposes not to be achieved by obscurantism but only by precision in the selection of words to convey the intended meaning. Nor were these purposes to be achieved by rewriting the law to suit one's own predilections.

Nevertheless, despite the significance of this aspect of his career, in the thinking of the judges of this court about John Hastings, it is not primarily his contributions to legal literature, praiseworthy though they may be, to which we turn. Those examples of judicial craftsmanship at its best are available in printed form for future generations of lawyers and legal students. Instead, we predominantly remember John Hastings as an individual, as a gentleman with fullest significance being given to the two component words of that description.

Earlier herein reference was made to John Hastings as a giant and that indeed he was although not in the often traditional concept of an ungainly and cumbersome brute overpowering all in his path by sheer size. John Hastings' claim to gianthood, a claim which he would have been the last to assert, was found in the stature he acquired in the eyes of his brother judges as advisor and mentor, colleague and friend. If in his relationship with his fellow judges and his position as a judge of the court he had a single underlying philosophy, it probably could be summarized by a question he often asked, "What is best for the court and its work?"

He recognized that his fellow judges were more likely than not strong minded individualists, in which more likely than not he was correct, and that the nature of the judicial process at the appellate level could be accompanied by misunderstandings and ill will if the presentation of differing and firmly held convictions were abrasively advanced.

By his example and leadership, following no doubt the example set by the great chief judges of this court preceding him and followed fortunately

by those succeeding him, the principal monument, intangible though it may be, which John Hastings has left for this court is the high spirit of collegiality which we enjoy and cherish.

This tribute would not be complete if we did not include a reference to a partnership which John Hastings entered more than fifty years ago. One cannot think of him without also bringing to mind the lovely Esther Smiley Hastings, and the beautiful continuing relationship between this couple which undoubtedly contributed substantially to his ability to handle with equanimity and dispatch not only his judicial duties but the heavy administrative obligations of the near-decade of his stewardship as chief judge of this court.

So, to our departed brother judge, a giant among us, we salute you, and thank the providence which enabled us for varying periods to walk along the paths of jurisprudence with you.

CHIEF JUDGE JESSE E. ESCHBACH
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

United States Senior Circuit Judge John S. Hastings was a man of vast talents with the wisdom and capacity to exercise them for the benefit of all society. To review his contributions and accomplishments would consume this issue of the Journal and would be foreign to Judge Hastings' own sincere modesty. He was a fine gentleman, a sound scholar, and a great judge. But this was not the limit of his substance or the measure of the man. His warm human nature reflected a humble, dedicated, and compassionate individual who truly believed in and walked with his God. He needed no words to convey his integrity or evidence his high moral character. His every thought and action told the story well. To speak to him as a judge was to be strengthened. To obtain his advice and guidance as a man was to be wiser. But to know and love him as a friend was to be truly blessed. All who knew him will miss him — but their lives have been enriched because they did.

DR. HERMAN B. WELLS
CHANCELLOR, INDIANA UNIVERSITY

Jack Hastings was a skilled attorney and distinguished jurist with an enviable reputation for integrity. He was a great citizen as well, vigorously and unselfishly supporting every good civic cause.

In his twenty-three years of service on the Board of Trustees of Indiana University, nine of them as its President, he demonstrated a remarkable

awareness of what a university should be and backed unfailingly programs and policies which strengthened the institution. His wisdom, his gentle humor, his courage, his accuracy of judgment and his understanding made him an invaluable Board member. To him should go much of the credit for the University's rise to eminence during that period.

On several occasions when I was out of the country, he sacrificed his time and professional duties to make regular trips to Bloomington for service on the administrative committee or as de facto chief executive. Had he chosen, he could have been a university president and a great one. I depended on him possibly more than on any other person during his tenure.

From this relationship grew a closeness and affection, an intimate trust, and an altogether profound respect which so enriched my life that his passing leaves an inexpressible void.

BOARD OF VISITORS
INDIANA UNIVERSITY SCHOOL OF LAW

The Board of Visitors of the Indiana University School of Law, Bloomington, expresses its collective and personal sorrow at the loss of our friend and colleague, Judge John S. Hastings on February 8, 1977. We commemorate on this occasion his exemplary dedication to the law, to the University and to this Law School.

Following his graduation from the Law School in 1924, Judge Hastings achieved an outstanding record as a practicing lawyer in Indiana for nearly thirty-five years. In 1957 he began a second distinguished career as Judge of the United States Court of Appeals for the Seventh Circuit, including nine years as Chief Judge. We are particularly appreciative of the esteem he brought to the Law School through his national reputation for excellence, wisdom and integrity as a jurist and judicial administrator.

We note Judge Hastings' valuable and unselfish contributions to Indiana University and to this Law School over the course of more than fifty years. Serving as a member of the University's Board of Trustees from 1936 until 1959, and as the Board's President from 1950, he gave wise counsel and courageous leadership to the University during a critical period of its growth in size and excellence. He further contributed his energies and talents to the Alumni Association and to the Indiana University Foundation.

Judge Hastings was especially devoted to this Law School and committed to its advancement. He acted as chairman of the 1964-65 Law School Fund campaign and was a consistent and generous financial contributor to the Law School. As a charter member of the Board of Visitors, he brought a valuable perspective to the Board's discussions and

performed an important role in maintaining the Board's relationships with the university administration and the faculty. His analysis of issues was always incisive and sound. Although he was patient and gentle by nature, his views commanded their own respect. The Law School will sorely miss his wise and patient counsel, and we will miss the inspiration and pleasure of his companionship.

PATRICK L. BAUDE
PROFESSOR OF LAW, INDIANA UNIVERSITY

A reader of John Hastings' nearly six hundred opinions will find in them much wisdom and take from them much learning in the law. But the Judge was first a judge and so the learner will find little of ideology or personal view, even though one who knew the man will remember the depth of his convictions as well as the charm (and if necessary force) with which he put them. Tact was another quality of Judge Hastings. When he wrote for the majority or, even more usually, for a unanimous panel, the completeness of his opinion gave it a persuasive power which at the same time revealed more of the law than of his own philosophy.

In dissent, however, a judge is free to strike the points he or she thinks relevant, leaving to others the burden of elaborating the extraneous. And so the reader of Judge Hastings' twenty-eight dissenting opinions will find in almost all an emphasis on one point: that point is simply that the job of an appellate judge is not to run the legal system but to define, allocate and then to respect the authority of other legitimate decisionmakers. Judge Hastings would have been the last to need Bishop Hoadly's warning that "Whoever hath an absolute authority to interpret any written or spoken laws, it is he who is truly the lawgiver. . . ."¹ He would instead have been the first to heed Augustine's direction that when laws "have been instituted and confirmed no judge may judge them but must judge according to them."²

Within the judicial system itself, for example, United States Circuit Judges must perch delicately between the Olympian rock from which the Supreme Court articulates the emerging moral aspirations of a constitutional polity and the hard place in which United States District Judges try to keep their dockets current. Thus Hastings' dissents show him unwilling to assume lightly that the Supreme Court will take the next step in a line of development, and the Justices have more than once proved him right.³ Judge Hastings was even more reluctant to interfere with the work of the district courts; he occasionally complained of the exercise of mandamus by

¹B. HOADLY, *THE NATURE OF THE KINGDOM OR CHURCH OF CHRIST* (1717).

²*Of True Religion*, in *AUGUSTINE: EARLIER WRITINGS* 255 (J. Burleigh ed. 1953).

³E.g., *United States v. White*, 405 F.2d 838 (7th Cir. 1969), *rev'd*, 401 U.S. 745 (1971).

the Court of Appeals,⁴ expressed the fear that searching review of summary judgment would eliminate that needed tool of judicial administration,⁵ and was not one to strain every word in search of some reason not to dismiss a prisoner's pro se complaint:

Of course, most prisoners would enjoy a holiday in court. I cannot believe that such a course in the case at bar is consistent with the deference due a busy district court. . . .⁶

One case is particularly instructive. The issue is whether a person convicted of bribing a federal officer can recover from the court the bribe money placed in evidence. To the majority the answer was simple: who bribes, forfeits. To Judge Hastings, the issue was whether the district court had discretion in the matter. The statute, 18 U.S.C. § 3612, provides only that bribe money in evidence is "to be disposed of in accordance with the order of the court." Judge Hastings was therefore unwilling to disturb a district court order eventually returning \$300 to an impoverished offender who had the care of a retarded child.⁷

The issues that fray and thus expose the judicial nerve these days are not, however, the review of summary judgments or the return of petty bribes. Few cases stir as much controversy as those in which evidence probative of criminal guilt must be excluded on account of police blunders. So far as I know, Judge Hastings never expressed in writing his opinion of the exclusionary rule; I doubt if he could have summoned for the rule any more enthusiasm than for a necessary but painful surgical operation. His dissenting opinions, however, reflect only a meticulous concern for the requirements imposed by the constitution. That constitution has not left the government powerless to search: it has instead provided a procedure, the issuance of a warrant, through which the government may gain the power to search.

With characteristic respect for the regularities of an orderly procedure, Judge Hastings' dissenting opinions show an insistence that the primary authority given magistrates with respect to warranting a search (or arrest) should be eroded neither by the police nor by a post hoc adjudication. In *Hackler v. Sain*,⁸ for example, the petitioner was held for extradition on authority of a warrant issued by the governor. The warrant was concededly defective because it failed to include certain documents required by statute. The petitioner himself introduced those documents in evidence at a habeas corpus proceeding. For the majority, it was enough that the documents

⁴Minnesota Min. & Mfg. Co. v. Platt, 345 F.2d 681, 687 (7th Cir. 1965) (Hastings, C.J., dissenting). Compare Jackson v. Ogilvie, 426 F.2d 1333, 1338 (7th Cir. 1970) (Hastings, J., dissenting).

⁵E.g., Tankersley v. Albright, 514 F.2d 956, 971 (7th Cir. 1975) (Hastings, J., dissenting).

⁶Harris v. Pate, 440 F.2d 315, 319, 320 (7th Cir. 1971) (Hastings, J., dissenting).

⁷United States v. Iovenelli, 403 F.2d 468, 469 (7th Cir. 1968) (Hastings, J., dissenting).

⁸287 F.2d 286 (7th Cir. 1961).

existed. For Chief Judge Hastings in dissent, the question was not whether the petitioner should be extradited but whether an unlawful proceeding by the governor could suffice to arrest a citizen. The duty of the state to follow the law's regular procedures was no less if the crime were a violent and repulsive one. In another case, for example, the defendant was charged with forcibly raping a five-year-old girl to settle a score with the child's mother. He was arrested where he lived in another woman's apartment; on the way to the station, the police stopped to inspect bloodstains in his car parked outside. The majority approved the use of evidence from the car.⁹ But the car was already under guard by another officer and a warrant could have been obtained for the asking. To Chief Judge Hastings, asking the right official for the right authority was the key to legality; he dissented.¹⁰

Respect for the order of law is not a one-way affair. In what was clearly Judge Hastings' strongest dissent, he made clear that defendants cannot escape their part in respecting the authority of those to whom the law has given the power of decision. Allen was on trial in state court. He insisted on representing himself. He represented himself badly, disrupted the trial, and threatened to make the judge a "corpse." So he was excluded from his own trial, an exclusion which the Court of Appeals found a denial of the right to confrontation, suggesting that Allen might have been gagged and shackled or found in contempt — but not excluded from confrontation.¹¹ Judge Hastings, who had elsewhere shown his commitment to the right of confrontation,¹² and whose language was usually more guarded, dissented:

[I]magine the result that may occur in a criminal trial of multiple defendants who determined "to raise hell" and disrupt the trial to the point of no return. Shackles, chains, gags and a courtroom full of deputy marshals engaged in trying to keep the defendants off the floor may prove to be the climax in following "the proper course." I cannot believe the Federal Constitution requires that any such farce take place.

The majority puts forward a footnote alternative that an additional technique available to the trial judge for controlling the defendant's behavior is the use of the court's contempt power Defendant and his kind could care less.¹³

The United States Supreme Court reversed, referring to the fact that Judge Hastings dissented.¹⁴ In the end, the problem of the *Allen* case will be solved only when the law commends respect. Command it or not, it *deserves* it in proportion as its judges are men and women the like of John Hastings.

⁹Weaver v. Lane, 382 F.2d 251 (7th Cir. 1967).

¹⁰*Id.* at 255.

¹¹Allen v. Illinois, 413 F.2d 232 (7th Cir. 1969).

¹²Weaver v. Lane, 382 F.2d 251, 255 (7th Cir. 1967) (Hastings, C.J., dissenting).

¹³413 F.2d at 236.

¹⁴Illinois v. Allen, 397 U.S. 337 (1970).

JAMES A. STRAIN
MEMBER, INDIANA BAR

Judge John S. Hastings was a truly great man. His works in the law and in education have had and will continue to have a profound impact on our lives and those of generations yet unborn. But the measure of the man cannot simply be that which he has done for society as a whole. It must include what he was as an individual. A hint of the Judge's measure is indicated by the personal effect he had on each person with whom he came in contact and the fact that each of us felt a great sense of personal loss by his passing.

That the Judge was a good judge goes without saying. He possessed every quality the practicing bar and the public could desire in a judge. In my experience he was thoroughly prepared for every case. He brought to bear on the questions presented his reasoned judgment, supported by sound legal analysis and tempered by his long successful experience as a practitioner. He was honest, diligent and disciplined. He was tough-minded, unafraid of making a decision and accepting full responsibility for it. He was the ultimate "reasonable man".

The Judge combined charm, Southern Indiana grace and humor with his legal abilities. He was thereby equally adroit at asking incisive but relaxing questions in oral argument or addressing the patent bar on the virtues of "Tweedle-Dum" and "Tweedle-Dee" in patent analysis. These added qualities transformed his competence as a judge into something more akin to virtuosity.

If the public Judge displayed these qualities, however, the private Judge lived them. It was his practice when I worked in his chambers to divide the cases he had been assigned for the preparation of draft opinions. After polishing and an exchange of drafts, we would sit side by side at his large work table with the authorities on which we were relying surrounding us and work word for word through each opinion. The Judge properly demanded justification for each thought, rationale and word in each of his opinions.

While the sessions sound intimidating at best and boring at worst, they were neither. They provided the Judge an opportunity to test the legal conclusions he was trying to get his panel to adopt. They were extraordinary learning experiences for me since they involved not only legal analysis and writing, but also the practicalities of convincing other judges that a particular legal conclusion was correct.

More importantly, these sessions were the most sustained time I had alone with the Judge. He felt free to tell anecdotes about his own experiences and about other judges. He expressed his jurisprudential philosophies and the proper interplay between the federal and state judicial systems. He often displayed his intolerance for injustice and ineptitude. He

demonstrated pride and disappointment, charm and wit. He proved that even a truly great man who had transcended the trivial was nonetheless human.

The Judge's overriding qualities were warmth and compassion. These he showed in all of his daily dealings. He was never more tranquil than when he was talking about or was with his wife, Esther. His devotion to his family unit was unexceeded. His warmth also extended to those at the Court, both within and without his chambers.

The society has lost a truly great man in the passing of Judge Hastings. But let others chronicle his deeds and accomplishments. I shall always be grateful for his life and for the year he allowed me to spend with him.

JEFFREY J. KENNEDY
MEMBER, ILLINOIS BAR

Judge John S. Hastings' singular achievements as a judge and lawyer and his valuable service to Indiana University are well attested here. For me, Judge Hastings' most outstanding feature was his great character, which largely accounted for his leadership in whatever field he entered.

The Judge had an extraordinary sense of duty, based on his belief that any responsibility or task worth undertaking should be pursued with diligence and excellence. As a jurist he approached each case conscientiously, with an acute awareness of his official responsibilities to interpret and apply the law, but also with a moral conviction that the parties and their counsel deserved his careful and thoughtful consideration of their positions. This same sense of duty governed Judge Hastings' other professional and civic endeavors. In all of them he expected diligence and excellence of others, but always set the standard by his own example.

A second aspect of Judge Hastings' character was his practical wisdom and sense of fairness. Unquestionably, he was intellectually gifted, well-learned in the law, and justifiably proud of his legal scholarship. However, he never lost sight of common sense realities and plain fairness. With quick, incisive analysis, he could reach the essentials of any controversy, fully comprehend the practical implications of alternative positions, and articulate a compelling resolution. He acted always with an innate sense of fairness.

A final aspect of Judge Hastings' character was his genuine humility and his courtesy to all people. Despite his great abilities and attainments and the considerable authority and influence he exercised, Judge Hastings was always the "country gentleman." With fellow judges and lawyers, with court staff, with lawyers before him, with students, with the powerful and with the less powerful, Judge Hastings was invariably courteous,

patient and cordial. He could, when appropriate, devastate another's argument, but he did this without rancor or presumption, and typically with wit and consummate gentleness. His views, wise and careful as they were, commanded their own respect.

For many reasons, but especially because of his sense of duty, his practical wisdom and fairness, and his humility and gentleness, Judge Hastings was an exemplary jurist and an exemplary man. For those of us privileged to have known him, his example has left a lasting impression.