

June 2015

## A Tribute to The Honorable Sam H. Bell ('52)

Richard L. Aynes

Margaret Andreeff Matejkovic

Please take a moment to share how this work helps you [through this survey](#). Your feedback will be important as we plan further development of our repository.

Follow this and additional works at: <http://ideaexchange.uakron.edu/akronlawreview>

 Part of the [Judges Commons](#), and the [State and Local Government Law Commons](#)

---

### Recommended Citation

Aynes, Richard L. and Matejkovic, Margaret Andreeff (2012) "A Tribute to The Honorable Sam H. Bell ('52)," *Akron Law Review*: Vol. 45 : Iss. 4 , Article 1.

Available at: <http://ideaexchange.uakron.edu/akronlawreview/vol45/iss4/1>

This Article is brought to you for free and open access by Akron Law Journals at IdeaExchange@Uakron, the institutional repository of The University of Akron in Akron, Ohio, USA. It has been accepted for inclusion in Akron Law Review by an authorized administrator of IdeaExchange@Uakron. For more information, please contact [mjon@uakron.edu](mailto:mjon@uakron.edu), [uapress@uakron.edu](mailto:uapress@uakron.edu).

## A TRIBUTE TO THE HONORABLE SAM H. BELL ('52)\*

*Richard L. Aynes\*\* and Margaret Andreeff Matejkovic ('92)\*\*\**

I have also come to love the smell of the leather bindings on the books, the sight of the sunlight on the courtroom walls, the sounds of voices ceaselessly urging some point of view, and the recollection of the many faces the lawyer and the judge see and remember. These are the faces of one's friends, allies, and sometime adversaries at the bar; the faces of countless criminal defendants, and the eyes of their wives and children; the etched anguish of the victims; the faces of litigants who sought recompense for injuries suffered and of those whose business interest required relief to prevent further wrongs; the faces of the poor, the rich, the helpless, the ignoble, the good and the bad—all somehow comprising a part of the rich tapestry of the practice of the law and the work of the judiciary.<sup>1</sup>

The late Judge Sam H. Bell ('52) saw the powerful effect of, and beauty in, words. He wrote and spoke them with precision, with thoughtfulness, and with compassion. And he listened intently to the words of others—to the words of all people from all walks of life. His fundamental humanity, great kindness, and assiduous pursuit of knowledge through perusing of the philosophies, the histories, and the literature of the law permeated his choice of words in his speeches and writings. It is because of these and other qualities of Judge Bell's character as a man and as a judge that the authors are honored to present this Tribute to his life and legacy.

---

\* The authors extend their sincere appreciation to Jennie Bell ('79) for her invaluable contributions to this Tribute and for generously permitting the use of much of her thoughtful and meaningful article on the life of Judge Bell. Jennie's article appeared in the Spring 2011 issue of *Akron Law*, the alumni magazine of The University of Akron School of Law. It is Jennie's *Akron Law* article that is the basis for this Tribute.

\*\* Professor of Law and John F. Seiberling Chair of Constitutional Law Center, The University of Akron School of Law.

\*\*\* Associate Dean for External Programs, The University of Akron School of Law.

1. Judge Sam Bell, Inaugural Lecture in Law at the College of Wooster: The Path to the Law (Apr. 2, 1998).

Judge Bell passed away on December 23, 2010, just a week shy of his 85th birthday. Much of Judge Bell's inspiring legacy is known to many, but his legacy is a great deal more because so much of what he accomplished was done in his humble style of quiet, unheralded leadership. It is from both of these perspectives that the authors offer this Tribute.

With the exception of the United States Supreme Court, Judge Bell sat on every level of the state and federal court systems by election, appointment, or assignment. Judge Bell was the first Article III judge to have graduated from The University of Akron School of Law. After Judge Bell's 1982 appointment by President Ronald Reagan to the United States District Court for the Northern District of Ohio, other significant Article III judicial appointments of Akron Law alumni followed, including the Honorable Alice M. Batchelder ('71), current Chief Judge of the United States Court of Appeals for the Sixth Circuit; the Honorable Deborah L. Cook ('78), also an appellate judge for the Sixth Circuit; and the Honorable James S. Gwin ('79) and the Honorable John R. Adams ('83) of the United States District Court for the Northern District of Ohio. Akron Law's presence on the federal bench since Judge Bell's appointment has also included the appointments of the Honorable Harold F. White ('52) and the Honorable Randolph Baxter ('74) to the U.S. Bankruptcy Court.

Judge Bell served on the Board of the Federal Judges Association, and most importantly, truly enjoyed his great friendships with fellow judges and staff members of the Northern District. He also treasured his twenty-eight year friendship with Federal Circuit Judge H. Robert Mayer and Judge Mayer's wife, Mary Anne. This friendship helped bring Judge Mayer to Akron Law as a visitor to its Intellectual Property Law Program.

It is nearly impossible to capture the essence of a man as unique as Judge Bell, particularly in a tribute article such as this. It is equally difficult to find the proper words to convey Judge Bell's exceptionality, especially for one to whom words meant so much. However, an overarching tenet of Judge Bell's professional and life legacy must be his commitment to civility and respect to all people, regardless of position. Judge Bell maintained an unwavering and enduring expectation that civility and respect extend to the treatment of others. He held an absolute devotion to this commitment regardless of the issue, controversy, or matter at hand. Throughout this Tribute, the authors hope that the reader will note this thread and examples of Judge Bell's resolve in this regard.

His great belief in the necessity of mutual civility and respect also extended to judicial relationships within the courts. It was at Judge Bell's instigation that he and his Northern District Court colleagues began the annual federal court holiday dinner. Judge Bell cherished the idea that the collegiality evinced there was one of the strengths of democracy, demonstrating that strong-minded men and women who might differ in opinion or philosophy could nonetheless gather together in friendship and the common cause of justice, and that the common good of the public served took priority.

Judge Bell's law clerks at the state and federal levels were highly important to him. He knew that they were the future. He knew that the clerks were the lifeblood of the law and Judge Bell fed that ideal with mentoring, with idea-sharing and generation, and with constant communication. His door was always open, and when a new courtroom was designed, the clerks' offices were moved closer to his to facilitate ease of access. Hours went by quickly when he and the clerks discussed legal issues—and occasionally basketball.

The importance of Judge Bell in the lives of his clerks was clear throughout his life and was evidenced at the time of his passing in their remembrances:

Judge Bell was instrumental in my development as a thinker and a writer, the two skills that are, in my opinion, the most important in the practice of law . . . without Judge Bell, I would not be the lawyer I am today . . . I will always treasure my memories of clerking for Judge Bell.<sup>2</sup>

Judge Bell was more than just a giant of the legal community and federal bench. He was among the most kind, decent human beings I have ever known. As much as his love of the courtroom, and especially the lawyers who appeared before him, was his love of the people in his daily life at the court. Every defendant, every court reporter, every victim, felt as if he or she were at the center of the universe when speaking with Judge Bell. I have had no higher honor in my life than my service for two years as law clerk to the Honorable Sam H. Bell. Few days go by when I do not remember his wisdom or his wit. I will never forget him, or the example he set.<sup>3</sup>

---

2. R. Scot Harvey, Partner, Fisher & Phillips, *Online Memorial Tribute*, AKRON BEACON JOURNAL ONLINE (Dec. 2010), ohio.com.

3. Hon. Paul Grewal, U. S. Mag. J., N. D. Cal., *Online Memorial Tribute*, AKRON BEACON JOURNAL ONLINE (Dec. 2010), ohio.com.

My two years as Judge Bell's law clerk were among the most educational and exhilarating of my life. He will always be the gold standard against which all judges are measured.<sup>4</sup>

Judge Bell believed that the Inns of Court nationally and locally were a key to the continuation of ethical conduct, civility, character, and professionalism in our Bar. He was a founder of the local Inn. Judge Bell so wanted to perpetuate the Akron Law Inn that he stopped attending the Charles F. Scanlon Inn of Court on a regular basis and assumed an emeritus role so that others would assume leadership roles and assure the Inn's longevity. For more than twenty-two years, this group of lawyers and law students has continued to meet monthly to learn and to discuss the law. Judge Bell and others created the American Inn's of Court Federal Practice Guide (Sixth Circuit) in 1996.<sup>5</sup> In honor of the meaningful and sustained commitment displayed by Judge Bell throughout many years, the Akron Law Inn of Court was renamed the Charles F. Scanlon and Judge Sam H. Bell Inn of Court in September 2011.<sup>6</sup>

Judge Bell also believed that in many instances a legal oralist could discover that the powers of persuasion resided, not in the statements declared, but in the questions asked. A man with limitless intellectual curiosity about people and ideas, Judge Bell inquired as to what others thought about every possible topic. This was a part of his unfailing respect for the worth of every citizen in our society and of his belief in the value of the variety of viewpoints espoused, and moreover of his great desire to learn. Through his subtle, well-developed talent in posing questions, Judge Bell allowed us, with our dignity intact, to better ourselves, and to realize that what is important is not that which we already know, but how much we have to learn—and, often in the process, to learn so much more about ourselves.

All those who appeared before Judge Bell were treated in a fair and even-handed manner. When the jury entered his courtroom, Judge Bell always stood up for them, not the reverse. It was a matter of showing respect for the jury and the gravity of their undertaking of the case before them.

---

4. Dirk Beamer, Shareholder, Wright, Penning & Beamer, *Online Memorial Tribute*, AKRON BEACON JOURNAL (Dec. 2010), ohio.com.

5. SAM H. BELL, THOMAS W. HILL & ALFRED H. KNIGHT., *FEDERAL CIVIL PROCEDURE AND EVIDENCE DURING TRIAL—6TH CIRCUIT: FEDERAL PRACTICE GUIDE* (1996).

6. The authors appreciate the thoughtful review of this Tribute by Akron Law Professor J. Dean Carro ('78). Professor Carro has served as the only Counselor of the Charles F. Scanlon and Sam H. Bell Inn of Court since the Inn's inception in 1988.

In this same vein, many strongly believe that Judge Bell's civility, wisdom, patience, and capacity for occasional appropriate wit, helped end one of the toughest labor situations ever faced by the rubber industry's labor and management. In the mid-1970s, Judge Bell presided over that epochal matter, and years later, it helped propel him from the state appellate court to his federal judgeship.

Born in 1925 on a snowy New Year's Eve in Rochester, New York, Samuel H. Bell was the only child of Sam H. Bell and Marie Williams Bell. Soon after his birth, the family moved to Akron, Ohio. Blessed with intelligent and caring parents and a grandfather who resided with them, the boy learned to read at a very young age. And thus a never-ending passion for reading and learning began. Because of his beloved father's World War I infantry service in the Meuse-Argonne, Judge Bell later undertook a lifelong study of history, warfare, and foreign relations.

At the age of seventeen, Judge Bell entered the College of Wooster. Through a joint program with American University in Washington, D.C., he studied foreign relations during his senior year and lacked one course to complete a Master's degree in Foreign Affairs. Little did he know how well this experience would serve him as a federal judge.

After his college graduation, Judge Bell returned to Akron, found employment, and married his college sweetheart, Joyce Shaw. His parents and Joyce encouraged his desire to further his education, and he enrolled in Akron's night law school, later named The University of Akron School of Law. Judge Bell and Joyce, who passed away in 1982, had two sons. Their older son, Dr. Henry W. Bell, a former professor of business at Marquette University, is now a project manager for Hewlett-Packard. Their younger son, Steven D. Bell ('79), a former chief of the Civil and Appellate Divisions of the United States Attorney's Office, is in private practice with a focus on trial advocacy.

Judge Bell and his second wife of twenty-eight years, Jennie Bell ('79), were inseparable. Judge Bell's never-ending love and generosity of spirit included Jennie in every possible aspect of his professional and personal life. From meeting United States Presidents to helping others, their lives were one. When Judge Bell and Jennie first married, he promised her that even if they were not blessed with a long time together on earth, he would give her a lifetime of shared memories, and he did. Indeed, they were blessed with many wonderful years together. The civility and respect shown to all in the courtroom was shown always at home.

Jennie worked with Judge Bell on many projects; an example of which is the team-teaching of a pre-law class for four years at the College of Wooster with Professors Henry Kreuzman and Madonna Hettinger. Judge Bell's commitment to the law is no better evidenced than in this last professional project as an educational capstone of his remarkable career. Specifically, the Wooster course focused on the nature, history, and philosophy of the law, the structure of the court systems, and teaching legal/analytical writing including the basics of brief writing. Judge Bell was genuinely excited by the uniqueness of this program, once noting that "the approach we adopted proved a fruitful one."

All of these Wooster students were told from the outset of Judge Bell's view of the law and what would be shared throughout the term. In the teaching materials he and Jennie developed, Judge Bell observed:

We see the law as sacrosanct in the preservation of an ordered community, possessed of variant views and widely-divergent social customs and traditions . . . [while] important objective(s) of . . . study (will be assistance in students' decisions whether to attend law school) are to increase the value of each student to his or her community by allowing him or her to absorb the many truths of the law . . . to realize his or her duty to uphold the Rule of Law [as] adherence to the Rule of Law is of primary importance to the citizenry against those who seek to destroy or weaken the proper application of the law to the people. [C]ommunicating . . . these thoughts to those unacquainted with the law . . . is my reason for teaching this course.

Stephen Vincent Benet's *John Brown's Body* played a special role in Judge Bell's personal edification. Judge Bell encouraged students considering a career in the law to obtain the best liberal arts education possible and he also urged them to take the time to read the epic poem. He often mentioned that throughout his life the profoundness of that work had haunted him. A history, an art form, a nationalistic masterpiece—this work constitutes a multi-faceted entity with a life of its own. Read by generations of Americans, *John Brown's Body* exemplifies the art of storytelling at its best. Imagery, strong characterization, vital themes, and many more literary tools are utilized by Benet. The epic is a hybrid of history and literature, of prose and poetry, of light and darkness. The human spirit is of great significance. Emotions travel from the utter misery and hopelessness of the slave ships to the pastoral beauty in the American landscape to the devastation of the battlefield of Gettysburg. Judge Bell believed that the poem mirrors our lives in its uneven tone and varied rhythms. All these

things and more engaged Judge Bell's mind and heart. He believed that the verses in *John Brown's Body* provided secrets to understanding the forging of American thought and character. And, perhaps found there too, are the roots of many of the Judge's sentence structures and linguistic rhythms.

Judge Bell often spoke of "the premium placed on . . . ordinary but vital characteristics [such] as integrity, honesty, character, plain-spokenness, lack of artifice, and respect for one another" in the legal profession. And he placed expectations of these characteristics on his students from the outset and throughout the entire term.

For their teaching at Wooster, Judge Bell and Jennie developed program materials. In reading these materials, one can gain a sense of the fervor with which Judge Bell viewed the practice of law, particularly as it related to the effects of choices one makes in the practice of law, the living of one's professional life, and the responsibilities with which all lawyers are entrusted. For example,

[A] different professional relationship . . . of . . . paramount importance is the selection of people or the person with whom one shares his professional life. The professional marriage is full of many of the same aggravations, the same joys, and the same disappointments as flow from the union of husband and wife. Choose well in the beginning to preclude the thought of divorce at a later time.

In no other profession does one meet the cross-section of the community; nowhere else does one possess the opportunity to enter into the very marrow of that community, seeking and finding the best and worst of men and institutions.

It is foolhardy to suggest that lawyers care less about money than they do about community good [as they] like all others concerned with the business of educating their children, providing financial security, and saving . . . need and appreciate monetary success . . . yet every professional knows that . . . a cherished "thank you" from a grateful client means more than mere money could repay . . . Members of the profession must always understand that counsel's dedication to the law and the client's interests have to be paramount to self interest or financial reward.



The practice of law is a supremely worthy profession for those who choose to give their lives to it.<sup>7</sup>

Jennie Bell carries on the commitment of her husband to understand and support the law. She recently noted that “the better we educate and prepare the men and women in the law, the better they are able to aid in the preservation of our democracy . . . [and] our way of life.” Jennie went on to observe that Judge Bell had “great affection for the phrase ‘mosaic of the law,’” recalling his remarks at the 1999 ceremony unveiling his official portrait that hangs in the ceremonial district courtroom in Akron:

[T]he rule of law is so precious . . . that it is incumbent upon the members of the federal bench to always protect it. We have in other words translated the great words of the great charter into American constitutional law today. That is not something that I did. This is something that we all did, that we all do in our own particular way. That’s what this portrait is all about. This is not some personal favor or symbolism that’s given to me. This portrait is only a part of the ever-changing mosaic of the federal court system. I would like to think perhaps it is in a sense today at least a link between the past and the present and the present and the future. I don’t want anyone to think that I would accept it any other way. These changes of which we will move in the next few years will be great ones. There will be new law. There will be new views. There will be new and different interpretations. And every man and woman in this building that served the law will be part of that mosaic. To that degree, I am very proud that this portrait has been presented to the Court.

Judge Bell never retired nor resigned from the federal bench. Through the protocol of our federal system, he remained a federal judge in inactive status until the day he died. Most of all, Judge Bell never forgot that it was a privilege to serve the people.

In honor of Judge Bell, the United States District Court for the Northern District of Ohio held a Special Session of the Court termed a “Tribute” to honor Judge Bell on May 12, 2011.<sup>8</sup> This ceremonial session was held in Akron at the Quaker Square Inn on the campus of The University of Akron. This was the first time a ceremony of this type had been held in the Northern District. It was not only an honor for Judge Bell; it was an historic ceremonial occasion for The University of

---

7. The Practice of Law (part of teaching materials written by Judge Sam H. Bell and Jennie Bell for a course taught at College of Wooster).

8. 756 Fed. Supp. 2d V.

Akron School of Law, for the College of Wooster [three graduates sat simultaneously on the District Court], and for our State. This event also honored the rule of law, our system of justice, and the American balance and separation of powers that help preserve our democracy. Speaking to the nearly 300 attendees at Judge Bell's Tribute, Sue Marie Douglas noted, "Judge Bell understood that cases weren't simply legal disputes. They involved the lives of people."<sup>9</sup>

The Bell family's wish is to contribute to Judge Bell's "mosaic of the law" as part of his memory and legacy. In May 2012, Akron Law launches the Judge Sam H. Bell Trial Advocacy Program, developed in cooperation with Jennie and his son Steven. The family hopes that this program will be yet another piece of our democracy's mosaic of the law.

Akron Law is proud of all its alumni. From judges to legislators to other public servants; from in-house counsel to private practitioners to CEOs of Fortune 500 companies; this list is as limitless as the talents of its alumni. Judge Bell was proud to be an alumnus of Akron Law, but not nearly as proud as Akron Law is to count him among its own.

When the experience of men and women reflects the higher values of our existence, the law and the practitioner will be elevated to higher levels of both justice and integrity. The law lives; it changes; it breathes both hope and despair; it is in constant transition; and this is so because of the minds and experiences of every person engaged in making, interpreting, or enforcing the law, including every attorney and every would-be attorney . . . and as well as the desires and dreams of the people of this nation. This, I think, is why we love it so; for while the law is so deeply rooted in yesterday's wisdom, it has always accommodated tomorrow's vision.<sup>10</sup>

---

9. *Id.* at XVII.

10. BELL ET AL., *supra* note 4.