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Steven E. Zipperstein

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REFLECTIONS ON JUDGE RICHARD A. GADBOIS, JR.

*Steven E. Zipperstein**

Dick Gadbois was a special man. He was also a special judge. I had the great privilege of appearing before him many times as a federal prosecutor. I had the even greater privilege of becoming his friend.

In the courtroom Judge Gadbois embodied the intellect and temperament that makes the federal judiciary so unique in the American justice system. He was incredibly smart and could always see several steps ahead of everyone else in the courtroom. Sometimes my colleagues in the United States Attorney's Office would complain that Judge Gadbois had excluded evidence that should have been admitted, without realizing that the judge was keeping the record nice and clean for the inevitable appellate review that follows almost every federal criminal prosecution.

Judge Gadbois's courtroom brilliance, I am convinced, was the product of his restless, inquisitive, curious mind. He knew so much about so many things: religion—not just his beloved Catholic faith but all religions, baseball, art, literature, science and, of course, jurisprudence. I use the word “jurisprudence” because one always felt in the courtroom that Judge Gadbois was more than just a judge administering the law. He was a judge philosopher who taught us all about the law—and about life.

But Judge Gadbois's great intellect never overshadowed his wonderful temperament on the bench. He would peer through his 60s-style black-framed eyeglasses and always find room for a humorous comment, a witty digression, or an incredibly perceptive observation about a case before him. Once, during the defense case in a drug smuggling and money laundering trial, I objected to a question the defense lawyer asked. “Now Mr. Zipperstein,” Judge Gadbois said in a tone of mock reproachment, “you just got

* Regional Vice President and General Counsel, GTE California, Inc. Mr. Zipperstein served as an Assistant United States Attorney for the Central District of California from 1987 through 1996 and served as Chief Assistant United States Attorney from January 1994 to 1996.

lots of hearsay in during your case, so why don't you just relax and let [the defense attorney] try his case?" I sat down and thought to myself, "You know, he's right." The jury convicted the defendant the next day.

Judge Gadbois was also very fair and even-handed on the bench. He treated everyone with respect and dignity. Despite his long years on the bench, he treated every case as new, every defendant as an individual, every lawyer as a human. Indeed, I always left Judge Gadbois's courtroom feeling that I had just witnessed the true meaning of justice—no matter which side had "won" or "lost."

Outside the courtroom Dick Gadbois became my close friend, so much so that I stopped handling cases before him. Our friendship began in earnest after I moved to Washington, D.C. for an eighteen-month stint at Justice Department headquarters. In mid-1993 Dick came to Washington for a judges' conference. We met for dinner with our wives and had a wonderful time. Dick and Vicki had recently married, and they were very much in love. They had just visited Dick's friend Warren Christopher in his State Department office, and they were invited to the White House for a reception the following day. Dick was so happy and excited that night.

After I returned to Los Angeles in early 1994, Dick and I met regularly for lunch. He loved hearing my stories about the political intrigues I had witnessed in Washington. He would ask about my wife and my children, about our plans and aspirations. But he never talked about the many cases my office had pending before him, nor did he ever complain about our prosecution policies, even though I knew he harbored serious doubts about certain of our initiatives.

As I came to know Dick better and better, I realized he was a very complex man. Yes, he was very smart and, of course, he was a powerful federal judge. But he was also shy and modest and sometimes even self-deprecating. He would indulge in superlatives when describing certain people around town—"He's an absolutely brilliant trial lawyer," or "she's the best appellate judge in the United States"—but he would brush aside even the slightest compliment paid to him. He loved to talk about other people but did not like to talk about himself.

I knew full well how and why Dick was suffering, but I never broached the subject with him, nor did he ever discuss it with me.

It was not my place to pry—I was not his peer, and there were many others who cared deeply for him, who knew him better and longer than I, and who were doing their very best to help him. My role was different. With me, Dick could be the mentor, teacher, philosopher, and friend that he really was, without worrying that I would try to take our friendship to the next step and intervene in his personal situation. I'm sure he knew I was aware of his medical problems, and I am equally certain he appreciated that I never raised the subject. It was as if our silent gentlemen's agreement allowed him to spend some moments away from his troubles, and I was glad to provide him that small zone of comfort.

Los Angeles was blessed with Judge Gadbois's public service for over two decades. As the other testaments in this issue demonstrate, Judge Gadbois was a special man who will be remembered for all time. Dick often told me he wanted to retire to Hawaii where he could continue as a senior judge and hear cases from time to time. Sadly, that never happened. Yet somehow I imagine him today in a peaceful place like Hawaii, watching the waves, enjoying the air, feeling free at last. Goodbye judge. Goodbye friend.

