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TRIBUTE TO JUDGE RICHARD A. GADBOIS

*Laurie L. Levenson**

President Woodrow Wilson once wrote, "One cool judgment is worth a thousand hasty counsels. The thing to be supplied is light, not heat."¹ Judge Richard A. Gadbois, Jr. provided that light. In fact, at times his was more of a sparkle. Judge Gadbois's love for the law and people was evident in every decision he made. I, as a young prosecutor, had the privilege of feeling the wisdom and warmth of his light.

I first appeared before Judge Gadbois when he took the federal bench in 1982. I had been sent down by the United States Attorney's Office to "try out" the new judge. Was he a tyrant? Was he a pushover? How much justice could we wring out of him?

Day one was a humbling experience. Frankly, Judge Gadbois did not want to hear from me at all. The time had come to sentence a defendant, and Judge Gadbois respected the task before him. He was familiar with the defendant's misdeeds. As a former municipal and superior court judge, Judge Gadbois had seen many petty thieves before.² It was the defendant Judge Gadbois wanted to hear from, the man who would suffer the consequences of the judgment. Judge Gadbois listened and dispensed judgment. And, because he listened, it truly was a fair judgment.

My second appearance went only slightly better. This time, I was allowed to state my name but nothing more. Judge Gadbois deferred again to defense counsel. It was not that Judge Gadbois

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1. President Woodrow Wilson, Address on Preparedness (Jan. 29, 1916), in 36 THE PAPERS OF WOODROW WILSON 33 (Arthur S. Link ed., 1981).

2. Judge Gadbois had a distinguished legal career. He was a Deputy Attorney General in Los Angeles, an associate with the firm of Forster, Gennill & Farmer, and a partner at Musick, Peeler & Garrett. He also served as Vice President and General Counsel for Denny's Restaurants before being appointed to the California Municipal Court bench in 1971. In 1972 Judge Gadbois was elevated to the Los Angeles County Superior Court where he served for ten years before becoming a United States District Judge for the Central District of California.

did not care about my position, far from that. It was that Judge Gadbois knew that the courtroom was not the place to have prosecutors make speeches. It is a place to get questions answered, and the judge had no questions for me. The judge needed to hear from defense counsel. Judge Gadbois used his precious courtroom time to talk, person to person, to the lawyer whose case he doubted. As I sat on the sidelines, I watched as Judge Gadbois engaged in conversation that transformed the courtroom from an adversarial battleground to a meeting place for the exchange of information. I was beginning to get it.

By the time I made my third appearance in front of Judge Gadbois, it was my turn. As I rose to address the court, Judge Gadbois announced to the packed courtroom and my adversaries that they were about to hear from a "brilliant, articulate, and tough prosecutor." Pretty good for someone who had never actually argued in his court before! It was Judge Gadbois's way of welcoming me into his family of federal litigators.

For the next several years, I had the opportunity to try many cases before Judge Gadbois. He was extremely smart and perceptive. Years of toiling in both the public and private sectors gave him an insight into people that no law book can teach. Judge Gadbois also was a consummate trial lawyer, even when he was the judge. He could zero in on the important evidence in a blink of an eye. He knew when the jurors had heard enough. He knew when counsel could resolve a case if he would just take a few extra moments before taking the bench.

Judge Gadbois put me through my paces. I have no doubt that I became a better lawyer because I had the privilege of trying cases before him. He held the government to a higher standard. My cases had to be prepared because he always was. He warned constantly against going overboard. He instinctively seemed to know what a case was worth and how the justice system could best be used to obtain our goal—justice.

Judge Gadbois had compassion but not for the defendant who did not deserve it. When sentencing a corporate executive who had been convicted of illegal kickbacks, the judge let his fury fly. He emphasized the special evil of the betrayal of trust; he insisted that those entrusted with the money or lives of others had a special responsibility not to stray. Judge Gadbois spoke to the person yet sent his message to all. He demanded that the business world play fair. He had run an ethical shop when he was General Counsel to

Denny's Restaurants. There would be no break for white-collar criminals who chose a different path.

I spent two years trying back-to-back cases in front of Judge Gadbois. What a privilege it was. I am particularly grateful that even when I left the prosecutor's office we were able to maintain our friendship. I could visit him anytime, as long as I brought pictures of my children. I could call him for advice and he would freely provide it. When I joined the ranks of Los Angeles's legal commentariat, commenting on television about high-profile cases, Judge Gadbois continued to provide his encouragement and advice. True to his form, his first advice hit the mark. "Lose the tie and speak slowly" said it all.

I would like to think that Loyola Law School gave Judge Gadbois all of his brilliance and goodness.³ More likely, he was just born that way. He was a good man who will be missed by both his families—the one he cherished at home and the one he brought together in his federal court. He has left behind a wonderful legacy. Judge Gadbois's sparkle and cool judgment will provide a beacon of light for years to come.

3. Judge Gadbois graduated from the Seminary at St. John's in 1954 and went on to receive his law degree from Loyola Law School in 1958.

