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Austin L. Staley - In Memoriam - On Law and Scholarship

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Austin L. Staley
In Memoriam
On Law and Scholarship

*Ronald R. Davenport**

This volume of the Law Review is dedicated to the memory of Austin L. Staley, Class of 1928, former Chief Judge of the Third Circuit Court of Appeals. The dedication is particularly fitting. By definition, a Law Review is a scholarly work. And Austin Staley was a scholarly man. Scholarship is often a quality overlooked in evaluating members of the bench. It should not be overlooked in weighing the considerable contributions Austin Staley made to our judicial system.

In reflecting on Judge Staley's long and illustrious career, or indeed upon the careers of other eminent jurists, we tend more to think, with Socrates, that "Four things belong to a judge: to hear courteously, to answer wisely, to consider soberly, and to decide impartially." There is no question that these things belonged to Austin Staley. He both owned and exercised them with a marked degree of sobriety and equanimity. By so doing, he employed and tempered that unique power given only to judges in our democracy.

In our federal judicial system, those who serve at the district court level literally have the power of life and death over those citizens before the bench. Those who serve at the appellate level make certain that this power is properly exercised by the district court. Because of this power, judges have rightly held a special place in the minds and hearts of all people aware of our system of justice. An historic reputation for fairness and honesty has imbued our federal system with the respect and admiration, not only of those of us who

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are privileged to grace its membership, but of the public at large. Typically, federal appellate court judges write more than thirty opinions in the course of a court term. These opinions not only decide the fate of particular litigants, they make law and provide resource materials for scholars.

Judges, be they in the majority or for the dissent, are variously praised, ridiculed, attacked, and scorned. Publishing an opinion is more than giving the rationale for a decision, it is tantamount to a baring of the judicial soul, for it records for all time the legal philosophy and scholarly competencies of the author.

During his almost thirty years of service on the federal bench, Judge Austin Staley wrote 353 majority opinions. These opinions have been cited by the Supreme Court of the United States and used by professors from law schools throughout the country. His "Staley, J." at the end of the opinion does not indicate where he received his legal education, of course, but the language of the opinion does indicate the quality of the man behind that signature. As lawyer, judge, and scholar, Austin L. Staley reflected the very best of the Duquesne Law School tradition. He embodied all that we were, are, and will be.