

# THE JOURNAL OF APPELLATE PRACTICE AND PROCESS

## FOREWORD

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### JUDGE, SCHOLAR, AND FRIEND

The work of an appellate judge is subject to a scrutiny perhaps more careful and thoughtful than is the work of any other professional. In an adversarial system, no judgment, no decision, no written explanation is ever beyond reevaluation. The work of appellate judges is always subject to critique, and it will long survive them. But the opinions of some appellate judges, like those of Senior Judge Richard Sheppard Arnold of the Eighth Circuit, will likely wear particularly well over time.

In late June of this year, the Eighth Circuit met en banc at the federal courthouse in Little Rock to accept two portraits of Judge Arnold, one destined for the Thomas F. Eagleton Courthouse in St. Louis, the other to remain in Little Rock. The occasion was at the same time solemn and joyful.

In the courtroom on that day were Judge Arnold's colleagues on the federal and state courts, a large group of his former law clerks, outstanding lawyers from Little Rock and the state of Arkansas, political and public figures, and devoted friends. In truth, the entire courtroom was filled with the Judge's friends, and the depth of genuine emotion—the kind in which respect and love are intertwined—filled the hour with a deep honor for the man and his work.

The speakers were themselves accomplished in the law: Chief Judge David R. Hansen praised Judge Arnold's work on the Court of Appeals; District Judge George Howard, Jr., noted Judge Arnold's lifelong commitment to civil rights; former United States Senator Dale Bumpers recounted his

long relationship with the Judge, pointing out that he had nominated many of the federal judges present and voted to confirm all of them; Philip S. Anderson, a former president of the American Bar Association, spoke about his long personal and professional friendship with Judge Arnold; and Price Marshall spoke eloquently of the Judge's warm and mentoring relationship with his clerks. In his response, Judge Arnold, clearly touched by the outpouring of praise, maintained the quiet dignity that has ensured his place as an esteemed jurist trusted and revered by the lawyers who appear before him. He seemed most pleased that his wife, children, and grandchildren were there with him.

Judge Arnold's career has been marked by a commitment to the rule of law and the fair application of legal principles, and so Jason Bouldin's portraits convey two of the qualities that have characterized that career: his integrity and his compassion. They are beautiful, and will, as is fitting, be hung in the halls of justice.<sup>1</sup> But the canvas that the judge himself has painted—the well-reasoned and precisely phrased judicial opinions that bear his signature—is an even more fitting reflection of the man.

Judge Arnold has been a friend to this Journal. His essay on unpublished opinions in our second issue,<sup>2</sup> which anticipated the panel decision in *Anastasoff v. United States*,<sup>3</sup> invigorated a debate that has afforded us a national audience. We could hardly have hoped for such a start to a new publication. As lawyers and as citizens, we thank him for a life lived well and work well done. We look forward to his next provocative essay<sup>4</sup> and to more of his clear, thoughtful opinions.

JTS  
Little Rock  
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1. The portrait opposite appears by permission of the United States District Court for the Eastern District of Arkansas. The St. Louis portrait will appear in the *Federal Reporter*.

2. Richard S. Arnold, *Unpublished Opinions: A Comment*, 1 J. App. Prac. & Process 219 (1999).

3. 223 F.3d 898 (8th Cir. 2000), *vacated as moot*, 235 F.3d 1054 (8th Cir. 2000) (en banc).

4. Judge Arnold offered important advice to appellate lawyers in another essay, *Why Judges Don't Like Petitions for Rehearing*, 3 J. App. Prac. & Process 29 (2001).

