

# Reflections: The Honorable Robert R. Merhige Jr.

Wednesday, February 23, 2005—Cathedral of the Sacred Heart, Richmond, Virginia

Late last Friday, word began to seep through the community that our friend and colleague, the Honorable Robert R. Merhige Jr., had left us. It was a saddening realization that this man of civility and courage, this gentle but vibrant force of the legal realm, would no longer be available for a cup of coffee and a word of counsel to some young attorney, or to a former colleague still on the bench, or to me.

Since last weekend, published accounts of this remarkable man's life have reminded us of his many awards, accolades and accomplishments, of his personification of the American dream. You know the story—he worked his way through college and law school; flew bombing missions over Europe during World War II; built a highly successful law practice; was appointed a federal judge by the President; and presided over many complex and controversial decisions. His genius for creative consensus building among corporate litigants is legendary; his courtesies to one and all are well-known. His courage under fire is a lesson in grace, especially when his life—and the lives of his family—were under threat.

All those things we know—and admire—and respect.

But his humanity and sense of humor must be mentioned, for they, too, capture the essence of the man who was more than a judge.

Those who were close to him knew how much he loved his family, how he worshiped the ground that his wife, Shirl, walked on. He doted on his children and was smitten by his grandchildren. He considered his fifty-six law clerks, accumulated over 31 years on the bench, as members of his extended family.

The judge was a sociable man—he loved good conversation, especially over dinner

with friends, usually at LaPetite France, Chez Max or the Commonwealth Club, and while he did not wear his religion on his sleeve, he rarely missed Mass at his church.

I knew the judge well. My first week in the practice of law was his first week on the bench, and we both were involved in an important case. Twenty years later, I, as Governor, presented him with a proclamation at a black-tie dinner, recognizing his twenty years on the bench. Many of you were in attendance.

For the last seven years, the judge was my next door neighbor at the law firm of Hunton and Williams. I almost never beat him to the office in the mornings. He took delight in asking why I was late at 6:45 a.m. He almost certainly invented the Puritan work ethic.

Not so long ago, after the judge had returned from a multidistrict litigation case in the cold weather of Maine, where he had been hospitalized, we had a meeting to tell him ever so gently that while we loved him and appreciated his hard work, we did not want him to endanger his health by traveling like that again.

Our chairman, Gordon Rainey, in that silver-tongue tone of his, could not have been nicer. But the judge bolted out of his chair, and said: "After forty-eight bombing missions over Germany, you've got to be kidding! I don't want to be babied. I want to earn my keep."

The judge was a master of wit and could puncture the pomposity of lawyers as well as engage in acts of self-deprecation. He was fond of his colleagues on the federal bench, and lunched with them occasionally after he had retired.

On one such occasion, the judge invited me to join them and asked me to drive my

The Honorable Robert R. Merhige Jr., a United States district judge in the Eastern District of Virginia from 1967–1998, died February 18 in Richmond. He was 86.

Judge Merhige was best known for his 1972 decision to order school desegregation. The personal price he paid in the aftermath of that decision—he and his family were victims of threats and violence, and he was socially ostracized in some circles—made him an icon of judicial courage and independence.

A native of Brooklyn, New York, Judge Merhige received his undergraduate degree from High Point College in 1940 and his law degree from the University of Richmond in 1942. He served in the Army Air Force during World War II.

He was appointed to the bench by President Lyndon B. Johnson. After his retirement, he was of special counsel to the Richmond-based law firm Hunton & Williams.

black Cadillac with a low license to pick up his friends. Imagine the pleasure he took as we pulled up in front of the federal courthouse, with lawyers and judges standing there on a summer-like day. The judge rolled down the window, invited his friends to get in the car and asked with a mischievous grin, "Have you met my chauffeur, the former Governor?"

There is another anecdote that captures the essence of the jurist whose life we celebrate today.

On his office wall hangs a 1967 photograph of the judge and several other non-

*continued on page 27*

## VBA Executive Vice President to Retire

Charles Breckenridge “Breck” Arrington Jr., executive vice president of The Virginia Bar Association since 1991, will retire effective February 1, 2006.



The VBA, with 5,600 members, is the largest and oldest statewide voluntary bar organization in Virginia. It was founded in 1888.

Arrington, once chair of the VBA Young Lawyers Division, received his undergraduate and law degrees from the University of Virginia. Before becoming the VBA’s executive, he was vice president of Newmyer Associates Inc., a Washington, D.C., public and governmental affairs management consulting firm. He also served in legal and management positions with Atlantic Richfield Company in Dallas, New York, Washington and Los Angeles.

He was counsel to the first state environmental protection agency—in New York—and was a partner in what is now the Vandeventer Black law firm in Norfolk.

He was an officer in the United States Navy and is a graduate of the U.S. School of Naval Justice.

VBA President James V. Meath said, “Breck’s announcement is a ‘passing of the guard’ kind of event which we are sorry to see come to pass. However, his announcement will allow for a timely search for his replacement and an orderly transition for the affairs of the association. We have a knowledgeable and dedicated staff at the VBA built during Breck’s tenure. We fully expect to maintain our high level of service to our members and continue our contributions to the public and the legal profession.”

*continued from page 26*

inees at the White House with President Lyndon B. Johnson, a Democrat. I once asked him how it was that he was such good personal friends with other federal judges, some of whom were appointed by other presidents of another party. His reply was a lesson for us to ponder and keep:

He said, “My loyalty is to the law, not to the person who appointed me. My colleagues have taken the same oath. So, we are a fraternity, a co-equal branch of government. We take the same oath as members of the executive and legislative branches of government: ‘to pre-

serve, protect and defend the Constitution of the United States.’” And then he added, with a twinkle in his eye: “Don’t you and your friends in both parties and the other two branches of government ever forget it!”

So, we gather today to salute—and say farewell to—a good man who lived life fully, who believed with every fiber of his being that “to do justice, one must ensure fairness.” Who among us could have said it better? ☺

## J. Scott Kulp Joins VSB Disciplinary Staff

J. Scott Kulp has joined the Richmond office of the Virginia State Bar as an assistant bar counsel.



Kulp previously was an associate in the litigation section of Williams Mullen PC, where he handled general litigation matters. He also organized and participated in the firm’s involvement in the Legal Aid Justice Center Pro Bono Housing Project.

He received a bachelor’s degree in history from the University of Virginia in 1992 and his law degree from Washington and Lee University in 1996. He served as a law clerk in the chief staff attorney’s office of the Supreme Court of Virginia before joining Williams Mullen in 1998.

### Virginia State Bar Professionalism Course



#### Upcoming course dates:

MAY 5, 2005—CHESAPEAKE

JULY 21, 2005—MCLEAN

**for additional dates and a registration form:**

[www.vsb.org/membership/professionalism.pdf](http://www.vsb.org/membership/professionalism.pdf)