

Remarks of
The Honorable Gerald L. Baliles
Former Governor of Virginia
at
**The Virginia Legal Profession's Retirement Tribute to
Chief Justice of Virginia Harry L. Carrico**

**The Jefferson Hotel
Thursday, December 5, 2002**

Distinguished guests, ladies and gentlemen: We are confronted with a pleasant but daunting challenge this evening—how to recognize, honor and thank an individual who has served his profession and Commonwealth with such distinction . . . for centuries.

Here is my challenge: I was asked to draw attention to Chief Justice Carrico's personal qualities, review his educational background, highlight his early days at the bar, his appointment to the bench in Fairfax County, his ascension to the Supreme Court and his long tenure as Chief Justice.

In addition, I was requested to review 10 of the Chief's most significant opinions on the Court, identify and explain one of his most important dissents and mention, in passing, all of his leadership positions in national judicial organizations.

And, if time permitted, I was told I could also outline his commitment to many civic and social organizations, especially family violence prevention, 4-H education, student and teaching leadership awards, and—let's not forget—the Chief's swift rise to a leadership position in the Roller Blading Society of the Western World.

Ladies and gentlemen, I will do all that—and what is more—I will perform this feat of oratorical dexterity in less than 14 minutes!

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Former Governor Gerald L. Baliles and Chief Justice of Virginia Harry L. Carrico

What a delightful evening, what an impressive collection of notables—all gathered to reflect upon one of the great figures of our Commonwealth's judicial history.

Various bar organizations are here tonight to salute him through their resolutions; others have commended him in recent months and years on various occasions, such as the one marking his 40th year on the court, where one of his former colleagues noted the Chief's lengthy working hours, while another one immortalized him in song and verse as "the Energizer Bunny of the Court."

All of these tributes have noted the Chief Justice's commitment to the rule of law, his dedication to the administration of justice and quiet insistence upon the independence and integrity of the judicial branch of government.

Clearly, he has been a man for our time and, perhaps, even longer. I have it on good authority that someone on his Court has referred to the Chief Justice, out of earshot, of course, as . . . Moses.

Now, I do not interpret that as a sign of his longevity, but of his stature! Moses the Law Giver has a certain ring to it, and no one can say that our honoree has not

looked the part . . . a distinguished and quiet demeanor, a keen and inquiring mind and an able administrator looking for ways to guide our legal system through the wilderness.

In fact, I do not think that Chief Justice Carrico has received the recognition he deserves for administrative and procedural reforms during his tenure.

His annual reports on the State of the Judiciary are insightful, informative and impressive. During his tenure as chief justice, we have seen the expansion of the appellate capacity of our legal system in a growing commonwealth. He has focused on the “electronic transformation of the world and of our own court system” as the “driving force of the last 20 years” and has seen the need to incorporate new technology at all levels “without the loss of traditional values” of legal services. He has guided Virginia’s judicial response to the enlarging intersection of science and justice.

And there is more.

Pilot projects to establish family courts and drug courts are other indicators of his reform efforts, not to mention voluntary sentencing guidelines, jury management standards, trial court performance standards, diversity training programs, alternative dispute resolution initiatives and efforts to facilitate the system’s work with pro se litigants. These are significant initiatives. No wonder he has been Chief for so long.

In short, he has focused the Court’s attention on the importance of a strategic planning process, especially in light of significant demographic changes in Virginia and their impact on the demand for court services. The Chief’s biennial strategic plan, with its myriad of new and continuing issues coalesced into five cross-cutting themes, is increasingly recognized as our road map through the wilderness of legal and societal change. The other Moses would have been proud of our Chief Justice.

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Sometimes, we take the good works of our good people for granted, but observers around the nation and throughout legal circles have long noted and admired the work, the reforms and the results of the man we salute tonight. National organizations have sought out this jurist. Distinctions conferred upon him have been many and significant—and well deserved. He was selected by his peers to serve as president of the chief justices of the United States and chairman of the National Center for State Courts and co-chairman of the National Council of State and Federal Courts. Ladies and gentlemen, this is tall cotton!

There is one distinction that he might wish to go unnoticed in an environment sometimes critical of a “world of too many lawyers”: As the longest serving Chief Justice in the history of the Court, he has presided over the “swearing-in” of new Virginia lawyers since 1981—some 30,000 of them. So, the next time someone complains about too many lawyers . . . tell them to call the Chief!

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Well, so much for what others have said and conferred upon this man, who now enters the history books as the longest

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serving member of the Supreme Court of Virginia, 42 years, and its longest serving Chief Justice, 22 years.

Let me tell you something about the Chief Justice I admire and respect.

I first appeared before our honoree not long after I was out of law school—he had black hair then, as I did—and he was the junior member of the Supreme Court by at least 75 years!

After arguing an appeal, I approached then-Justice Carrico about a joint project of the Young Lawyers Section of The Virginia Bar Association with the Virginia YMCA to establish a model judiciary program for the high school students of the commonwealth. Much to our delight, he endorsed the idea, gave us guidance, secured the opening of the Supreme Court chamber to the final arguments and permitted cameras in the courtroom. Nearly three decades later, thousands of Virginia’s high school students have benefited from this program’s introduction to mock trials and appeals.

I have never forgotten that generous hand of the Chief’s, nor have I forgotten one of my favorite stories about the Chief and one of my predecessors.

According to Bill Broaddus, my long time friend and successor as attorney general, who also clerked two years for Justice Carrico, in 1961, Governor Almond called State Senator Gray of Chesterfield about the appointment of a certain local judge to fill the court vacancy and asked the Senator how he thought the appointment would be received. Senator Gray is reported to have said, “Governor, everyone will say it’s a fine appointment, but if, at the end of a lifetime, you want someone

to say it was an excellent appointment, appoint Harry Carrico of Fairfax.”

The governor did just that. And it did not take a lifetime for everyone to conclude that it was an excellent appointment.

I wish time permitted the recounting of other examples and stories of this man’s human—and humane—qualities, the warmth of his wit and wisdom, the depth of his intelligence and integrity.

But, then, my clock tonight is ticking.

Over the years, suffice it to say, I conferred with him as a legislator, attorney general and governor. I always found him courteous, interested and informed, an able administrator as well as a good writer of legal opinions. I respected his quiet advocacy for a better system for choosing Virginia judges and for pay increases commensurate with salaries for federal district judges in order to attract qualified candidates for Virginia's judiciary.

What I like and admire most about our Chief Justice, however, is his personification of the qualities of the model judge.

Socrates once said that four things belong to a judge: to hear courteously, to answer wisely, to consider soberly and to decide impartially. Clearly, the Chief Justice has been described here tonight—and elsewhere—as a jurist who has met the Socratic test.

But, in an article he authored 40 years ago for Virginia's young lawyers, then Associate Justice Carrico suggested two additional qualities for making a good judge. Listen to his proposition that a judge must also possess humility. This is what he said:

"When you consider what power and what responsibility is placed in the hands of a judge, the need for [humility] becomes acutely obvious. A judge has the authority to order a man's death, to take away his freedom, to terminate his marriage, to wipe out his estate and to annul his will. A judge can destroy human hopes and aspirations, break hearts, disrupt lives and make paupers out of the rich.

"With all this control, no judge should approach his task without a deep sense of humility—a humility that makes him keenly aware of his inadequacy to do those things which can only be done with the help of some guiding hand."

Then, there is this additional quality that then Associate Justice Carrico suggested—judicial restraint. Listen to these words:

"If a judge has this attribute [of judicial restraint] and every judge should possess it, he then has the ability to forego the temptation of injecting his personal ideas of the law and his own private notions of justice into the conduct of his judicial affairs. If he lacks this quality, a judge will not be able to recognize and respect judicial precedent. He will abandon the prin-

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ciples of law that wiser and more learned judges have charted for him, he will embark upon a course of expediency, pressure and hope of self-gain. Without this restraint, this golden judicial quality, he may do great harm to fundamental ideals, he will destroy faith in our system of justice."

Who among us could have said it better?

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Let me note, in closing, that the mixture of solemnity and celebration of such a storied judicial career requires us, I would submit, a tip of the hat to some fundamental truths.

Under our constitutional form of government, the judiciary is a separate, less visible, but co-equal branch of government.

While the executive branch may propose and the legislative one may dispose, the judicial branch interprets.

While the executive and legislative branches are inherently political, the judiciary must remain independent of political pressure or lose its integrity and public trust.

It is the legal profession's responsibility to "preserve, protect and defend" the judicial system from political interference in order that our form of government may endure.

It is also the bar's duty to continue to offer judicial candidates with the qualities of the individual we recognize and honor tonight, someone who loves and lives the law, someone with soul, "someone willing to accept and bear the awesome responsibility, and who, with alert and constant vigilance, will keep alive the highest principles

of justice," someone like the jurist we admire, respect and thank tonight, Chief Justice Harry L. Carrico, the Moses and Socrates of our time and our Court.

Long live the Chief.

Thank you.

***Tribute to
The Honorable
Harry Lee Carrico
Chief Justice of Virginia***



See page 42-43 for photos from the tribute dinner for retiring Virginia Supreme Court Chief Justice Harry L. Carrico.