

HOW TRIALS WERE AND SHOULD BE – Larry N. Sokol, C'68

The letter arrived, unexpectedly, in the normal endearing cornflower blue. My mom's handwriting, tough to read, was unmistakable. I was always able to decipher the scrawl. It went something like this: "Larry, what did you do now? Your Gypsy Moth case has been in several of the national papers and even a couple of my friends called to congratulate me. You flummoxed the Ninth Circuit into reversing Judge Redden's refusal to grant a nationwide injunction? Throughout the whole trial didn't I hear day by day how much you loved and admired Redden? You said he let you put on your entire case even allowing you to have telephone testimony from all over the planet. You happily inundated me with snippets of the trial and the testimony of many of the scientists. I even had to endure your whining when you lost the case didn't I? What were you thinking? Please go over to Judge Redden's office and apologize and promise to never reverse him again. Your dad says do it now." I did. He read her letter. We howled. He reminded me to honor my mom.

For years I'd asked my mom if she was joking with me. She was plenty smart and super well educated. She'd always smile and say - "Larry, you figure it out."

Judge Redden passed away on March 31, 2020. Our lives go on. We appear, we are noticed, we are gone. A few people leave changes in the world, sometimes for the longtime betterment of mankind. From my perspective, the fine work of Judge Redden will live on for decades. The way he conducted himself as a judge is unforgettable. Looking back it would have been wonderful to have been able to clone this fine fellow.

Here's some of the history:

The initial meeting with Judge Redden is still vibrant in my memory. The Government lawyers, in two chairs, my brain trust--University of Oregon Professors John Bonine, Mike Axline--and I in others. Judge Redden sat, we fidgeted in a comfortable room to discuss our environmental groups' request for a TRO and injunction against Oregon and the United States Department of Agriculture Gypsy Moth eradication program. The government planned to spray parts of Oregon with what we believed to be a biocide they described as an insecticide/pesticide - Carbaryl. So, we all began the start of many trials and hearings in the courtroom of this brilliant and totally in tune Judge.

The date was the Spring of 1982. The citation is 17 Env't Rep case (BNA 1603) May 1982. This was the first blast off of years of hearings and trials, often starting in the Springtime. Every spring kicked off our annual effort to stop the government(s) from dousing our citizens with what we believed hazardous chemicals in their regrettable effort to use toxins to kill gypsy moths in our state.

Judge Redden gave us then, as always, a fair and complete opportunity to present our case. His engaging and pleasant demeanor throughout the trial told everyone in the courtroom that each side would get their chance.

It was always evident that Judge Redden had conscientiously and completely mastered all of the materials provided to him by each side. He read the case law and all of our lengthy memos.

1982 was only the start of slugging it out in old time courtroom trials. There weren't yet computers, cell phones etc. We had medical and scientific witnesses of many stripes from lots of places. Since almost none of our experts asked to be paid for their contributions Judge Redden kindly allowed us to use what are now almost obsolete land lines to bring into the courtroom live testimony from around the planet. He attentively and intensely listened to all the witnesses and tolerated the noisy barrages from all the lawyers.

His pattern of making certain there was fundamental fairness in his courtroom never changed. Year after year, trial after trial, decision after decision, he oversaw justice for all.

In looking back over five decades and maybe a few too many hearings, Judge Redden's decency, neutrality, and openness consistently won the blue ribbon for conducting trials.

Judge Redden was someone who just seemed to have the right pulse and instincts to make sure both sides had a full and fair opportunity to present their sides. James Redden was the poster judge for this select group. If you were in Judge Redden's court, you got a fair shake and everyone knew it both before and after the ink had dried on the order or opinion.

This series of cases has remained a pretty bright reminder of what we are all able to be. I am so grateful for the memories. Hopefully, you have had the fortune to have some memories of a judge or two who have positively impacted your life or practice or both. Isn't this what keeps us going?
