TRIBUTE TO JUDGE ALBERT G. SCHATZ

CHIEF JUDGE DONALD P. LAY†

On September 18, 1985, the Judicial Conference of the United States assembled in Washington, D.C. to discuss the administrative problems of the federal courts. This is a semi-annual meeting composed of the 12 chief judges of the Circuit Courts of Appeals, the chief judge of the new Federal Court of Appeals and district judges elected at large from each circuit. The meeting was presided over by the Chief Justice of the United States. At the close of this meeting I was privileged to present the following resolution:

We commemorate and memorialize the late Albert G. Schatz (known to his friends as "Duke"), United States District Judge for the District of Nebraska, having been appointed to that position in May of 1973, serving with distinction until his death on April 30, 1985.

Judge Schatz was born in Omaha, Nebraska, on August 4, 1921. He received his BA from the University of Nebraska in 1943 and his JD from Creighton University in 1948. He served as a Combat Officer with the United States Marine Corps in the Pacific Theatre.

Judge Schatz served several terms on the Eighth Circuit Judicial Council and was elected by his fellow judges to be the district court representative to the Judicial Conference of the United States in 1979 and re-elected in 1983. In 1983, Chief Justice Burger appointed Judge Schatz to the Executive Committee of the Conference; he also served on the Ad Hoc Committee to Monitor Regulations on Electronic Sound Recording. He remained a member of both the Conference and the Executive Committee until his untimely death.

We all will miss our warm association with him. His colleagues respected him as a lawyer, as a judge and as a person. The Nation has lost a great jurist. The Judicial Conference has lost a great colleague. As judges we have all lost a great friend.

The resolution was unanimously approved and made a part of the proceedings of the Judicial Conference.

I was on the Eighth Circuit Court of Appeals at the time of Judge Schatz's appointment in May of 1973. Prior to that time I had known Judge Schatz since 1951 when he was practicing in Dan Gross' office in Omaha. I came to Omaha in February of 1951 and it was

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within a very few months that I became a very close friend to Duke. We both grew up under the tutelage of two of the great trial lawyers of Nebraska. Duke came to revere Dan Gross as his mentor and associate as I did George L. Delacy. Over the years we both commented on how privileged we were to serve under these two great lawyers. On many occasions we had acknowledged to one another that we were privileged simply to carry their briefcases. We both learned so much from them. Over the years, although Duke and I were adversaries in many cases, we fondly recalled that we only tried one case against one another through to a verdict. He won in the trial court and I won in the court of appeals. Little did we both know at that time that we would in the future be honored to serve—Duke as a federal district judge and myself as a circuit judge on the court of appeals. We always resolved our cases without actual trial. We came to know one another and to respect one another and I think through that mutuality of respect it was easy for us to fairly appraise the value of lawsuits. Duke had a reputation as being one of the best defense trial lawyers in Omaha and throughout the state of Nebraska. He had a way with juries and gained the respect of the judges. He seldom lost a case and, notwithstanding his success, at all times maintained the respect of his adversaries and the entire bench. He and I often reminisced that we grew up in our professional lives during an era of some of Nebraska's most colorful trial lawyers. In addition to Dan Gross and George DeLacy, we were privileged to watch and meet as adversaries great lawyers such as George Boland, Joe McGorarty, Hugh and Bernie Boale, Eugene O'Sullivan, Emmett Brumbaugh and John Barton to mention just a few. We have reminisced over hundreds of hours concerning our experiences with these colorful men. Throughout this period of time, notwithstanding our adversarial positions, we became the closest of friends. We had fun being with one another. After we both were on the bench we often lunched together and met together either in Omaha or on trips relating to our judicial work. Duke had six children as I did. We often discussed over lunch the problems of our children with one another. We shared good times together—many golf games and other trips. Duke loved life. He lived his private life with the same enthusiasm he used as first a lawyer and then a judge. He loved to be with his close friends. He had a special ear for good music. He could "name that tune" from a few bars of big band sounds popular in the late forties and early fifties. He followed baseball and loved to reminisce about the old ballplayers with me and with his other close friends, such as Dr. Richard Crotty and Dr. Stan Truhlsen. More than anything else he was so proud and caring for his children. His days were
"up" or "down," depending upon the achievements or setbacks his children encountered.

I mention all of the above to simply describe to you how close in bond this great man and jurist was to me. Nebraska and the Nation have lost a great judge. I have lost a true friend. He will always be remembered in our hearts and in our work. He left behind many lessons for all of us and in that sense he will always be with us.