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Hornby gets top honor in federal judiciary

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U.S. District Judge D. Brock Hornby

WASHINGTON — One of the best things about being a federal judge, U.S. District Judge D. Brock Hornby said Sunday afternoon in the U.S. Supreme Court building, is presiding over jury trials.

“Working with jurors is a joy,” Hornby, 65, of Cape Elizabeth said during a ceremony at which he received the Edward J. Devitt Distinguished Service to Justice Award, the highest honor that can be bestowed upon a federal judge by colleagues.

Senators from two nations, a U.S. Supreme Court justice, federal judges from around the United States, along with friends, family members and lawyers from Maine, packed the courtroom for the 90-minute ceremony, which was followed by a reception in the Great Hall outside the room.

Hornby was the 27th federal judge to be honored with the prize and the third from Maine to receive it. The American Judicature Society, which administers the Devitt award, announced in May that Hornby was this year’s recipient.

In his acceptance speech, Hornby quoted from letters he has received from five jurors who have served on juries over which he presided. The judge did not name them, but instead referred to them by number.

“Juror number two wrote, ‘You were right that first Monday,’” Hornby read, “‘I came away feeling better. I got to use my mind. At work, I use my back. Call me anytime.’”

Hornby quoted “juror number four” as writing, “I would like to do this for my country again.”

David Webbert, an Augusta lawyer who has tried cases before Hornby, attended the ceremony. He said during the reception that he is always careful not to do anything in front of a jury that might irritate, annoy or anger Hornby.

“If you do that, the jury will turn against you in a second,” he said, “because Judge Hornby makes them believe that he is working for them and they act like they are his boss. He gets that we work for the public. He lives it and breathes it.”

Hornby also said that the success of a federal judge depends on a lot of people who are invisible to the public.

“From the local clerks to those in Washington, D.C., who oversee courthouse renovations to the administrator of the courts — they all deserve to share this award,” he said.

The Devitt award is named for the late Edward J. Devitt, longtime chief judge of the U.S. District Court for the District of Minnesota. The award, made annually, honors federal judges whose careers have been exemplary, measured by their significant contributions to the administration of justice, the advancement of the rule of law and the improvement of society as a whole.

It is administered by the American Judicature Society with funding provided by the Dwight D. Opperman Foundation in Minneapolis. The award includes a \$15,000 honorarium and is symbolized by an inscribed crystal obelisk.

Hornby was nominated for the Devitt by his fellow Maine judges — John Woodcock, who sits in Bangor, and George Singal, who presides in U.S. District Court in Portland along with Hornby.

“He is a man whose intelligence never overshadows his humanity,” the two wrote in their letter nominating their colleague for the award.

U.S. Supreme Court Justice Anthony M. Kennedy chaired the panel that selected Hornby for the Devitt. On Sunday, he jokingly asked Hornby if he always traveled with his own cheering section, because of the large enthusiastic crowd that attended the ceremony. For the first time it was held in the room where the nation’s high-est court has heard arguments in cases that have changed the shape of the nation.

U.S. Sen. Susan Collins, R-Maine, also attended the event. She first met Hornby when he was appointed in 1988 by her then-boss, Gov. John R. McKernan, to the Maine Supreme Judicial Court.

“Judge Hornby’s exemplary career has earned him the deep respect and admiration of his peers in the judicial community,” she said in a press release Monday. “This award reflects his tremendous contributions to the judiciary, his brilliant legal ability, and his dedication to the law.”

Canadian Sen. David P. Smith, 68, of Toronto and Hornby’s childhood friend sat in the well of the courtroom along with other lawyers and dignitaries. Smith, a member of the Liberal Party, has served in the Senate in Canada since 2002. Hornby said that he and Smith grew up on the plains of Manitoba, where their fathers both were ministers. Hornby’s father died when he was 13. He became a U.S. citizen in the 1970s.

“I don’t deserve all that you have said of me,” Hornby said after Kennedy and others had praised him. “If only my mother were alive, she would say, ‘That’s all well and good, Brock, but you still must listen to your mother.’”

Hornby earned his Bachelor of Arts degree in English and history from the University of Western Ontario and graduated from Harvard Law School in 1969. The next year, he began teaching at the University of Virginia Law School. He moved to Maine in 1974 to practice law in Portland.

He served from 1982 to 1988 as a U.S. magistrate judge in Portland, then served on the Maine Supreme Judicial Court for two years. President George

H.W. Bush appointed him to the U.S. District Court in 1990. From 1996 to 2003, he served as chief judge of the district.

Hornby announced earlier this year that he will assume senior status on April 30, 2010, two decades after he became a federal judge. Hornby has said that he has no intention of retiring or scaling back his workload. Senior judges may continue to serve as long as they are willing and able.

Hornby has said that he and his wife of 41 years, Helaine Hornby, who runs a management consulting firm in Portland, would give a large portion of the prize money to charity.

Woodcock said in May that it was highly unusual for three federal judges from a small state such as Maine to have won the award over its 27-year history. Previous Devitt award recipients from Maine are former U.S. District Judge Edward T. Gignoux and 1st U.S. Circuit Judge Frank Coffin.

Gignoux, for whom the federal courthouse in Portland is named, received the award in 1985. President Dwight D. Eisenhower appointed him to the federal bench in 1957. During his 30-year career, Gignoux presided over several cases of national interest, including the contempt trial of the anti-Vietnam War defendants known as the Chicago Seven, and the bribery trial of a federal judge from Florida.

He formally retired in 1983 but continued to hear cases as a senior judge. A Portland native, Gignoux died in 1988 at age 72.

Coffin, 89, of South Portland received the award in 2000. President Lyndon B. Johnson appointed the Lewiston native to the appellate court in 1965. He retired from the federal bench last year.