

New Hatfield Federal Courthouse continued

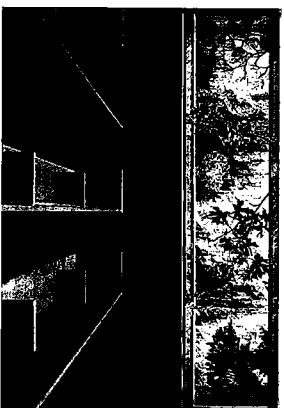
"The rule of law should be in the spirit of the man who, 2,000 years ago, taught mankind a lesson it has never learned but never quite forgotten: that there may be a land where the least shall be heard and considered side by side with the greatest. A more fitting aim for this building, its contents, and its people I cannot imagine."

—FORMER U.S. SENATOR MARK O. HATFIELD

The Courtrooms

The courtrooms themselves meld rich cherry paneling and a pleasing contemporary design that features the latest technological innovations. Lighting—controlled from the bench—is subtly designed to bring attention to the judge, witnesses, prosecution, and defense while maintaining a serene atmosphere. Sound levels are also controlled by the judge. And although the courtrooms have no windows, daylight comes in through three cleverly designed "light scoops" in the wall behind the jury box.

Via a document camera all parties in a trial can view evidence on individual video monitors—or on a large screen that descends automatically



Courtrooms are paneled in warm cherry wood. In the 4th floor ceremonial courtroom, pictured here, tapestries by Judith Poxson Fawkes are featured.

along one wall. The court reporter's shorthand is transcribed by a computer program called Real Time so it can be available immediately for reference and cross checking of tes-

timony. Such wizardry is designed to increase the efficiency of trials and reduce stress for everyone involved in them.

More Than a Little Help From the Judges

At every step of the design process, Judge Malcolm Marsh (judicial liaison with the architects) worked with the design team to make sure that drawbacks encountered in other courthouses would not beset this one. After he and his fellow judges suggested innovations, the judges and architects tested their efficacy in a full-scale model of a courtroom. The result of their efforts is an environment for trial that maximizes good sight lines and minimizes conflicts, frustrations, delays, and threats of danger.

Art, From the Sublime to the Sublimely Ridiculous

The fine hand of the judges also can be discerned in the choice of art for the building—especially in the playful bronze sculptures by New Yorker Tom Otterness which poke gentle fun at what he calls the "Law of Nature." Those sculptures depict lawyers as dogs and beavers, the judge as a wise old owl, the defendant as a cat with a feather still in its mouth, and the jury as an odd assortment of animals. These sculptures are found on the ninth floor public terrace and make a good-humored backdrop for receptions held there.

Actually, the art for this Percent-for-Art building was chosen by a committee whose members were judges, project architects, artists, and members of the public. Their charge was to purchase art from nationally recognized artists to the tune of 1/2 percent of the building's value. However, the committee decided to increase the amount spent to 1 percent, or \$1,065,000.

Besides Otterness and Eric Orr, whose water sculptures are in the building lobby, the artists chosen by the committee were Portlanders Judith Poxson Fawkes and Sandra Stone. Fawkes's elegant tapestries, with themes related to Oregon and the judiciary, grace the ceremonial

COURTHOUSE FACTS

Architects: BOORA Architects (Portland), with Kohn Pedersen Fox Associates (New York)

Lead Designers: William Pedersen (Kohn Pedersen Fox) and John Meadows (BOORA)

Costs: Ca. \$129 million, with \$106.6 million for construction and \$1,065,000 for art

Size: A full city block, containing 565,300 square feet and 17 floors

Some of the Materials Used: Covering a steel framework is an exterior that combines rusticated granite, limestone, glass, aluminum, and stainless steel and an interior that features granite and terrazzo floors, Italian marble, and warm cherry paneling.

Environmental Considerations: Seismic security and safety features that exceed requirements; an efficient use of the block that also creates an open feeling

Room for Expansion: Room for six new courtrooms

Form and Function: A design whose symmetry suggests "the balance of justice"

courtroom and its lobby on the sixteenth floor (a space where citizenship ceremonies and receptions are held), while Stone is responsible for the inscriptions in the main lobby and courtroom floor lobbies.

The Dedication

On Thursday, November 13, the new courthouse was dedicated in a moving ceremony that featured tributes to all the people who cooperated to create this wonderful building.

Throughout the speeches one theme was often repeated: Senator Mark O. Hatfield, for whom the building is named, has been a statesman of com-



Sen. Mark Hatfield

passion and integrity and a champion of a free and independent judiciary. (As Judge Malcolm Marsh also noted, Senator Hatfield has been responsible for recommending 10 of the 21 U.S. District Court judges who have served since 1859.)

When the senator rose to accept the accolades of friends and colleagues, he used these words to remind his audience of the goal:

The rule of law should be in the

spirit of the man who, 2,000 years ago, taught mankind a lesson it has never learned but never quite forgotten: that there may be a land where the least shall be heard and considered side by side with the greatest. A more fitting aim for this building, its contents, and its people I cannot imagine.

Carolyn M. Buan is the editor of Oregon Benchmarks and owner of Writing and Editing Services in Portland.

History-in-the-Making

By Ellen F. Rosenblum

What do *Leatherman Tool Group v. Cooper Industries* (Civ 96-1436-MA) and *Marysue Stark and Danielle Hughes v. Bridgeport Hotel, Inc. dba Sweetbriar Inn* (Civ 96-1415-10) have in common? They both made federal court history recently by being the last case tried in the Gus J. Solomon U.S. Courthouse and the first case tried in the Mark O. Hatfield Courthouse, respectively.

A spirit of nostalgia surrounded the Leatherman trial, which in-

volved trademark rights concerning Leatherman's all-purpose tool and resulted in a plaintiff's verdict on October 17, 1997, after a nine-day trial (\$50,000 for the acts of passing off and false advertising and \$4.5 million in punitive damages). The case is currently on appeal.

Julianne Ross Davis, counsel for plaintiff, was full of good memories of her time as a clerk for Judge James Redden as she tried her last case at the Solomon Courthouse. Judge Malcolm Marsh, the trial judge, captured the feeling of the moment: "A last sad refrain—leaving a place where you've been and moving on to a bright beginning."

By contrast, the Stark trial included a sense of celebration about the new surroundings. The case involved allegations of sexual harassment by two cocktail waitresses against their supervisor. (The only named defendant was the restaurant.) It resulted in a defense verdict on October 30, 1997 after a three-day trial.

Shelly Russell, counsel for plaintiffs, commented that everyone was very much aware that this was the first trial in the new courthouse. She was particularly impressed with the new Doar presentation system which is available in the courtrooms of Judges Jones, Haggerty, and Marsh. Even though her clients did not prevail, Ms. Russell remained upbeat: "Overall, it was really exciting, both because it was my first trial and the first trial in the new federal courthouse."

Lynda Hartzell, counsel for defendant, commented on the symbolic value of this historic trial—a sexual harassment case tried by two women lawyers. Clearly, a sign of the times! Judge R. E. Jones, the trial judge, proudly gave the lawyers in the case a tour of his new chambers. He even told the jury that they were a part of history-in-the-making by sitting on this case.

Ellen F. Rosenblum, a Multnomah County Circuit Court judge, is vice president of the U.S. District Court Historical Society board and heads its publications committee.

(PHOTOS ON THIS PAGE BY LAURIE BLACK PHOTOGRAPHY / COURTESY OF BOORA ARCHITECTS)



Whimsical bronze animals from "The Law of Nature" series by New York sculptor Tom Otterness hold sway on the ninth floor public terrace. The feather in the mouth of the defendant leaves little question about his guilt.

ORAL HISTORY NOTES

BY JIM WESTWOOD

Judge Ed Luckey's Look Back

(with some thoughts for today)

Studying recent legal history gives us more than a simple sense of continuity. It lets us chart trends in the law and its practice, compare “now” with “then,” and maybe decide whether or not some of those trends represent progress. What better way than an oral history to gain a window on our profession?

Judge C. E. “Ed” Luckey, who led a varied and productive life in public legal service, was a willing oral history subject when I asked him in 1990. He protested that his life was uninteresting (we’re about to see he was mistaken in that), but he agreed to spend about two hours with me on a sunny winter Saturday in a motel conference room where he

HISTORY MYSTERY



Who are these men and what are they doing?

Be the first to nail us the correct answer, and you will receive a copy of *The First Duty*, a handsome 358-page book published by the U.S. District Court Historical Society of Oregon on our court’s history. Write to: Jeffrey Batchelor, Lane Powell Spears Lubersky LLP, 520 SW Yamhill Street, Suite 800, Portland, OR 97204.

had helped present a CLE on bankruptcy practice. Before he left to attend a grandson’s basketball game, Judge Luckey talked with my tape recorder and me about his fascinating life and legal career.

Ed Luckey’s great-grandfather homesteaded 160 acres of what now is the city of Eugene, and when Ed returned to Eugene as a bankruptcy referee in 1961, he discovered that the house he bought was on his ancestor’s claim. The lot cost him more than the original value of the 160 acres.

Born in Eugene in 1919 (1140 Patterson Street, for the curious), and losing his mother at the age of one, Judge Luckey was reared by his father and a grandmother. He attended Eugene public schools and the University of Oregon, including the law school, where he graduated with a class of eight students in 1942. The hometown boy was immediately drafted into the Army, apparently having been protected through law school by the head of his local draft board, Orlando John Hollis.

Trained as a weather observer by the Army Air Corps, Judge Luckey finally landed in the Judge Advocate’s office and served in England, France, and at war’s end in Frankfurt, Germany. In France he met his wife, Arlette, who came to the United States speaking little English after their marriage in 1946.

The Luckeys settled in Eugene, where Ed began work as the deputy Lane County district attorney. It was a two-person office in which he rose at age 27 to the post of district attorney. He was elected twice to the position—which was then a partisan office—as the nominee of both parties. Looking back in 1990, Judge Luckey remembered that no criminal trial in his 1947 to 1954 tenure as DA—including murder trials—ever took more than five days to complete. Today, he observed, “litigation seems to generate time-consuming activities but doesn’t seem to generate any better brand of justice than we used to accomplish in a short time.”

In 1954 President Eisenhower appointed Luckey to the post of United

States Attorney for Oregon. He and Arlette moved to Portland with their infant son Raymond. Daughter Marie would be born there three years later.

A highlight of Luckey’s time as U.S. Attorney was the James Elkins wiretapping trial. Portland in the 1950s was seen as an open town for gambling and vice. Jim Elkins was a financier of the illegal operations, and Jimmy Hoffa’s Teamsters Union was trying to move in. Into this mix swirled the lives and reputations of Multnomah County Sheriff (later Portland Mayor) Terry Schruk; a young U.S. senator from Massachusetts, John Kennedy; and Robert Kennedy, counsel to his brother’s Senate racketeering investigation committee. Luckey convicted Elkins (the U.S. Supreme Court ultimately vacated the conviction on evidentiary grounds), and Robert Kennedy’s disastrous performance as a witness at the trial contributed years later to his loss in the 1968 Oregon presidential primary.

With the change of administrations in Washington in 1961, and with the coincident opening of a bankruptcy referee’s position in Eugene, U.S. Attorney Luckey opted to accept appointment to the bankruptcy post. But he couldn’t leave Portland as soon as he had hoped. Senator Maureen Neuberger and Congresswoman Edith Green were at odds over whose nominee should receive a potential federal district judgeship, and the U.S. Attorney’s position was caught in the cross fire.

It developed that the judgeship did not open up, Luckey’s successor finally was appointed (it was Sid Lezak, who would go on to serve 20 years in the slot), and in July 1961 Ed Luckey was sworn into office as a bankruptcy referee by Judge Gus Solomon. Judge Luckey returned home to Eugene to begin yet another phase of his career. His tenure as a bankruptcy referee and judge, on both active and senior status, continued well into the 1990s.

Over his long career Judge Luckey noted, with regret, some developments in legal practice, such as the increasing length of criminal trials. He also observed the proliferation

New Hatfield Federal Courthouse continued

maximum security, and to last well over 100 years.)

The facade fits in well with the building’s neighbors. The Third Avenue side features a so-called “sidecar” whose height matches the arcades of the nearby Justice Center and Multnomah County Courthouse. Atop the sidecar is a ninth-floor roof terrace, and behind that rises the building’s main tower.

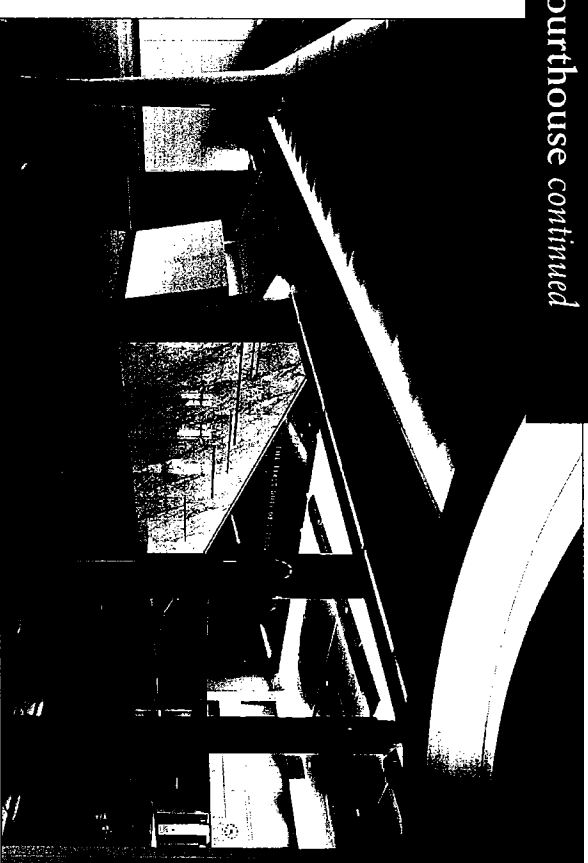
Much of the courthouse exterior is covered with sheets of glass, divided horizontally by mullions. From the courthouse windows and ninth-floor terrace, visitors and employees alike can enjoy spectacular views of the city, the West Hills, the Willamette River, Mount Hood, and Mount St. Helens.

Crowning the tower is an unusual arched roof that provides excellent acoustics for the 16th floor “ceremonial courtroom” and extends out over a nearby terrace. At one corner of the arched roof, and wrapping around the top of an elevator tower, is a bit of architectural whimsy that resembles a large eyelash.

A Lobby That Bespeaks Dignity

The first-floor lobby of the courthouse is designed to underscore the dignity and high purpose of a federal court. On a high wall of green Italian marble are inscribed the words of Alexander Hamilton, “The first duty of society is justice.” On the opposite wall hangs a portrait of the Honorable Matthew Deady, Oregon’s first federal court judge (from 1859 to 1893). Around the lobby are three water sculptures by Californian Eric Orr, which add to the sense of serenity that permeates the building.

To the right as one enters the lobby is a display of artifacts from the archaeological dig that took place on the courthouse block in 1993, before construction began. That dig yielded clues to the types of people and buildings that occupied the site in times past. The display includes interpretive text and



(PHOTO BY TIMOTHY HURSLEY, COURTESY OF BOORA ARCHITECTS)

The main lobby combines green and white Italian marble walls with sleek modern lines and materials. The central wall is incised with a quote from Alexander Hamilton: “The first duty of society is justice.”

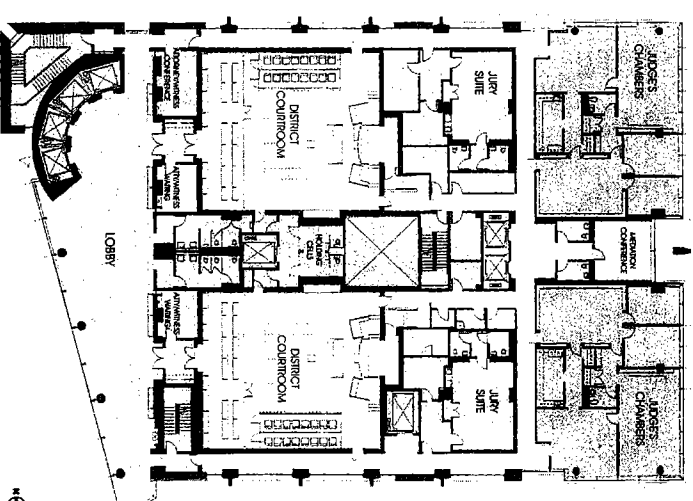
such intriguing items as bottles from a pharmacy, buttons from a Chinese laundry, ceramic fragments, and tools. Discreetly displayed on a wall nearby—an ironic contrast to the historical exhibit—is an electronic information board that guides visitors to offices in the building—all with the touch of a finger on the computer screen.

At the northwest corner of the lobby along the Third Avenue side is a bank of elevators used by the public and members of the jury. Defendants, however, are delivered to holding cells on the floors where their trials will take place through an underground sally port and their own elevator. Meanwhile, judges park in the building’s basement on a different level and reach their chambers and courtrooms through a third set of elevators.)

The Courtroom Floors

On the nine top floors of the building are fifteen courtrooms—two per floor—designed for immediate use. On floors 5 through 7 there is space for six future courtrooms. On each floor, the two courtrooms flank holding cells. Behind them are matching jury suites and matching judges’ chambers, which lie on either side of a mediation/con-

ference room. Secure hallways, leading to the jury suites and judges’ chambers, run along the north and south exterior walls.



Courtroom floors symbolize the balance of justice, with courtrooms paired, jury suites placed between the public courtrooms and judges’ chambers, and the mediation conference space set in a neutral position.

