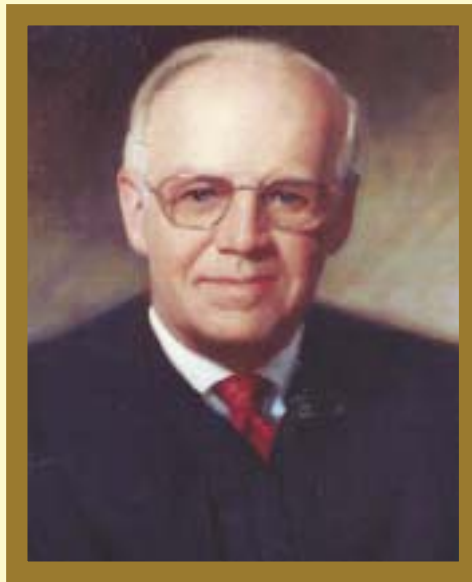




THE HONORABLE THOMAS J. CURRAN (1924-2012)

Truly A Man *for* All Seasons

By Jacqueline H. Dee*



A worn wooden gavel lay among the personal effects on view at the funeral of Judge Thomas Curran, the fifteenth judge appointed to the bench in the Eastern District of Wisconsin, who died on July 17. The gavel was a silent testament to his life of service. I had the privilege of witnessing the sparing, but judicious, use of that gavel during the twenty three years that I served as Judge Curran's law clerk.

The first time I heard of "Thomas Curran" was in Dean Boden's office at Marquette Law School where the Dean's secretary was posting a news release about the Marquette grad's nomination to the federal bench. As she pinned the announcement to the bulletin board, she proudly declared: "now there's a real gentleman." It was a description that predicted the respect, kindness, and good humor with which the Judge would treat his chambers staff, court personnel, litigants, and lawyers during his years at the Milwaukee Federal Building.

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Thomas Curran was born in 1924, in the logging community of Mauston, Wisconsin, near the western boundary of the Seventh Circuit. Mauston (current population 4433), is the county seat of Juneau County, a rural region of lakes, forests, farms, and cranberry bogs. The County's slogan is "worth a closer look," and so, too, is Judge Curran's life.

His father, a farmer and grain storage operator, died when Tom, the youngest of six children, was nine. Raised by his mother and educated in local parochial and public schools during the Depression, he began to acquire the skills which would serve him well as a federal judge in the environs of Mauston. There, he developed a lifelong interest in both hunting and conservation and liked to recall playing quarterback for his high school football team which included Native American schoolmates some of whom would become his clients. Decades later, he brought the insight learned from these contacts to the court in Wisconsin--the only state in the Seventh Circuit which includes Native American lands.

After high school, he enrolled in Marquette University's College of Business Administration in Milwaukee where he joined the Naval Reserve Officer Training Corps. With the outbreak of World War II, he enlisted in the Navy in 1942, and was ordered to active duty aboard the USS Kochba, a supply ship which frequently came under enemy fire while plying the waters of the Southwest Pacific. For a time, he was the youngest line officer (capable of commanding a ship at sea) in the Pacific Theater. It was in the Navy that the future jurist first considered becoming a lawyer after serving as judge and jury for shipboard rule infraction hearings. The Kochba was near Okinawa ready

to participate in the invasion of Japan when the Japanese surrendered in 1945.

Ensign Curran returned to Wisconsin, received a Bachelor of Naval Science degree from Marquette, then enrolled in Marquette's Law School. His postwar class was large and in a hurry, so the students went to school year round with graduations being held every four months. Called "the class the robes fell on," the Class of 1948 included at least sixteen lawyers who went on to become judges. Curran was the only federal district judge in that group.

Having earned his law license, Curran married the former Colette Saether, then returned to Mauston where he joined his two older brothers at their firm. He built a fast-growing regional practice concentrating on trial work and succeeded his brother Charles as Mauston City Attorney. In that capacity he traveled the state meeting other young city attorneys including future Eastern District judges John Reynolds and Robert Bittner, as well as Edward Conley, the father of the present Chief Judge of the Western District, William Conley, and of Daniel Conley, former President of the Seventh Circuit Bar Association.

In the late 1960s, Governor Warren Knowles appointed Curran to the Wisconsin Commission on Crime and Law Enforcement. He also served as President of the Wisconsin Judicial Council, as a member of the State Bar Board of Governors and State Judicial Commission, and as a Fellow of the State Bar Foundation, the American Bar Association, and the American College of Trial Lawyers. His service to the State Bar culminated in his election as its President for the 1972-73 term during which continuing legal education became mandatory, probate procedures were simplified for small estates, and a wholesale revision of the rules of civil procedure was ongoing.

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In 1983, President Ronald Reagan transplanted Curran from Mauston in the Western District to the federal bench in the Eastern District of Wisconsin with the unanimous consent of the United States Senate. Judge Curran, who was appointed after Judge Myron Gordon took senior status, presided over 2,248 cases during the next twenty three years. Guided by his thirty-five years in private practice, he geared his courtroom procedures, such as then-innovative telephonic scheduling conferences, to the needs of busy practicing attorneys. He always emphasized the value of settlement by insisting that the parties personally attend a conference where he would listen intently, then draw them together with common sense and authority after warning that both sides would be somewhat unhappy with a good settlement.

Although the Judge's judicial career spanned the years from the use of carbon copies to the advent of e-filing, he would not always concede that newer was better. One afternoon I rushed to his office to tell him about a web alert announcing a new court appointment only to have him tell me that he had already heard the news on the radio.

Judge Curran's lifelong familiarity with the geography and people of Wisconsin was a valuable asset when he sat on a panel with Judges Richard Posner and Barbara Crabb to redraw the Wisconsin legislative districts following the 1990 Census. In other notable cases, he dealt with Milwaukee city-suburban school desegregation and the funding of Milwaukee's major league baseball stadium. Outside the courtroom, the Judge made it a point to accept speaking engagements before diverse groups so that he could extol the value of the rule of law, the organized bar, and jury duty.

Like his favorite lawyer, Sir Thomas More, Judge Curran was a principled "man for all seasons." His extraordinary success at every stage of his public career was recognized with Marquette Law School's Lifetime Achievement Award, the State Bar Foundation's Truman Q. McNulty Service Award, the Eastern District of Wisconsin's Myron L. Gordon Lifetime Achievement Award, and the State Bar's first Mentorship Award. His legacy to Wisconsin includes these achievements as well as his six children and sixteen grandchildren who survive him. His youngest son, Paul, is a Circuit Judge for Juneau County. His eldest son William, his daughter Catherine Orton, her husband John, and William's son Peter practice at the family firm in Mauston. Another grandson, Richard Orton, is a new associate at Crivello Carlson in Milwaukee.

In the autumn of his life, the Judge stopped hearing cases so that he could serve as a caretaker during his wife's illness. As Thomas More wrote: "he travels best that knows when to return." Thus, after his sojourn in Milwaukee, Judge Curran returned to his lakeside home in Juneau County where, his grandson Richard says, he relished presiding over disputes among his high spirited grandchildren. Wherever he used his gavel, he lived up to his reputation as a gentleman. The example he bequeathed to us will never be out of season.

Writers Wanted!

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