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Remarks on the Dedication of the Robing Room in Honor of Judge Robert Allen Grant

*Hon. Kenneth F. Ripple **

Today, Notre Dame Law School honors one of its most beloved and successful sons by naming in his honor the robing room of the courtroom. "Robing Room" is really a misnomer for this chamber. It serves a variety of functions for the court, and it is no exaggeration to term it the epicenter of the court's activity. If we take a few moments to review what judges do in this room and reflect on the significance of those activities in the American judicial tradition, it becomes readily apparent why it is particularly appropriate that this room be named in honor of Judge Grant.

A judge first sees this room early in the judicial day as he or she prepares for court. If the particular court is a tribunal on which the judges sit in groups, such as our appellate courts, the day begins with a handshake of all the other judicial officers present. Judges are a fiercely independent lot. (The Chief Justice has described them as independent as hogs on ice!¹), and the Constitution commands that independence. But the traditional handshake at the beginning of the day reminds the judge that, despite differences in judicial philosophy and, indeed, in personal temperament, all serve one court, one law, and one country.

After the judge shakes the hands of colleagues, the next step in this room is to don the plain black robe, the judicial working clothes. This robe is not so much a badge of office as a symbolic reminder to the judge that the decisions made while wearing that robe are not decisions that may be colored by matters of personal preference or taste but must be colored only by what the law requires.

When the day on the bench is over, the judge returns to this room to confer with colleagues on the cases that have just been heard. The conversation is usually low-key, even tentative, as the

* Judge, United States Court of Appeals for the Seventh Circuit & Professor of Law, University of Notre Dame; A.B., 1965, Fordham University; J.D., 1968, University of Virginia; LL.M., 1972, George Washington University.

1 William H. Rehnquist, *Chief Justices I Never Knew*, 3 HASTINGS CONST. L.Q. 637 (1976).

judges attempt to discern all of the perspectives of the case. It is vitally important that, throughout this conference, each jurist keep an open mind as the other judges share their perspectives on the matter at hand. Our court refers to this initial conference as the impression conference to emphasize the open-ended nature of the discussion and tentativeness of the initial vote. Former Chief Judge Bailey Aldrich of the United States Court of Appeals for the First Circuit called this conference "the *semble*," again emphasizing the tentativeness of the discussion and the decision.² Participation in such a conference requires special skills of intellect and temperament that are perhaps grounded in that elusive quality that we call "judicial temperament," but are mostly acquired through the experience of participation.

This room, then, is where many of the most important activities of the judicial process take place and where we ought to see displayed some of the most important characteristics of the American judicial tradition—independence of mind and spirit, tempered by an openness to the truth wherever it may be found; the capacity to put aside personality and even philosophical differences in order to decide cases according to a rule of law; a capacity to suppress one's ego and to participate in the collegial process of molding the law in conformity with the demands of the ancient doctrines of *stare decisis* and precedent.

The Judge we honor today has, for thirty-five years, exemplified these characteristics. A man of strongly held views and fierce independence, Judge Grant is also a jurist who approaches the judicial process with an open mind, determined to find the truth wherever it may be. Despite a long and distinguished career in American politics, he manifests a profound understanding of the difference between law and politics. Despite his independence and insistence on principle, Judge Grant is renowned for his collegiality.

Today, the American judicial tradition is buffeted by many forces that have eroded these qualities of mind and spirit which we have long associated with the American judiciary. We live in the age of the new rawness in American public life. But Robert Grant's daily presence³ continues to remind us that, despite ideo-

2 FRANK M. COFFIN, *THE WAYS OF A JUDGE: REFLECTIONS FROM THE FEDERAL APPELLATE BENCH* 135 (1980).

3 In addition to his duties on the district bench, Judge Grant sits frequently with the United States Court of Appeals for the Seventh Circuit. He is also a member of the Temporary Emergency Court of Appeals.

logical differences, despite mounting caseloads, despite increased diversity among judicial officers, the old standards of independence and collegiality are still the cornerstones of effective judicial governance.

In honoring Judge Grant, Notre Dame reminds us all of our better selves. It reminds all of us in the judiciary to follow his example; it reminds the judges who preside in this courtroom to live up to his standards; it reminds the future judges of this Land who learn their courtroom skills here that they must maintain, in their time, the standards he maintains in ours.

