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A Law Clerk's View of Judge Wilkey

*Michael W. Mosman**

Judge Wilkey's notable accomplishments as a lawyer, judge, scholar, and author are discussed elsewhere in this issue. From a law clerk's perspective this larger-than-life reputation is the first impression of the man. A clerkship with Judge Wilkey is like an audience with history, like peeking behind the curtain at a drama that includes the Battle of the Bulge, Little Rock, the Pentagon Papers, the Nixon tapes, and the Honduran army. A Wilkey clerkship also typically includes many invitations to lunches with ambassadors and other high-ranking visitors, as well as "inside scoops" on the latest Washington happenings when former clerks come to visit. But for the clerks it is not the chance to rub elbows with Washington insiders that is the lasting legacy of a Wilkey clerkship. The lasting legacy is the friendship with the judge himself. He is one of those rare public figures who would be worth knowing even if he were not well known.

A clerkship is an intensely personal year, and clerks for other judges can testify that the initial enchantment with a judge's reputation can fade as quickly as the value of last year's law reviews, because it is impossible for a judge to hide his true self from his clerks. Judge Wilkey had no reason to try. Instead, he opened up his life to us. As the year progressed, we became friends in a way that we never would have thought possible when the year began. We only had to notice the prominent placement of pictures of past clerks on the wall (as the judge explained the "subsequent history" of each) or see the joy on his face when a former clerk came back for lunch to know that the friendship would not end when the year was over.

Looking back, those pictures on the wall in chambers seemed to reflect Judge Wilkey's life. The pictures are divided into three groups: pictures of former law clerks, pictures of

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places the judge has visited, and pictures reflecting the judge's career as a public servant. The first—and dominant—impression upon entering chambers was the wall filled with pictures of former clerks. It was obligatory on anyone's first visit to the office to listen to the judge start at the first and go down the line explaining a little about each clerk and his or her present career. For a new law clerk, the judge's obvious pride in his clerks and their many notable achievements was an effective motivating force.

The judge values friendship very highly. He is intensely loyal to his friends. I doubt very much that he has ever let a friendship simply wilt from neglect. I watched near the end of the year as the judge's address list was updated. It included childhood friends from Kentucky, college roommates, fellow soldiers from World War II, law school classmates, professional colleagues from each stage of his career, and people he had met during his travels. These were people with whom he regularly corresponded—hundreds of names from all over the world. A picture on the wall was like proof of admittance into a very special club. Even though the resemblance began to fade over the years, former clerks would return to where their pictures hung like old soldiers trying on outgrown uniforms. Clerks who never actually worked together nevertheless would reminisce like survivors of some great battle.

A second group of pictures reflected the judge's insatiable curiosity. One wall of Judge Wilkey's personal office was filled with pictures he had taken of places he had visited. They included every continent and dozens of countries. I never mentioned a place the judge had not visited, including a remote village in Spain I had visited only because my car broke down there. He did not travel for travel's sake; he traveled out of a hunger to understand the world around him. His travel was an extension of his desire to understand something of every major idea, to know something about every place and people. In his legal career that quality developed into a lifelong study of international law. His opinion on international legal questions was solicited both for his scholarship and for his global grasp of geography and world history. It was almost unnerving to see how easily lunch-hour conversations about current events could elicit analogies to other, more obscure trends or comparisons with ancient or modern history.

This desire to comprehend the entire planet was not limited

to the exotic or novel. In a short summer term as professor at Brigham Young University he visited more places in Utah than I did in five years there as a student. He had an infectious zest for life that, for his clerks, was a wonderful antidote to the sometimes deadening influence of three years of intense law school study.

Closely related to Judge Wilkey's curiosity about the world is his unwearying desire to work to make it a better place. He has spent almost his entire adult life in public service. Pictures and plaques on the walls detail his service as an officer in Europe in World War II, as a U.S. attorney in Houston, as head of the Office of Legal Counsel in the Justice Department, and as a federal judge. The lesson is not lost on his clerks. One clerk joked at the last reunion that Judge Wilkey had violated the principle of separation of powers by populating the executive branch with so many of this former clerks, who now serve in the Justice Department, as U.S. attorneys, and in other positions in the administration. When the president called Judge Wilkey during an idyllic year at Cambridge on a teaching fellowship and asked him to be an ambassador to Uruguay, I could have predicted the answer with perfect confidence. In contrast to so many in Washington who pursue a personal agenda, Judge Wilkey stands ready and willing to serve where he is needed and sees that as part of the duties of citizenship.

It is almost always a privilege to work closely with a great man. Many of his former clerks attribute much of their subsequent professional success to their year with the judge. But with Judge Wilkey, it went far beyond that. He allowed us to see the wellsprings of his greatness. We were eyewitnesses to his integrity, his humor, his mental ability, and his judgment. It was an invaluable lesson for which we are all very grateful.

