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COLLINS J. SEITZ

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Writing an encomium for Chief Judge Seitz is a perplexing task, for the man who steps down as the administrative head of our Circuit has never sought publicity or praise. To declare, as we judges so often do in honoring a colleague, that the honoree embodies the virtues of Thomas More and the wisdom of Solomon is to do violence to the quiet humility that has made Judge Seitz's many achievements so remarkable.

Simply put, Collins Seitz is an uncommon man. He has never sought acclaim or the empty affirmation of others; he has led a life based on the kind of moderation that the ancients called noble. As a result, in a career filled with honors, there is little distinction between the public and private sides of Chief Judge Seitz. In each sphere he acts for himself, not in the egotistical manner we moderns have come to associate with self-centered activity, but according to the older and more lofty code that cautions above all else "to thine own self be true."<sup>1</sup> The effect is a life marked by courage and tempered by prudence and restraint.

Judge Seitz is one of those men who seek to avoid conflict, but

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<sup>1</sup> W. SHAKESPEARE, *HAMLET*, act I, scene 3, line 38.

who squarely face a crisis when their sworn duty makes them responsible to those who call for justice.<sup>2</sup> When praised, that kind of person blushes, a response so many of us have forgotten in our quest for fame and recognition. At the risk of causing such a blush, I must read the words of another Chief Judge, Lord Mansfield, and ask those who know Judge Seitz whether they recognize in this passage a reflection of the person the *Law Review* honors today.

I wish popularity: but, it is that popularity which follows; not that which is run after. It is that popularity which, sooner or later, never fails to do justice to the pursuit of noble ends, by noble means. I will not do that which my conscience tells me is wrong, upon this occasion; to gain the huzzas of thousands, or the daily praise of all the papers which come from the press: I will not avoid doing what I think is right; though it should draw on me the whole artillery of libels; all that falsehood and malice can invent, or the credulity of a deluded populace can swallow.<sup>3</sup>

Collins Seitz has meant many things to us, but above all he has been a model judge, a leader of this Circuit, and a good citizen.

As a judge, he has been intrepid in his concern for those seeking vindication of their fundamental rights as human beings. I will leave the details of that story to those more familiar than I with the role played by the young Vice-Chancellor of the State of Delaware in the historic struggles that have given content to the ideals underlying our democracy. My primary theme is Collins Seitz as a private, unassuming man, because one can expect and demand courage in troubled times only from someone who strives for virtue in the details of everyday life.

Collins Seitz has always striven to be a good judge, and to seek perfection in this role is to seek virtue. To be a good judge, one must attend to the sometimes petty details of a litigant's claim as though they involved the judge's own concerns; at the same time, the good judge must remain disinterested so as to be able to espy in ordinary disputes principles of justice that go beyond the controversies which litigants often bring to court. One of the great trial lawyers of our day saw these seemingly contradictory traits in Collins Seitz as he argued before the judge in a complicated securities case and pleaded that the law not become so hidebound through *stare decisis* as to lend its imprimatur to

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<sup>2</sup> See, e.g., *Belton v. Gebhart*, 32 Del. Ch. 343, 87 A.2d 862, *aff'd*, 33 Del. Ch. 144, 91 A.2d 137 (1952), *aff'd sub. nom.* *Brown v. Board of Educ.*, 347 U.S. 483 (1954); *Parker v. Univ. of Delaware*, 31 Del. Ch. 381, 75 A.2d 225 (1950).

<sup>3</sup> *R. v. Wilkes*, 98 Eng. Rep. 327, 347 (1770).

injustice. That which makes Judge Seitz so singular, that lawyer wrote, is a serenity that cannot "disguise his enthusiasm . . . as he listens to the argument with eager patience."<sup>4</sup> Never before had counsel seen "greater concentration in repose."<sup>5</sup>

Underlying that attentive repose, and perhaps just another way of describing it, is a kindness and gentility that all of us who have had the honor of working with him as Chief Judge have come to respect and admire. These virtues made it all the easier for Judge Seitz to lead his sometimes reluctant colleagues in keeping this Circuit abreast with the rapid changes of our day. Although the number of appeals filed annually has more than doubled during his tenure as chief administrator, no Circuit has a better record in hearing and resolving disputes. And most importantly, this efficiency has not come at the expense of the litigants. Under his leadership the Court has pioneered in the use of computers and electronic devices that make possible more effective communication among the chambers. Opinions can now be circulated to the full Court before they become public, and individual judges more readily come to understand and feel responsible for this Circuit as an institution. Only those judges know the importance of the chief administrator in the functioning of the Third Circuit, and only they know the grace and skill which Judge Seitz has shown in shouldering this considerable burden. He is responsible for shepherding a case from the time it is first filed to its ultimate disposition. Cases must be distributed to panels, motions must be ruled upon, panels assigned, arguments heard, and the underlying dispute finally resolved. We have a rule under which a written judgment must issue within ninety days of argument, and, largely through Judge Seitz's efforts, the Third Circuit has had more success than any other federal appellate court in meeting the salutary requirements of that rule.

Judge Seitz was also instrumental in having adopted our Internal Operating Procedures and, more significantly, in insisting that they be made public—the first time that the day-to-day mechanics of a major appellate court were disclosed to the bar, to the litigants, and to the public. Through his efforts, district court judges have come to participate significantly in our Circuit Conference and to sit regularly on our panels. He created the Lawyers' Advisory Committee, which has done so much to assist the bench and bar in understanding each other's problems, and he assumed leadership in establishing a set of rules by which complaints against judges can be investigated and determined.

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<sup>4</sup> L. NIZER, *MY LIFE IN COURT* 502 (1961).

<sup>5</sup> *Id.*

Many believe it is the best set of rules of its kind. He has also supervised the creation of a library system that has dramatically improved access to information, while saving taxpayers a substantial sum. None of these achievements will receive much public acclaim or even notice, but they are all valued highly by those who know their true import.

There is also an intangible aspect of his leadership role. Throughout his tenure he has revered the Court as an institution. He believes that its influence depends primarily on the thoroughness, integrity, and disinterestedness with which its members perform their duties. Force of reason, he insists, is the only dependable basis for the appropriate discharge of the Court's task. For these reasons, more than any other, the Court has been the overwhelming interest of his life over the past decade.

Finally, I must say a few words about Judge Seitz as a citizen of this Circuit. He has been a teacher at our law schools and an advisor to their administrators. He was state chairman of a presidential conference on children and is an active member of his church. He is a loving husband, a tender father, and a staunch and warm friend. I suspect that much of Collins Seitz's good works can be traced to a quiet piety based on a deep faith and grounded in a sense of religious duty to his fellow men and women. He exercises a unique influence over the lives of men and women, young and old, who come to him seeking advice and inspiration. More often than not, he revives their faith that, in a world beset by declining standards, right, justice, and truth are still the guiding principles of human behavior.

I am personally thankful for having had the opportunity to be associated with one who stands so high in our profession, with one who stands out so clearly in the community. I have had the opportunity, as few others have, to see those "little, nameless, unremembered, acts [o]f kindness and of love," which, in Wordsworth's phrase, mark "that best portion of a good man's life."<sup>6</sup> The fact that few others have had the occasion to see what Collins Seitz has meant to this Circuit does not diminish the quality of his achievement, though it certainly enhances the stature of the man. Instead of a public image crafted and controlled, he leaves behind a legacy of justice and compassion. Judge Seitz has been content to do the good, and for that we should all be grateful.

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<sup>6</sup> W. WORDSWORTH, *Lines Composed a Few Miles Above Tintern Abbey*, in *THE POETICAL WORKS OF WORDSWORTH* 206 (T. Hutchinson ed. 1939).