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Tribute for the Honorable James M. Sprouse

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United States Court of Appeals for the Fourth Circuit

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TRIBUTE FOR THE HONORABLE JAMES M. SPROUSE

SAM J. ERVIN, III

United States Court of Appeals

for the Fourth Circuit

Chief Judge

On September 13, 1979, President Jimmy Carter formally appointed James M. Sprouse of West Virginia to the United States Court of Appeals for the Fourth Circuit. He filled the second of three positions which Congress had created to increase the size of the Court from seven to ten judges. I was fortunate enough to be selected by President Carter as the tenth judge, and I entered upon my duties about eight months later.

I was not privileged to know Jim Sprouse personally before I joined the Court, but I was aware of his achievements and reputation as a lawyer, a political leader, and a state appellate judge. I soon discovered that he had also distinguished himself as an amateur boxer and as a farmer, and had spent time with both the Displaced Persons Commission and the Central Intelligence Agency (1952-57).

At my first Judicial Conference as a judge, it was still the practice of the Court for the circuit and district judges to march in to the first session, proceeding in order of seniority. I was immediately behind Jim Sprouse, of course, and being uncertain about what to do, I am sure that I watched his every move. I must have been pretty obvious about it, for my wife remarked afterward that she was confident that I would have followed Judge Sprouse anywhere — even to the

men's room.

Even without Betty's suggestion, I soon discovered that I would not often go astray if I followed Jim Sprouse on legal matters as well. He and I had some common political and legal experiences, and shared philosophical views, so it was not too surprising that we often agreed on judicial questions. When I learned that I was taking a position on a case contrary to Jim's, it caused me to re-examine my vote — to be sure that I was not missing something. I knew that he believed — as I do — in individual rights and fair trials, so disagreement with him made me uncomfortable. Since we also shared a tendency to be stubborn at times, we did not always convince each other, but we tried.

Judge Sprouse's varied background and talents made him a very valuable asset to the Fourth Circuit. He had previously successfully performed as a justice on his state's highest appellate court, so his federal position was not an unfamiliar experience for him. At oral arguments, he was a frequent but courteous questioner, whose knowledge of the case was readily apparent. His broad knowledge of the law, his willingness to listen to the views of his co-panelists, and his skill at articulating and defending his own positions made him invaluable to the court.

His written opinions were characterized by clarity, conciseness, and sound reasoning. In short, he was a lawyer's lawyer and a judge's judge. The appellate bar held him in high esteem. While he took his responsibilities seriously, he always maintained his sense of humor and did on more than one occasion break the tension during an oral argument, a judge's post-argument conference, or a business meeting.

As one who had some administrative duties for the court, I really appreciated Judge Sprouse. I cannot recall a time when I asked him to undertake some additional duty that he did not consent to do so willingly and cheerfully. He did whatever he was asked and did it well. I will always be grateful for the support, wise counsel, and encouragement that I received from him, both before and after he elected to take senior status on October 31, 1992.

Judge Sprouse is much more than a fine jurist. As a person, he loves his family, his country, his native state, his farm, his clients, the Democratic party, and his friends. He gave unstintingly of himself to

all of them. He also shared his knowledge with students by teaching at VPI.

The Fourth Circuit Court of Appeals is a poorer place as a result of Judge Sprouse's decision to fully retire on July 31, 1995. His friends and admirers on the court — of which I am proud to be one — will sorely miss him. His clients, his family, and his state — to whom he can now devote his full attention — will be the richer for that decision, however. Our loss is their good fortune.

The Prophet Micah admonishes us to “do justice and to love kindness and to walk humbly with your God.” Micah 6:8. This Judge Sprouse has done.

