

IN MEMORY OF GREG COLEMAN:
SPEECH BY THE HONORABLE JUDGE JONES*

AUSTIN STAKE CENTER
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It is an honor to be asked to talk today about Greg Coleman, and I thank Stephanie for having invited me to do so.

The relationship between judges and law clerks can be very special. Not only is it our privilege to receive assistance from the best and brightest young law students, but, through their success and achievements in their professional lives, we have an opportunity to influence the future. Good law clerks become our friends, our companions and our comrades in shared belief. They are part of our family. Greg was one of the best clerks I have worked with and one of the most distinguished lawyers following his clerkship. He was one of the best in every way.

On this type of sad occasion, the question always arises why God chose to take Greg home so soon? I have pondered this today and at other times. We, of course, will never know the full answer in this world, but a friend pointed me to a passage in the Book of Genesis that may provide a clue to God's design, especially for someone like Greg. In Genesis 5:24, it is said that Enoch, who lived in the generations following Adam, "was walking with God, and he was not, for God took him."¹ The same language is used of the prophet Elijah, who the Bible says was translated directly to Heaven without first undergoing death.² These men loved God and were favored by Him accordingly. And so one may conclude

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1. *Genesis* 5:24.
2. *2 Kings* 2:11.

that God takes us when He is ready—and when He knows in His wisdom that we are ready to be in His company. Greg was ready to go home to the Lord, but he will remain vivid in our memories as long as we live.

While remembering an 18-year long friendship with Greg, I thought of life as a book in which the pages turn and, as events unfold, we create bookmarks in our memory for people, places and actions that are of great significance. To pay tribute to Greg, I have turned to some of these bookmarks that reveal his extraordinary qualities of intellect, modesty, diligence and love of his family and his fellow man.

The bookmarks start with his clerkship in my chambers in 1992–93. He came to his clerkship with a record of high academic accomplishment as an honors graduate of the University of Texas School of Law and Texas A&M undergraduate and MBA programs. More than that, however, was represented on his résumé, which was quite long for a law school graduate. He listed numerous community service activities, including a two-year mission for the Mormon Church in Japan, volunteering at a local food bank, and volunteering as a high school track coach. From his early years, Greg had sought to serve others. He linked personal accomplishment with community service. Greg was deeply involved in his church and youth and charitable activities for the rest of his life.

During the clerkship, he was an unusually hard worker. I remember his helping me out with extra, non-glamorous projects while I was on a family vacation. He did this although not asked by me just to assist in the disposition of our very heavy caseload. He arrived at the office early, a practice uncommon among the clerks who are often young, unmarried and less disciplined in their habits. Most clerks also find the demands of a clerkship fully consuming professionally, but not Greg. Greg exceeded the confines of the clerkship when he took a position as an adjunct professor at South Texas College of Law to better support Stephanie and their young family. His class was so popular that seventy students signed up for his teaching the following semester. Characteristically, during his clerkship

he volunteered regularly with a teenage youth group and even subsidized their scuba diving trip with his own money.

Despite these commitments, Greg left work in time to be with his family. When Greg and Stephanie came to our house for a clerks' dinner, the boys were always invited. Chase and Austin were then toddlers, and they loved playing with guns and Star Wars toys that we had stored in a cabinet after our boys outgrew them.

A final anecdote from this period shows Greg's thoughtfulness. I had hired Brad Smith from Michigan to serve in chambers a year after Greg. Brad and his wife Diane, with three children and a fourth on the way,³ visited Houston in search of a house for rent. Greg and Stephanie were well acquainted with the challenge of managing family finances during a clerkship, but they did not know the Smiths. Yet they drove Brad and Diane around Houston for hours to help them find a nice, affordable neighborhood. Later, the families often got together, and Greg and Stephanie babysat Brad's children while Diane was giving birth to baby George.

In memory of their friendship, and Greg's repeated kindnesses, Brad Smith has flown to Austin for this occasion.

Early in our acquaintance, I wrote two letters about Greg's unusual talents. To Bryan Garner, the well-known writer of legal dictionaries, who had generously corresponded with Greg, I wrote in 1993: "I predict Greg will have an enormously successful career. He is one of the most enthusiastic, dedicated and multifaceted young graduates I have had the privilege to know."⁴ And to Justice Thomas, I wrote recommending Greg for a clerkship at the U.S. Supreme Court in 1994 that he "is one of the hardest workers I have ever had," he is "far and away one of the most productive clerks," and the secrets of Greg's success are concentration, organizational ability and a wonderful wife.⁵ I guess I was prescient.

3. Brad and Diane now have seven children, but they are neither Mormon nor Roman Catholic!

4. Letter from author to Bryan Garner (1993) (on file with author).

5. Letter from author to Justice Clarence Thomas (1994) (on file with author).

Justice Thomas, who is here today, will have more to say about Greg's clerkship with him, but I have bookmarked a couple of memories from my occasional conversations with Greg during that exciting year. The wages at the Supreme Court are low, and the cost of living in the Washington, D.C., area is high. To save money, the Colemans had only one car while they were there, which Stephanie drove. Greg bicycled to work, even during rain and snow, for that entire year. He adhered to a disciplined schedule—again, uncommon among law clerks in general and especially those at the Supreme Court—of leaving the office in order to be home for the family dinner. After putting the boys to bed, however, Greg routinely worked at home for several hours. In fact, he only slept about four hours each night while he clerked for Justice Thomas. But he loved the work, and he loved this Justice. Later on, Justice Thomas told me, "Send me more Greg Colemans!"

Greg had returned to Texas and embarked on a lucrative career in appellate advocacy when then-Texas Attorney General John Cornyn, now a United States Senator and with us today, asked him again to make a personal financial sacrifice by becoming the state's first Solicitor General. Senator Cornyn had the vision to create this office. The Solicitor General's office represents the state in federal and state appellate courts utilizing talented young lawyers who will agree to serve the state for just a few years. It is fair to say, I think, that Greg Coleman implemented the vision and made the office tremendously successful in promoting the state's interests in court. Greg attracted a bevy of bright lawyers who learned from him, acquired valuable professional experience and then launched successful careers after serving with Greg. Many members of the Texas Solicitor General's office are at this service in tribute to Greg's influence on their lives. Jim Ho and Ted Cruz, who have followed Greg as Solicitor General, are both here, and both consider Greg a mentor and professional model.

Since Greg re-entered private practice nearly a decade ago, he and I have not seen each other often, because he has been so busy. But we talked by phone and sometimes, while on business trips to Houston, he would stop by my office for a visit. He loved practicing appellate law. He was eventually

admitted to practice in all but two federal circuits in addition to the Supreme Court, and he filed briefs and argued cases all over the country. He appeared in the Fifth Circuit at least two dozen times, several times in the Texas Supreme Court, and nine times in the U.S. Supreme Court. He enjoyed discussing the nuances of practice before various courts, regaling me with his experiences, and informing me about hot topics in the law. He was especially happy when the opportunity arose to form his own appellate practice at Yetter Coleman. The firm enabled him to create his own environment for law practice, and it encouraged his pro bono publico representation of clients in causes he believed in.

The zenith of his pro bono work occurred in the spring of 2009 when he argued two important cases in successive weeks at the U.S. Supreme Court. I was so proud of his achievement. One of these cases sought to allow small municipalities and government bodies to “bail out” of onerous preclearance procedures required by the federal Voting Rights Act.⁶ The other suit was on behalf of firefighters in New Haven, Connecticut, who had been denied promotions for which they had otherwise fully qualified solely because of their race.⁷ It is virtually unheard of for a lawyer to argue two cases in two weeks at the Supreme Court. The required preparation for one argument includes becoming intimately familiar with the lower court records, participating in advance moot court arguments, and managing a team of lawyers. The stress of these responsibilities normally prevents a lawyer from attempting back-to-back arguments. Greg was no ordinary appellate lawyer.

Not long before the arguments were to take place, a news article reported on this unusual event. Greg was described by an admirer as understated and soft-spoken. The writer had also interviewed Greg about the impending challenge. With characteristic modesty, Greg said, “I’m not sure what to say about that. Both cases are very important to the clients, and we’re going to do everything we can to give them adequate representation.” Greg placed the focus on his

6. *Nw. Austin Mun. Util. Dist. No. One v. Holder*, 129 S. Ct. 2504 (2009).

7. *Ricci v. DeStefano*, 129 S. Ct. 2658 (2009).

clients rather than himself. By all accounts, his arguments in each case were brilliant, and he won both of them. His clients, two New Haven firefighters, and his co-counsel in that case have come here today, as have Greg's clients in the Voting Rights case.

In March of this year, I visited Baghdad, Iraq and met the top Iraqi judges under the auspices of our government's important rule of law program there. My visit was generated by Greg, who also went to Iraq in late May. It was our shared privilege to represent the United States and encourage the development of the legal system in a country where judges routinely risk their lives to establish the rule of law. Greg received the initial invitation to visit because he had so impressed a U.S. Department of Justice lawyer who was his *opponent* in the Voting Rights Act case. After she transferred to Iraq for a tour with the rule of law program, this lawyer solicited Greg to participate and, at Greg's urging, then invited me.

Greg deeply impressed the Iraqis he met. The Chief Justice of Iraq, Justice Medhat, is sending a letter of condolence. As an aside, Greg generously gave Justice Medhat a pair of Tony Lama boots. Greg wrote in a report that at each of the several law schools he visited, the faculty, students and attorneys in attendance routinely kept him answering questions for several hours. One such extended meeting occurred on an Iraqi weekend day. He had evidently struck a responsive chord with the audiences in his remarks about our federal system and the division of duties between our national and state governments. Greg had prepared with his usual diligence to inform the Iraqis on a subject of vital importance to them. For a side trip, Greg was allowed to visit the excavations of the ancient city of Ur, where a guide showed him the reputed home of the patriarch Abraham. Abraham was a wealthy man in Ur, then one of the richest cities of the Fertile Crescent, the cradle of Western civilization, before he was called by God and took up his pilgrimage ultimately leading to the promised land. This must have been a spiritually significant occasion to Greg.

When I had to report the plane accident to my former law clerks, most of whom knew or knew of Greg, dozens of them

immediately responded with expressions of shock and sympathy. They called him gracious, talented, wonderful, “one of the best advocates I’ve worked with.” One of my clerks summed up his career well: “He proved it is possible to succeed in private practice while still continuing to fight for things you believe in.”

The final bookmark I note is the gratitude my husband Woody and I both feel for Greg and Stephanie’s generous support of the David R. Jones scholarship at Pepperdine University. The scholarship was established in honor of our son who tragically perished in a car accident. This was a tangible expression of the mutual affection we have shared.

To conclude, I would say that all the superlatives that have been said about Greg are true. He demonstrated that nice guys can finish first. He lived a full, noble life. He put his family first while also leaving an indelible imprint on his fellow church members, his law firms and clients, law students, young people, the state of Texas and the United States. He served tirelessly while walking humbly with God.

As we mourn Greg’s passing from our presence, please recall Christ’s promise in John 14:15–18: “If ye love me, keep my commandments, and I will pray the Father, and He will give you another Comforter . . . that he may abide with you forever.”⁸ I know that as time goes on, the Spirit will offer comfort to Greg’s family and friends in many and unexpected ways, not least in these treasured memories of the life Greg lived and the excellent man he was.

In the name of Jesus Christ, Amen.

8. *John* 14:15–18.