



2003

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Recommended Citation

Richard S. Arnold, *Judge Henry Woods: A Reminiscence*, 25 U. ARK. LITTLE ROCK L. REV. 229 (2003).
Available at: <https://lawrepository.ualr.edu/lawreview/vol25/iss2/2>

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JUDGE HENRY WOODS: A REMINISCENCE

*Richard S. Arnold**

To write in tribute to Judge Henry Woods is a task both easy and pleasant. It is also a task that is hard to do right. There is so much to say, so many facets of the man, the lawyer, and the judge that are praiseworthy. A phrase from the *Bible* comes to mind. "There were giants in the earth in those days . . ."¹ Judge Woods lived greatly in the law. It is no exaggeration to say that he was a giant, though one who always took care to exercise his strength with restraint.²

First, the judge was an outstanding citizen. He came to practice law in Texarkana, my hometown, for a couple of years or so after World War II. He became a friend of my mother's, Janet Sheppard Arnold. They were, I think it is fair to say, political associates. They could even have been called agitators. Their case was racial justice, specifically the right of black citizens to vote. The right to vote was very much an issue at that time. Henry (I speak familiarly; long friendship and association, perhaps, give me this privilege) constantly endeared himself to me by recalling those days when he and my mother were collaborators. They worked with a local chapter of the NAACP. Mrs. John J. Jones, the wife of the President of the local chapter, would come to our house to visit my mother. But before she came, Mrs. Jones wished to be assured that she could come in the front door and sit in the living room. "Of course," my mother said. This history will seem rather primitive to readers who did not live through that period. But Henry Woods and Janet Arnold did live through it, and they were on the side of the angels.

Judge Woods was also a giant as a lawyer. In partnership with former Governor McMath, whom he had served as Executive Secretary in the state capitol, Leland Leatherman, and other distinguished lawyers, he carved out a place for himself in the front rank of the bar. Again, the cause was justice, most often justice for people who had been injured or killed through the negligence or fault of others. It was not mere routine, garden-variety law practice. Judge Woods and Governor McMath took the lead in developing the field of admiralty in Arkansas. In a landmark decision written by Judge Oren Harris,³ they succeeded in establishing principles that endured—principles that for years opened the way for justice to those who were injured on the navigable waters of this state.

* United States Circuit Judge for the Eighth Circuit. Member of the Arkansas and District of Columbia bars.

1. *Genesis* 6:4 (King James version).

2. See WILLIAM SHAKESPEARE, *MEASURE FOR MEASURE*, act II, sc. ii, line 107 ("O! it is excellent to have a giant's strength; but it is tyrannous to use it like a giant.").

3. *Brinegar v. San Ore Constr. Co.*, 302 F. Supp. 630 (E.D. Ark. 1969).

Politics, naturally, was never far from the forefront. Judge Woods did not merely love politics; he reveled in it, ate and drank it, and talked about it constantly. He had broad experience, not only with Governor McMath, but also later, constantly advocating Democratic causes. He was prominent in the early campaigns of Dale Bumpers, beginning with the first campaign for governor in 1970. After that campaign, Governor Bumpers entrusted the future judge with the task of restructuring the Democratic State Committee, a task that he performed admirably. Later, I worked with Henry almost daily in the 1974 campaign, when Governor Bumpers succeeded in reaching the United States Senate.

Then came the judgeship, a position, it must be said, by no means unrelated to Henry's life in politics. The framers of the Constitution knew that judges should be independent, should be assured of what is in effect life tenure, and should be free of all corrupting influences, including the influence of shifting political majorities. But they also knew that judges should not be disembodied spirits, coming from nowhere, with no background. They carefully provided that judges would be produced by the political process. They would be nominated by the President, a product of what was to become, at least in practice, a national popular election, and then appointed by him—but only after being confirmed by the United States Senate, also an elected body.⁴ One of my greatest memories is of February 7, 1980, when Judge Woods and I both appeared before the Senate Committee on the Judiciary. Judge Woods had been nominated to be United States District Judge for the Eastern District of Arkansas, and I had been nominated for the United States Court of Appeals for the Eighth Circuit. Our hearings were held on the same day. One of my most treasured possessions, holding pride of place in my chambers, is a photograph taken on that occasion. It shows Judge Woods and me, sitting at a table in front of the Committee, with Senator Bumpers and Senator David Pryor, who loyally supported both of us, in between.

Judge Woods met and exceeded all of the promises and expectations voiced at that hearing. He became a great judge, renowned for humanity as well as learning. He was decisive, which, after all, is an indispensable quality for a judge. The job of a judge is to decide cases, not to dither over them. Cases do not normally improve with age. Judge Woods well understood this. He did not let cases under advisement gather dust on the shelf. He would frequently rule from the bench, giving the parties an immediate decision. Moreover, he had passion. It may surprise the reader to hear that judges ought to have passion. But judging is not a bloodless exercise. It involves real people in real causes, and the end product, at least the desired end product, is justice under the law. No goal is more deserving of passion-

4. U.S. CONST. art. II, § 2, cl. 2.

ate devotion, and no judge ever showed that devotion more clearly than Henry Woods. He was active in this cause to the last, expending all of his energies, despite bodily difficulties, in trying a series of cases arising out of an American Airlines crash in Little Rock on June 1, 1999.⁵

But Judge Woods was more than all of this—more than a citizen, more than a lawyer, and more than a judge. He was a truly learned man. The greatest compliment the Greek philosophers could pay to a person was to confer the title “polymath.” I am proud to say that I have described Judge Woods as a polymath, not only in private conversation, but also in print.⁶ The judge was wonderfully well read. He had more than a nodding acquaintance with Homer and Virgil, Locke and Montesquieu, Voltaire and Montaigne. He was a wonderful conversationalist and could discourse about these and other authors in a way that was not only coherent, but interesting. He was especially keen on history. I often thought that not a single bullet fired during the Civil War had escaped the judge’s interest. He seemed to know everything about every battle, everything, indeed, about the history of the United States.

Henry Woods enriched not only the bench of Arkansas, but the lives of all who knew him. The bench and bar of this state are fortunate to have been blessed by the presence, over a long life, of such a man. In Holmes’s phrase, Judge Woods lived “greatly in the law.”⁷ His happy memory consoles us for the loss we have suffered.

5. See, e.g., *Maddox v. Am. Airlines, Inc.*, 298 F.3d 694 (8th Cir. 2002). The judgment entered by Judge Woods was affirmed, with a minor exception having to do with prejudgment interest.

6. ARK. DEMOCRAT-GAZETTE, Sept. 3, 1995, at 1A.

7. 3 OLIVER WENDELL HOLMES, *The Profession of the Law*, in THE COLLECTED WORKS OF JUSTICE HOLMES 471, 472 (Sheldon M. Novick ed., 1995).

