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# A TRIBUTE TO JUDGE THEODORE MCMILLIAN: HIS JOURNEY FOR JUSTICE AND EQUALITY

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In recognition of his many contributions to legal education, the legal profession, and the development of the law during his four decades of service on the state and federal judiciary, the *Washington University Journal of Law and Contemporary Law* is proud to present this tribute honoring Judge Theodore McMillian, United States Court of Appeals for the Eighth Circuit. Throughout his judicial career, Judge McMillian has made special contributions to Washington University School of Law. He has supervised student interns from Washington University through the Judicial Clerkship Clinic since its inception in 1973. He has also presided over numerous moot court competition panels and spoken at countless law school events through the years. For these and his other many contributions we owe him great appreciation.

Those who pay tribute to Judge McMillian in this special issue of the *Journal* are among the many who have accompanied Judge McMillian in his life-long journey for justice and equality. Their tributes eloquently illuminate the challenges he has undertaken, the contributions he has made, and the inspiration he has provided.

Professor Karen L. Tokarz, a member of the Washington University School of Law faculty and Director of Clinical Education, worked for two years after college as a deputy juvenile officer for Judge McMillian when he was the presiding judge of the St. Louis City Juvenile Court. Judge McMillian inspired her to attend law school and to pursue a career teaching civil rights law.

Judge Richard S. Arnold, Chief Judge of the Eighth Circuit Court of Appeals, met Judge McMillian in August 1978. As fate would

have it, they had their nomination hearings before the United States Senate Judiciary Committee on the same day. President Jimmy Carter had nominated Arnold for the District Court in Arkansas and McMillian for the Court of Appeals. In 1980, Judge Arnold joined Judge McMillian on the Eighth Circuit.

Judge William H. Webster, a graduate of Washington University School of Law, resigned his position on the Eighth Circuit Court of Appeals in 1978 to become the Director of the Federal Bureau of Investigation. It is his former seat that Judge McMillian now occupies on the Eighth Circuit.

As a court-appointed defense attorney, former United States Senator Thomas F. Eagleton tried his first lawsuit against Judge McMillian when McMillian was an assistant circuit attorney in St. Louis. Later, Eagleton would become the St. Louis Circuit Attorney, Missouri Attorney General, Missouri Lieutenant Governor, and United States Senator from Missouri. As the ranking Democratic Missouri Senator, Eagleton recommended Judge McMillian to President Jimmy Carter in 1978 for appointment to the Eighth Circuit Court of Appeals.

Norman S. London, the Federal Public Defender for the Eastern District of Missouri and graduate of Washington University School of Law, also tried cases against Judge McMillian in the mid-1950's when McMillian was an assistant circuit attorney. Later, during Judge McMillian's tenure as a state trial court judge, London tried many cases in front of him, including Judge McMillian's first jury case on the bench, and has argued many cases in front of him at the Missouri Court of Appeals and the Eighth Circuit.

Mayor Clarence Harmon and Judge David C. Mason have both followed in Judge McMillian's footsteps by breaking through racial barriers. Mayor Clarence Harmon, the second African-American mayor of the City of St. Louis, credits Judge McMillian as being one of his role models growing up in St. Louis.

The Honorable David Mason, Circuit Judge for the State of Missouri, served as an assistant attorney general of Missouri after his graduation from Washington University School of Law. He was appointed to the Circuit Court in St. Louis in 1991 by Governor John

Ashcroft, some thirty-five years after Judge McMillian's appointment to the same court.

Pamela H. Bucy, Bainbridge Professor of Law at the University of Alabama School of Law, worked as an intern for Judge McMillian on the Missouri Court of Appeals during her second year at Washington University School of Law. After graduation, she served as his last clerk on that court and his first on the Eighth Circuit Court of Appeals. She subsequently followed his example and his advice to work as a government prosecutor and carried his influence into her current work as a professor of criminal justice.

Professor Jane E. Larson, Wisconsin Law School, and Professor Guadalupe T. Luna, Northern Illinois University Law School, also clerked for Judge McMillian on the Eighth Circuit about a decade after Pam Bucy. Professor Larson cites compassion, civility, patience, and graciousness as lessons she learned from Judge McMillian during her clerkship. Professor Luna highlights tenacity, determination, integrity, and humility as values Judge McMillian imparted to her during her tenure with him. Both credit him with motivating them to go into teaching and to focus on issues of inequality and injustice.



Judge Theodore McMillian  
United States Court of Appeals for the Eighth Circuit  
(Photo: Matthew O'Shea Photography, St. Louis, Missouri)