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## MAKING THE COURT AN OPEN PUBLIC INSTITUTION

MICHAEL S. RAUM\*

On the walls of his office, among various diplomas, certificates, and photographs, Judge Webb has one painting. It is a painting of him, robed and seated on the bench, smiling at a little boy standing on the bench; both have their hands over their hearts, as if to recite the Pledge of Allegiance. It is the largest single decoration in the office, and it naturally attracts the attention of anyone who enters. That it should do so is fitting, considering it showcases how seriously Judge Webb takes his role as a representative of, and an ambassador to, the public. I will briefly address several ways in which this commitment shows itself, concluding with a brief discussion of the implications of this fact.

Perhaps the most frequent contacts Judge Webb has with the public in his official capacity are when students visit his courtroom. These visits seem to happen weekly as students, either alone or in a group, come from local high schools and colleges to watch proceedings. Sometimes the visits are scheduled with a teacher, but more commonly a few students have simply come to watch. Less frequently, but also worthy of mention, Judge Webb teaches a class in a more structured environment, generally at the University of North Dakota School of Law.

When students visit the court, Judge Webb unfailingly makes himself available to discuss the proceedings with them and to answer their questions, and he often asks court staff and counsel to remain for this discussion. It is certainly not unusual to spend a half-hour or more at such sessions, and on more than one occasion, he has invited students back to chambers to continue the discussion. The students are often surprised by the attention; indeed, it often appears they assumed they would come and go without being noticed because, after all, these are unscheduled visits to court. Nevertheless, they all get an opportunity to interact with Judge Webb and ask him questions in an informal setting.

The second way in which Judge Webb's commitment to the public shows itself is the naturalization ceremonies he conducts. Several times each year, the courtrooms in Fargo and Grand Forks are packed with new

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citizens and their families and friends who have come to support them. Additionally, buses of schoolchildren come to watch; the size of the crowds usually means that the students sit on the floor in the well of the courtroom. It would be an understatement to say that Judge Webb enjoys naturalization; it would be more accurate to say that it is a highlight of the court calendar.

What makes naturalization special is Judge Webb's recognition of its importance in the lives of each new citizen. Therefore, he ensures it is memorable; each new citizen stands and is applauded as his or her name is called, and Judge Webb often pauses to mention facts about different individuals. Of course, the ceremonies can also be fairly raucous, as Judge Webb encourages the audience to take pictures, applaud, and cheer each individual. After the ceremony, Judge Webb greets each of the new citizens and poses for pictures with them and their families—it was a picture from a naturalization ceremony that became the basis for the painting discussed above. After doing this for a number of years, he has developed something of a national reputation for his ceremonies; earlier this year, the Federal Judicial Center, which provides training to employees of the federal judiciary, filmed one of Judge Webb's naturalization ceremonies for broadcast across the Federal Judicial Training Network.

The final interaction with the public that I will mention, the selection of juries, is perhaps the most important. Jury selection can be a difficult process because people are asked to answer personal and sometimes embarrassing questions about themselves in front of strangers in an intimidating atmosphere. Understandably, given that it is such a unique and unfamiliar experience, jurors are usually quite nervous. This obviously presents a challenge to a trial judge looking to help the parties pick the best jury possible.

Despite these challenges, Judge Webb has a talent for picking and interacting with juries and an ability to put people at ease while still finding out enough about them so attorneys can make intelligent selections. He accomplishes this in a variety of ways, only a few of which I will mention. For example, he stresses the historical significance and overall importance of jury duty, calling it “the most important duty a citizen is called on to perform in peace time.” My impression is that this helps to focus the panel members' attentions and ensures that they will answer questions openly and truthfully. At the same time, he tries to keep the proceedings light and helps panelists remain at ease by asking them to relate any bumper stickers they have on their cars, which invariably results in both a few laughs and some insight into who the panelists are. These are only two examples, but

they demonstrate Judge Webb's recognition of the importance of the jury system, his awareness that the process can be somewhat uncomfortable for jurors, and his effort to steer a middle course to obtain the best possible juries.

All three of these examples—teaching students, naturalization, and jury selection—demonstrate the commitment Judge Webb has to serving the public. More importantly, however, they demonstrate the close connection he sees between the work of the court and society. In the first instance, interacting with students, the court plays a role in educating society and ensuring that legal processes and procedures are understood by those interested in them. In the second instance, naturalization, the court literally helps to make society by bestowing the official status of citizenship on the newest members of society. In the final instance, jury selection, the court employs members of the community in its business by incorporating them as a crucial part of the judicial resolution process.

Of course, these connections exist on their own terms in every court, but Judge Webb's commitment to, and skill in, managing these connections is unique. Simply put, he strives to make the court an open public institution and to ensure that his actions reflect this. Sometimes this effort is explicit, as when he reminds criminal defendants that he represents the public as he imposes sentences on them. But more often it is implicit, as in his commitment to the public discussed above. It is impossible not to be impressed by Judge Webb's awareness of and commitment to the relationship between the court and society, and I believe this to be one of the most important lessons I have learned during my two years as one of Judge Webb's law clerks.

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