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Circuit Justice Byron R. White

## CIRCUIT JUSTICE BYRON R. WHITE

The Chief Justice of the United States and the associate justices of the Supreme Court shall from time to time be allotted as circuit justices among the circuits by order of the Supreme Court.<sup>1</sup>

Associate Justice of the Supreme Court Byron R. White acts as circuit justice for the Tenth Circuit Court of Appeals. In this capacity, he provides guidance to Tenth Circuit judges through his participation in events such as the Tenth Circuit Judicial Conference.<sup>2</sup> If the need should arise, he is empowered to sit on the Tenth Circuit Court.<sup>3</sup> Justice White's responsibilities also require him to rule on the applications which must be made to individual justices,<sup>4</sup> such as applications for extensions of time to docket an appeal<sup>5</sup> or to petition for certiorari,<sup>6</sup> and applications for stays of proceedings.<sup>7</sup> In keeping with the *Denver Law Journal's* goal of providing useful information to practitioners in the Tenth Circuit, it is appropriate to include a brief sketch of the man who acts as their circuit justice.

Byron Raymond White was born in Fort Collins, Colorado, on June 8, 1917, the son of Alpha Albert White and Maude Burger White. He grew up nearby in the small rural community of Wellington, Colorado. Money was not plentiful for the Whites in those days, and by the time young Byron reached 7 or 8 years old, he was working in the local sugar beet fields for a dollar or two a

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<sup>1</sup> 28 U.S.C. § 42 (1970). The allotments among the Circuit Courts of Appeals are as follows:

District of Columbia Circuit  
First Circuit  
Second Circuit  
Third Circuit  
Fourth Circuit  
Fifth Circuit  
Sixth Circuit  
Seventh Circuit  
Eighth Circuit  
Ninth Circuit  
Tenth Circuit

Warren E. Burger  
William J. Brennan, Jr.  
Thurgood Marshall  
William J. Brennan, Jr.  
Warren E. Burger  
Lewis F. Powell, Jr.  
Potter Stewart  
John Paul Stevens  
Harry A. Blackmun  
William H. Rehnquist  
Byron R. White

<sup>2</sup> *Id.* § 333.

<sup>3</sup> *Id.* § 43.

<sup>4</sup> For procedure when making applications to individual justices, see Supreme Court Rule 50.

<sup>5</sup> *Id.* Rule 13.1.

<sup>6</sup> *Id.* Rule 22.4.

<sup>7</sup> *Id.* Rule 51.

day. When White graduated from high school, the University of Colorado had a practice of awarding an academic scholarship to the first place graduate of each school. He won the scholarship and was able to fulfill his ambition of attending college.

At the University of Colorado, White excelled both scholastically and athletically. He was elected to Phi Beta Kappa in his junior year, graduated as valedictorian of his class, and was awarded a coveted Rhodes Scholarship for study at Oxford University. White also found time to win three varsity letters in football, four in basketball, and three in baseball. In 1937, his junior year, he led all major college backs in both scoring and rushing, and was named a football All-American.

After graduating from the University of Colorado, White played the 1938-39 professional football season, becoming the first rookie to lead the National Football League in rushing. He then traveled to Oxford for advanced study, but the outbreak of war in Europe caused him to return to the United States in September 1939. Back home, White entered Yale Law School, where he received the Edgar Cullen Award for the highest grades by a freshman. Convinced that he would be drafted into military service before finishing his legal studies, White contracted to play professional football with the Detroit Lions, and was, therefore, unable to join his school's law review.

Pearl Harbor interrupted White's legal career and terminated his football career. He volunteered for service in the U.S. Navy and won two bronze stars while serving in the South Pacific as a lieutenant in naval intelligence. When the war ended, he returned to law school at Yale. Before graduating in November 1946, he married Marion Lloyd Stearns.

With his LL.B. degree *magna cum laude*, White went to Washington D.C. to clerk for Chief Justice Fred Vinson for a year. He then returned to Denver to enter the practice of law, becoming a partner in the firm of Lewis, Grant, and Davis. During their stay in Denver, the Whites became the parents of two children, Charles Byron and Nancy Pitkin.

In January 1961, White was appointed Deputy Attorney General of the United States. Then in April 1962, President John F. Kennedy nominated him for the position of Associate Justice of the Supreme Court. The Senate promptly confirmed, and Jus-

tice White took the oath of office on April 16, 1962. Justice White's history of accomplishment demonstrates the aptness of President Kennedy's statement about him: "He has excelled in everything he has attempted."<sup>8</sup>

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<sup>8</sup> This quotation and other information in this biographical sketch were taken from THE JUSTICES OF THE UNITED STATES SUPREME COURT, 1789-1969, THEIR LIVES AND MAJOR OPINIONS 2951-61 (1969).

