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COLLINS JACQUES SEITZ
PARADIGM OF PRINCIPLE, PASSION,
PROFESSIONALISM AND PERSUASION

E. NORMAN VEASEY*

I have known Collins Seitz for nearly forty years. He was Chancellor of Delaware when I was in law school. When I graduated in 1957 and started working at my old firm, Richards, Layton & Finger in Wilmington, I immediately began working on cases before him. I had my first argument before him—on a procedural motion—in the Spring of 1958. He was kind to the young lawyer, but he “took me to the cleaners” intellectually, by questions that cut to the heart of the issue. I have never forgotten that experience, including the kindness aspect of it.

Since then I have tried to learn as much as I could about this remarkable man. His corporate jurisprudence stands as a tower. His civil rights and constitutional decisions stand as a beacon for fairness and equity.

I had occasion recently to view three videotaped interviews of Judge Seitz which were made in 1993 by the Third Circuit Historical Society. Those videotapes brought home to me the alliterative subtitle to this article that Judge Seitz is a paradigm of principle, passion, professionalism and persuasion.

The dedication to *principle* is ingrained in Collins Seitz. A self-styled “maverick” and always a champion of the underdog, Collins Seitz has an innate sense of fairness and a revulsion for anything which smacks of inequity. This comes through publicly in his handling of the desegregation cases of the early 1950s. But there are many other examples in his background.

Pursuit of principle leads to the matter of *passion*. To say that Collins Seitz’s background was economically humble is an understatement. His father worked for the DuPont Company in Wilmington until he became ill in the late '20s and died in 1929 just as the Great Depression hit. There were no benefits for his mother, the widow, and this was a harsh and bitter fact which partly shaped his approach to life. He felt the need to be sensitive to the underdog and often to revolt from conformity. So he lived a life where the principle of righting wrongs became a passion.

* Chief Justice, Supreme Court of the State of Delaware.

Yet he was always *professional* in everything he did. He has always been one of the most mature persons I have known (intellectually and emotionally, not chronologically). His work has always been of the highest quality and scholarship. His approach to his judicial work and his administrative work has always been clear, concise, well organized and penetrating. Chief Judge Dolores Sloviter of the Third Circuit put it well:

Collins Seitz dislikes pomposity, the florid phrase, the broad wave of the hand.

He is a master at the simple declarative sentence. He cringes when a judge addresses another judge or lawyer with insensitivity, even unintentionally, because he believes that civility in outward relationships lies at the root of collegiality. He is deeply religious but does not wear his faith on his sleeve. He disdains provincialism, believing instead of the wider bonds that draw us together, not apart.

Contrary to the general view, he does not suffer fools patiently. He just hides it better than most of us.¹

Finally, *persuasion*. When one reads his lucid opinions, one is often swept up into believing. His logic is compelling. (Logic was his favorite course in college.) The clarity of his writing style easily persuades one who might have tentatively been inclined the other way on a particular issue. Indeed, the adoption by the United States Supreme Court of a number of his dissents is testimony to his persuasiveness. This is likewise true of his administrative acumen. His colleague Judge Walter Stapleton of the Third Circuit described Chief Judge Seitz's leadership in a letter dated December 29, 1995 to Justice Anthony Kennedy and others, in these words:

A chief judge of a court of tenured judges cannot impose his or her will. Effective leadership must come through consistently effective persuasion. Consistently effective persuasion comes only through patient study of the subject matter, insightful appreciation of the short and long term consequences of any measure to be proposed, sensitivity to the strengths, weaknesses and foibles of one's colleagues, hours upon hours of foundation laying, complete candor, and insistence on a fair process during

1. Remarks of Dolores K. Sloviter, Chief Judge, *Presentation of Portrait and Dedication of Courtroom: Honorable Collins J. Seitz*, 35 F.3d LXXIII, LXXXVI (1994).

which each person that may be effected feels as though his or her views have been heard and considered.²

Judge Seitz is so deeply respected, so fondly admired and so extraordinarily accomplished that one hardly knows where to begin a catalogue of his qualities. Indeed, such a catalogue is impractical. Judge Seitz's judicial career has been marked by scholarship, intellectual honesty, courage, civility, an abhorrence of injustice, integrity, strong work ethic, and an enormous contribution to jurisprudence at the state and federal levels. I will highlight only two aspects of his service on the Delaware Court of Chancery and one aspect of his service on the federal judiciary. The selection of only these three examples of his accomplishments should not, however, be read as a depreciation of his many other outstanding contributions as a state and federal judge.

As a Vice Chancellor and as the Chancellor of the Delaware Court of Chancery, Judge Seitz achieved national renown in the complex and intellectually challenging field of corporation law. Delaware jurisprudence in the corporate field is internationally pre-eminent (today well over half of the Fortune 500 companies are Delaware corporations), and that reputation is earned primarily by the Delaware Court of Chancery and the Delaware Supreme Court. Most of the corporate disputes are resolved at the Chancery level, so it is that Court to which business leaders and investors look as the primary arbiter. During his twenty-year tenure on that Court, Judge Seitz rendered over 400 reported opinions, many setting forth enduring corporate teachings.

A well-known New York lawyer, representing a party in major corporate litigation before the Court of Chancery, used terms such as "serenity," "enthusiasm," "lucid," "learned," "great concentration," "incisive," "patient" and the like in describing Chancellor Seitz's handling of that matter.³ While it may not have been entirely appropriate for a practicing lawyer to flatter a sitting judge with such terms, I believe I can "ratify" Mr. Nizer's observations. As a sitting judge who practiced before Chancellor Seitz in my "other life," I can verify with impunity that these terms (and many more in the same vein) are indeed apt, perhaps understated. Moreover, from my vantage point as Chief Justice of Delaware for nearly four years, and as a corporate practitioner for thirty-four years prior to

2. Letter from Judge Walter K. Stapleton, Circuit Judge, United States Court of Appeals for the Third Circuit, to Justice Anthony M. Kennedy, Associate Justice, United States Supreme Court (Dec. 29, 1995).

3. See LOUIS NIZER, *MY LIFE IN COURT* 581-82 (1961).

investiture in this office, I think I can safely say that Delaware's reputation for solid corporate jurisprudence was burnished magnificently during Collins Seitz's tenure on the Delaware Chancery bench.

As an equity judge on Delaware's Court of Chancery, Judge Seitz contributed to our jurisprudence in manifold dimensions other than the corporation law. One notable example of his courage, vision and intolerance of injustice particularly stands out: As Vice Chancellor, Collins Seitz—before the United States Supreme Court's landmark decision in *Brown v. Board of Education*⁴—desegregated the University of Delaware in *Parker v. University of Delaware*,⁵ and the Delaware public schools in *Belton v. Gebhart*.⁶ In his comments on this notable contribution by Judge Seitz, Chief Justice Rehnquist stated on the occasion of the Bicentennial celebration of the Delaware Court of Chancery on September 18, 1992:

In the eyes of many, Chancellor Collins Seitz's 1952 decision in *Belton v. Gebhart* is the Court of Chancery's "proudest accomplishment." *Belton* was one of the four cases consolidated in the United States Supreme Court in *Brown v. Board of Education*, and the only one of the four lower court decisions to be affirmed. In *Belton*, Chancellor Seitz courageously held that black schoolchildren suffered from state-imposed segregation. Although he had no power to overrule the separate-but-equal doctrine established by the United States Supreme Court fifty-eight years earlier in *Plessy v. Ferguson*, he nonetheless found that the state was not providing equal facilities. Most importantly, he used the broad equitable powers of the Court of Chancery to order immediate relief. The schoolchildren gained admission to the formerly all-white schools. As you know, after twenty years on the Court of Chancery, Chancellor Seitz joined the bench of the United States Court of Appeals for the Third Circuit, becoming chief judge and once again distinguishing himself in the performance of his judicial duties.⁷

This quotation from the Chief Justice provides a graceful segue

4. 347 U.S. 483 (1954).

5. 75 A.2d 225 (Del. Ch. 1950).

6. 87 A.2d 862 (Del. Ch.), *aff'd*, 91 A.2d 137 (Del. 1952), *aff'd sub nom.* *Brown v. Board of Education*, 347 U.S. 483 (1954).

7. William H. Rehnquist, *The Prominence of the Delaware Court of Chancery in the State-Federal Joint Venture of Providing Justice*, 48 BUS. LAW. 351, 353-54 (1992).

to the additional dimension of the rich mosaic of Collins Seitz's judicial career. It is plain to any experienced observer of Judge Seitz's life that his legacy of state and federal judicial decisions stands out as a tower of jurisprudential superiority and that his humanity trumps all. What does not appear in the law books (or in computerized legal research) are his outstanding administrative accomplishments, to some extent as Delaware's Chancellor, but primarily as Chief Judge of the United States Court of Appeals for the Third Circuit during his thirteen-year tenure in that demanding office.

His skill at organizing a great and busy court and his accomplishments in accelerating the pace of judicial decisionmaking without sacrificing quality are well known throughout the bench and bar of the Third Circuit and nationally. I believe I am in a good position to admire these accomplishments because I, too, have heavy system-wide administrative responsibilities imposed (in my case) by the Delaware Constitution. One quote from Judge Seitz on this subject struck me as truly remarkable: "I love court administration because I can see what it means in terms of efficient disposition of cases and so forth. So it's been no burden to me. Twenty-seven years I've been chief of one court or another."⁸

I find this remarkable to some extent because it understates his superlative administrative acumen. But I think it is remarkable primarily because many chief judges and chief justices around the country *tolerate* one side of their job (usually it is the administrative side which is tolerated) and *enjoy* the other side (usually it is the judicial work of hearing arguments and writing opinions which is enjoyed). In Collins Seitz we have a person who not only has enjoyed all major aspects of his grand and noble career, but who has achieved a level of excellence in all these areas which places him in a class by himself, in my opinion.

This tribute to Collins Jacques Seitz is completed on the eve of his fiftieth anniversary on the bench, February 1, 1996. On that date, I shall have the high honor to represent all three branches of Delaware's government on the occasion of a judicial dinner in his honor. I shall present to him the "Order of the First State," the highest civil honor which the State of Delaware can bestow. It is awarded by Governor Carper and Lieutenant Governor Minner for meritorious service in recognition of Collins Seitz's "outstanding efforts, knowledge, integrity, prudence and ability as displayed by the

8. Bruce M. Stargatt, *Judge Seitz Remembers*, DEL. LAW. 38, 43 (Spr. 1984) (interviewing Judge Collins J. Seitz).

evidence of your accomplishments.” Likewise, on that occasion tomorrow I shall present to Judge Seitz a Joint Resolution adopted by both Houses of the Delaware General Assembly and approved by the Governor. This Resolution concludes:

BE IT RESOLVED, by the House of Representatives and Senate of the 138th General Assembly of the State of Delaware, with the approval of the Governor, that the State of Delaware hereby gratefully acknowledges fifty years of outstanding public service in the pursuit of justice by the Honorable Collins J. Seitz; his courage, dedication, brilliance and generous nature have permitted him to contribute to the welfare of the people of his State and Nation as few have been able to do; and

BE IT FURTHER RESOLVED, that the sincerest best wishes of the Delaware General Assembly are hereby extended to Judge Seitz for many more years of the rewards that a lifetime dedicated to the pursuit of justice and grace so richly deserve.

To all of that, I can only add: AMEN!