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THE HONORABLE WILLIAM H. VICTOR

THE LIFE AND TIMES OF A DISTINGUISHED JURIST

THE HONORABLE OSCAR HUNSICKER*

WILLIAM H. VICTOR after a long and distinguished career as a judge and civic leader has decided to take retired status. He will be able to be recalled to serve where needed on assignment from the Chief Justice of the Supreme Court of Ohio.

Judge Victor was born February 26, 1913, in Akron, Ohio the son of Henry P. Victor and Anna Pfeifle Victor. He attended public school and South High School. He then enrolled in Akron University graduating in 1934 with an A.B. degree. He was a member of the baseball team in 1932.

He attended Case Western Reserve Law School from which he was graduated in 1937. He returned to Akron and began the practice of law, associating with the firm of Beery, Underwood, Ryder and Kroeger.

He was selected as an assistant prosecuting attorney of Summit County under Alva Russell serving from 1946 to 1950. As an active member of the Democratic Party, he was asked to run for Judge of the Municipal Court of Akron, and was elected in November 1949. After nine years on that bench he chose to run for Judge of the Court of Common Pleas in 1958 and was elected in November of that year. He served until 1970 when he decided to run for the Court of Appeals Ninth Appellate District covering Summit, Medina, Lorain and Wayne counties. He was elected to that office in November, 1970 and took office February 9, 1971.

He has served that office with diligence and great ability. His associates in that office repeatedly asked him to remain for another term, for under the law of Ohio, he could serve one more term before being forced to retire. He has frequently been called to sit on the Ohio Supreme Court when that Court required the services of a visiting judge.

He was married to Fern Murphy in 1950 and has three children, two daughters and one son. In 1942 Judge Victor answered the call of his country and as an officer of combat infantry went off to war, serving in Europe from 1944 to 1946. In south eastern Germany he was wounded in combat while in command of an infantry platoon. Upon removal to a field hospital he was later transferred to a hospital in England where after three months he was returned to duty. Upon discharge from the army at the end of the war Judge Victor remained in the active reserves from which he retired in 1968 as a Lieutenant Colonel.

*Judge, Court of Appeals of Ohio, Ninth Appellate District

He is the recipient of the St. Thomas More award given each year by the Bishop of the Akron Diocese Roman Catholic Church to one who has contributed much to the profession of law and community affairs. He is a member of the Board of the Beacon Journal Charity Fund and the Akron area Boy Scouts, a thirty-third degree Mason and a member of the United Church of Christ.

The lawyers and judges know he will continue to serve his community with that same sincere devotion that characterized his many years of work in this city.

THE HONORABLE WILLIAM H. VICTOR THE JUDGE'S JUDGE

THE HONORABLE EDWARD J. MAHONEY*

ABOUT THIRTY YEARS AGO, my wife and I attended a dinner at which the Honorable William H. Victor was the principal speaker. While I had appeared before Judge Victor on a few occasions, my wife Shirley had only read about him, but she had never seen or heard of him. Judge Victor gave his usual inspirational talk. In an interesting, forceful speech about justice, he made us as proud as he was to be an American and, particularly, to be involved in the law as its cornerstone. Shirley said to me, "Ed, if you ever become a judge, I want you to be just like Judge Victor." What a demanding challenge to set for anyone. For, you see, Bill Victor is just such a judge, one whom other judges should emulate.

Few people have had the opportunity that I did to eventually work and become intimately acquainted with someone I had looked up to, admired, and respected from a distance. I have found Bill Victor to be the same man up close as he was at a distance. His feet are not made of clay. He is the same fair, impartial jurist and legal scholar I had always believed him to be. My experience in associating with him these past fourteen years has been most enjoyable and rewarding.

As a trial judge, Bill always established a good rapport with the jury. He had a folksy touch. He would leave the bench and go down in front of the jury to deliver his charge. Invariably, he did it off the cuff, and without notes. He captured and held the jury's attention. They were not the plaintiff's jury nor the defendant's jury. They were the judge's jury. They would do their duty as he instructed them.

*Judge, Court of Appeals of Ohio, Ninth Appellate District

During a trial Bill was always conscious that a trial should be a search for the truth and not a game of “oneupmanship.” He was sympathetic and patient with attorneys. He helped the young fledgling lawyers to see that their clients got a fair trial, yet he did not inhibit the wily, experienced attorneys. But Judge Victor was always in charge, and every lawyer knew that he would get the fairest trial possible. As a result Bill became a favorite of jurors and trial attorneys alike.

As an appellate judge, he has prided himself in writing short, concise opinions which are indicative of his keen analytical mind. As a researcher, he is a bird-dog when he feels something in an opinion draft is not right. He keeps looking until he finds the case that precisely fits the fact pattern before the panel. He is his own worst critic, always demanding thoroughness and exactness in the preparation of an opinion. He has even been known to use his law school notes to review theory or recall how his professors viewed a particular problem.

During argument, when he prefaces a question with “Now let me ask you this,” I always know that he has separated the wheat from the chaff and is about to ask an incisive question on the issue. He is slow to anger and keeps a cool, steady head. However, if he feels the lawyer has said or done something unfair or improper, he will scathingly dress him down. His manner and tone lets you know how strongly he feels. After leaving the bench on those few occasions when he raised his voice, he would chastize himself for such forceful expression and his failure to admonish the attorney privately in chambers rather than in the courtroom, regardless of how deserved it might have been.

During deliberations, Bill is always willing to hear all sides. He remains flexible and willing to change his opinion if another is more cogent, reasonable, and supported by better legal authority.

As a jurist, Bill scrupulously adheres to the Code of Judicial Ethics. If there is the slightest doubt about any proposed action, he will always follow the letter of the ethical code rather than be content with just its elusive spirit.

Off the bench, Bill is an inveterate politician. He is always moving around to meet more people. For many years, even after coming to the appellate bench, he would give the welcoming address in the common pleas juryroom to each new jury venire as they came to start their terms. He loves to make new friends, no matter where he is or what he is doing.

Bill has a keen sense of humor and loves a good joke. One of the nicest things about our collegial appellate bench has been the steady joshing and kidding of each other. We work closely together and this undoubtedly has enabled all of us to maintain our civility, independence, and friendship even though we have differences of opinion as well as divergent philosophies.

I am very pleased to have been given the opportunity to participate in this literary tribute to a man who has long been one of the legal giants who has graced the bench and bar of Ohio and certainly one of the best servants the public has ever had. He is about to begin a new career or, really, the fourth phase of his judicial career, as an active retired judge sitting at his pleasure and leisure throughout our judicial system.

I want to join all of those whose lives have been enriched by knowing Bill Victor in wishing Bill and his wife, Fern a most enjoyable, long and healthy retirement.

THE HONORABLE WILLIAM H. VICTOR A SCHOLARLY JURIST AND DISTINGUISHED MENTOR

RONALD O. KAFFEN*

I CONGRATULATE THE University of Akron Law Review in its tribute to Judge William H. Victor, and I am honored to be asked to contribute my comments. My initial contact with Judge Victor was in 1975 when I became his first law clerk. The close working relationship that we established over the next two years afforded me valuable insight into both the judicial and personal side of Judge Victor. Throughout the time I have known him, he has conducted himself, on and off the bench, with a gentlemanly and courteous manner. He is acutely aware of the role and unique status of a judge in the community and never fails to live up to the high standards dictated by this position.

As his law clerk, I was exposed to the “real life” workings of the judicial system. I could not have hoped for a more accomplished mentor. The industry that he exhibited in researching the law and reviewing all of the arguments set forth in briefs is evident in his written decisions. What is less evident, however, are the hours expended in reviewing every citation cited and then pursuing the lines of case law established or reflected by those cases provided by counsel. His decisions were rendered only after carefully study that revealed a true understanding of the law. That understanding surpasses the letter of the law to a higher concept of justice. Although never forgetting that his decisions must be based on “good law,” Judge Victor always recognized that his decisions were not rendered in a legal vacuum and that people’s lives were going to be affected by what he wrote. This “human factor” in his decisions gives added credibility to his opinions and has earned him the admiration and respect of his colleagues and of the bar.

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The admiration and respect to which I refer is based on more than the Judge's scholarly ability. Many members of the bar remember his years on the trial bench, a position he filled with equal ability. A trial judge, unlike an appellate judge, is in constant contact with litigants as well as their counsel. Because of this direct exposure to the public, Judge Victor's reputation for fairness and proficiency was not just a secret shared by the legal community.

There is, however, much more to William Victor than the judge. Those who have had the privilege of knowing him outside of the courthouse know a soft spoken family man who is no less a credit to the community. The time and effort he has expended through the years for the Great Trails Council of the Boy Scouts of America has been recognized on several occasions.

This tribute is in recognition of Judge William Victor's past accomplishments. I know very well, however, that this list of accomplishments is not complete. Although he is approaching retirement as an active judge, I am certain that this only signifies a change of direction for the seemingly boundless energy that he possesses.

