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Judge Jack B. Miller In Memoriams.

L. Wayne Scott

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IN MEMORIAM

JUDGE JACK B. MILLER*

L. WAYNE SCOTT**

Sometime ago I was asked to write a memorial to Judge Jack Miller,¹ who died on February 18, 1991. Frankly, I have avoided this task for far too long, for it requires that I face the void left by the Judge's absence. I did not take one of his courses, did not practice in his court, was not a special social friend of his, yet he had an enormous impact on my life. In talking with many colleagues and students, I have heard similar expressions. He did not leave a large body of scholarly legal writings or volumes of appellate opinions. Rather, Jack Miller left behind the people that he inspired to carry on "law work" with integrity.

I came to know Judge Miller at a time when my faith in the legal system, the judiciary, and even the legal educational system was at a low ebb. He came to our faculty as the result of his decision in 1976 to retire from the judiciary, in part, so that his son could practice freely in the courts of the area. This was not necessary, but, accord-

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1. He was always Judge Miller. Though he was a full professor, I never heard him referred to by that title.

ing to the Judge, it was "just the right thing to do." He had a clear idea of right, and when it was right, he did it.

Born near San Saba, Jack Miller was a product of the ranching area between the "hill country" and "west Texas." After graduating from Texas A&M in 1943 and marrying Betty Jo Turner, the Judge entered the military. He served in the Pacific Theater and was awarded the Bronze Star and the Purple Heart. The stories he told of that time, however, were not of bravery or heroism. They were of the people he came to know, of the suffering he observed, of the responsibility that he felt as an officer in charge of men, and of a soldier called upon to wage war.

Upon his return from the war, Jack enrolled at the University of Texas School of Law, but only because there was no Texas A&M School of Law. Graduating in 1948, he was immediately elected Judge of San Saba County. The Korean conflict, however, intervened, and Judge Miller became Captain Miller, a Company Commander in the 25th Infantry Division Tank Battalion.

Once home again, Jack practiced law for a short period, and was then elected District Attorney, a post he held until he was elected District Judge in 1960. During this time, he rode circuit, gaining experience, collecting stories, and dispensing justice. He did well at it, for I have yet to meet a person who felt that he had been ill-treated by Jack Miller either as a District Attorney or Judge. To the contrary, he became the rarity of a common-sense Judge who spoke the people's language, but still managed to be a judge's judge, assigned to hear difficult cases. Nothing said here should conceal the fact that the Judge was a consummate politician. For example, he knew both Coke Stephenson and Lyndon Johnson well and remained friends with both—a feat more difficult than can be described at this distant time.² Through it all, he held political office for over twenty-five years, not only as County Judge, District Attorney, and District Judge, but also as Mayor of San Saba and as a member of the Board of Directors of the Lower Colorado River Authority. This bare-bones recital of accomplishments does not begin to give an idea of the scope of his influence or the depth of his impact on his region and upon the state.

When he did retire, Judge Miller came to St. Mary's to teach Trial Advocacy. He became an immediate favorite of the students and

2. See R. CARO, *MEANS OF ASSENT* (1990).

faculty. There was no point that could not be lifted by a recalled experience or a story that would bring the issue to life. Simply stated, he was a natural teacher. He was much more, however, an example of a person who accepted the responsibility and the obligation to serve his area, his state, his country, and his profession. When he came to teach, he did it because he felt it was his duty to pass on his knowledge. He certainly did not need the money or the prestige. He was far more happy on his ranch than in the city. The Judge taught simply because it was the “right thing to do.”

Jack Miller held every position a lawyer can hold: counselor, advocate, judge, teacher, and he held them for the right reason—to serve. For me, however, he held a far more important position. He was strong enough, effective enough, honest enough, and open enough to demonstrate that it was “not right” to simply be cynical about the legal system, the judiciary, and legal education. It would not do to pass on to law students anything other than the concept of the law as a profession of integrity and honesty. He acknowledged the existence of problems, of arguments and solutions about the problems and even of corruption. He had a funny story to tell about each. When you finished laughing with him, you had no choice but to follow him trying to find the right path and to take it.

When Judge Miller died suddenly while working on his ranch in San Saba County, he left behind many friends, many students, many accomplishments, and an adoring family, but most of all, he left everything better than he found it, including the law.

Rereading the preceding material, I realize that there is no way to capture the sparkle in the eye, the mischievous tone in the voice telling the story, or the sincerity of Jack Miller’s delivery. He was no absolute angel; no Aggie can be. I also realize that Judge Miller would find these words “syrupy”; I find them syrupy. But what kind of words should I use about a man who helped restore my faith in the legal profession?

RICHARD E. FLINT*

Judge Jack B. Miller was on the faculty of St. Mary's Law School from 1977 until his untimely death in February, 1991. Prior to coming to the law school, he had been judge of the 33rd Judicial District Court in San Saba, Texas for sixteen years. He used that experience as well as his six years of experience as district attorney of the same judicial district in developing young legal minds in the intricacies of trial practice. It was Judge Miller who developed the Trial Advocacy program at St. Mary's Law School and under whose guidance it developed into one of the outstanding study skills courses in the state. Judge Miller's quiet, reserved manner reflected his strong desire to develop professionalism and high ethics in his students. Judge Miller was truly a great professor and a credit to the "old school" where a man's word was his bond.

I first met Judge Miller in the Fall of 1986 when I joined the faculty at St. Mary's Law School after twelve years of an active litigation-oriented practice. I was immediately impressed with his stature for compassion and understanding. This was especially impressive to me, as I knew he was an "Aggie." For the next several years, he and I kept in constant contact over the latest game or developments at Texas and Texas A&M. Neither of us was to be outdone by the other as we vied over bragging rights of our respective alma maters. The fevered pitch always magnified as the traditional "Turkey-day" game approached. Notwithstanding our difference, he was always the gentleman.

In the Spring of 1989, he asked me to assist him in teaching a class trial advocacy. His desire was to offer more quality teaching and practice-skills time for each student registered in the course. This was both a pleasure and a tremendous responsibility given the footsteps I was asked to walk in. I continued to assist Judge Miller until his untimely death.

Shortly before Christmas, 1990, I came to my office at the law school to find a large box on my chair from Judge Miller. I opened it to find a burnt orange University of Texas jacket. Judge Miller's gra-

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cious and loving wife, Betty Jo, later confided to me during a dinner party that Judge Miller had wandered by a local sporting-goods store several times on several different days before entering to buy the jacket. She intimated that he did not want anyone to see him purchasing the jacket. I later joked to Judge Miller that if he had been seen, Texas A&M University would have revoked the degree he had been awarded in 1943. He looked at me and laughed, saying that only a “teasip university” would stoop that low. Judge Miller will not be replaced easily. He was a credit to his alma mater, a true friend, a great teacher, and a credit to the profession. He will be missed by me and the many hundreds of practicing lawyers his life touched.