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Sent: Friday, August 27, 2021 9:21 AM
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Subject: A Tribute to Osler McCarthy



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August 27, 2021

Dear Fellow Appellate Section Members:

On August 31, Osler McCarthy, the Texas Supreme Court's original (and only) staff attorney for public information, ends his 24-year career at the Court. It seems only fitting that we pay tribute to Osler and recognize his years of service. Former Chief Justice Wallace B. Jefferson has prepared the following appreciation. Enjoy!

A Tribute to Osler: A Life Well Lived in the Law

*By Wallace B. Jefferson
Chief Justice, Texas Supreme Court (Ret.)*

Lawyers and journalists know why today is important in the life of Texas law. The Supreme Court just issued the term's final weekly regular orders—a compilation reflecting the sweat and tears of intense litigation. For most litigants, these orders are the culmination of years of struggle over fundamental propositions that govern not only personal disputes, but also our social construct. How should early Texans understand the rights bestowed on a new Republic in 1836? Who will define relationships during and after the Civil War? Who owns the water and minerals fueling our economy? How will students acquire the tools necessary to be productive citizens? Who prevails, in the constant battles among our three branches of government, when the lines of demarcation are obscure? When must state law succumb to federal supremacy? Vital to these questions is the public's comprehension of them. For a long time, longer than the history of the Republic and its incorporation into the Union, the public was often left in the dark—the answers were hoarded by an elite class of lawyers, legislators, and publishers.

Former Chief Justice Tom Phillips believed that the public has a right to know. He cared about the Court's reputation as an impartial adjudicator. In the late 1980s, when Tom assumed the helm, the Court was under assault. It was a convenient target because, speaking only through its judgments, the Court's decisions could be mischaracterized as the product of political patronage rather than

reasoned deliberation. As Chief, Tom was privy to a movement among state supreme courts that sought to transmit to the broader public the Court's mission to adjudicate disputes fairly and impartially. In 1997, with the strong support of then-Lieutenant Governor Bob Bullock, Phillips convinced the Legislature to create the new position of Supreme Court staff attorney for public information. The Court unanimously invited Osler, a veteran journalist and Gonzaga-trained lawyer, to serve in that role. Osler accepted, leaving the Austin American-Statesman not to defend the Court's substantive decrees, but to give citizens the means to comprehend the deliberative process.

Long before influencers dominated social media, Osler developed a list-serv dispensing the Court's opinions and administrative orders to a broad audience of lawyers, journalists, academics and, importantly, the general public. He explained in plain terms how the Court processes cases and shares internal discussions with staff attorneys and law clerks. He simplified the questions the Court granted for review, summarized the Court's decisions, answered journalists' questions, and lectured school students. Few before Osler have chronicled the activities of the third branch of government for such an expansive audience. And along the way, Osler prepared weekly summaries of cases to be argued, posted informative biographies of arriving and departing justices, and wrote tributes to former members upon their passing. His service was to the Court, for sure, but its greater impact was in giving all of us an insight into the Court's work. Osler's extraordinary body of work will endure because the public is now accustomed to a plain-spoken narration of the Court's proceedings.

Dr. Kenneth Street, Osler's professor and lifelong mentor, had a gleam in his eye when Austin College hosted the Court's official proceedings. Students who observed the Court's oral arguments, and who later conversed directly with the justices, were the type of audience Osler worked hard to reach. Osler eulogized his mentor in 2017: "Dr. Street made a tremendous impact on my life, and the same is true for legions of other students."

That is a fitting way to describe Osler's impact on students of the Court.

Thank you, Osler, for a life lived well in the law.

Godspeed, Osler. ¡A luchar por todos!

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