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A Collection of Poetry

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Judge, Colorado Supreme Court

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A COLLECTION OF POETRY

The Honorable Gregory J. Hobbs, Jr. †

JUDGES MUST BE STUDENTS

Law is the written experience
of the people

Wise for being slow to change,
Courage for the changing

In the strength of individual experience,
one nation

Joined to the community
of individuals,

Judges must be students
of the experience of the community.

† The Honorable Gregory J. Hobbs, Jr. is a Justice for the Colorado Supreme Court. He took office on May 1, 1996. Justice Hobbs received a J.D. degree from the University of California, Berkeley, and a B.A. degree in History from the University of Notre Dame. For twenty-five years prior to taking office, he practiced water, environmental, land use and transportation law in the State of Colorado. He is a co-convener of the Western Water Judges Educational Project, *Dividing the Waters*; Vice President of the Colorado Foundation for Water Education; and the author of *In Praise of Fair Colorado*, *The Practice of Poetry, History, and Judging* (Bradford Publishing Co. 2004), *Colorado Mother of Rivers, Water Poems* (Colorado Foundation for Water Education 2005), and *The Public's Water Resource, Articles on Water Law, History, and Culture* (Continuing Legal Education in Colorado, Inc. 2007).

THE LAW IS THE LAW

I find the poetical is another way of describing the experience of a truth by analogy. Poets call it metaphor. This is that. "You are a lion." As well, we work in the law by analogy. Into the court room are introduced versions of the same occurrence. Yet the witnesses have a different take.

The trial judge at bench or the jury find a version as close to the "truth" of what occurred as possible. But, always, point of view and acuity of observation differ among witnesses (even, by camera angle). A version of the facts is chosen as the one upon which the law's enunciation pivots.

No precise answer is capable of being advanced. The legislatures, the constitutional framers, erect a construct of principles to address the answer to proofs not yet assembled. A body of case law builds through experience as the experiment replicates similar outcomes. The "norm" becomes established through the imaginary being tried in replication in the forge of actual occurrence, and found satisfactory or adjusted.

The scientist and the judge look to enunciate rules corroborated by understandings of the natural and human world, wondrous, complicated, sometimes capable of simple formulation (get in the path of a moving train, you'll be crushed).

What was peculiar to Einstein was he could imagine innate workings of the unseen that others could test and encapsulate mathematically. For nature has its numbers in order: same outcome for the speed of light or the law of gravity, whether you are standing still or moving in the train. The impact of a collision is real.

Who's to blame for inflicting damage on the innocent other person is the gist of tort law. The ultimate judgment begins when the person finally adjudged responsible made the decision to assume the risk of defying the laws of nature, causing inevitable consequences. Dead is dead.

Revelation is the process of discovering what has already been set into motion and pushed to the point of intersection. The physics of it, the metaphysics of it, come together. All those little patches of particles converging render themselves into immoveable objects. Families weep, accuse, cannot comprehend, and must move on or surrender to inconsolable loss.

Judges prophesy in hindsight who should have exercised foresight. Einstein continued imagining and was never satisfied he really understood what really matters.

HERE WE

*Here we, in our impatience of the steps,
Get back to the beginning of beginnings.
Robert Frost, West-Running Brook*

Any given morning the judge will go to work,
hear cases one after another,
do her best to listen

Based on evidence and what the law instructs
make the judgments that must be made
within the discretion allowed

Fit the persons who come before him the best he can.

Any given morning the judge will go to work,
case numbers become names,
names become persons

Persons who can only hope the person
with the power of judgment
may see and understand

What it really means to be judged fairly.

SEAL OF A FAITHFUL HEART

*Success in Circuit lies
 Too bright for our infirm Delight
 The Truth's superb surprise.
 Emily Dickinson #1129*

Spry embrace—very tenacious
 her mind moves directed—
 so she may find the tipping point
 within the argument

And let all witness recommit—
 no counterfeit design
 when Lady Justice balance holds—
 sword and scales even

For when a seasoned memory
 round the circle gathers—
 all the ferment all the scaffolds
 reconstruct Dominion—

Sinews—sovereign reasoned discourse
 human heart and mind fired
 by the people's need—constant work
 you Lady Liberty!

(In celebration of Chief Justice Mary Mullarkey,
 20 years on the Colorado Supreme Court)

LAWYERS FREE FALL

Fall into the argument like you would a poem.
 The lawyer's art,
 after all the fits and starts,
 words put to an artful thought.

SOPHIA

She
the voice of wisdom,
the constant searcher,
lights a flame for any person
who asks "Why?"

"Do not ask!" cannot still her.
"Here is what to believe,
how you must act,"
cannot cage her.

She
enjoys free passage across all borders,
love for every human in every form
love may be expressed
flies with her.