

FMJA In Memoriam 2022-2023



Presented by FMJA History & Archives Committee
July 11, 2023

The Association is composed of active, retired and recalled United States Magistrate Judges. Our purpose is to promote the efficient administration of justice, to protect the integrity, dignity and independence of the federal judiciary and to educate the public about the important role that federal magistrate judges play in the federal judiciary.



Hon. W. Leon Barfield

Leon Barfield was a Magistrate Judge for the Southern District of Georgia. He was born in 1947 and passed away on February 11, 2023, after a short illness, at age 75. Judge Barfield was a highly decorated Vietnam War veteran from his 1967-1969 service. He suffered serious leg injuries during the war and was awarded the Purple Heart, among other awards. Following his military service, he pursued a legal career

motivated, in part, by the limits placed on him by his disability. He graduated from the University of Georgia in 1973 and then the University of Georgia School of Law in 1976. He became an Assistant District Attorney and then an Assistant United States Attorney. He was appointed as a Magistrate Judge on September 1, 1993 and retired on May 31, 2013.

As a judge, he believed in hard, yet efficient work. He was known a compassionate jurist, who inspired defendants who appeared before him to change their lives. One such defendant said in tribute, "I'm actually behaving myself and I owe it all to you." His service in Vietnam also inspired his mentoring of wounded soldiers, who returned from Iraq and Afghanistan. He showed them the utmost compassion and undertook mentoring for those who returned with a life-long disability from war. It would be impossible to overstate the value of Leon's gift of service to the people of our great nation. He was a kindhearted and loyal friend who often sought to connect with those less fortunate who appeared to need a helping hand. He is described as a resilient, courageous, and generous human being. He touched many lives with his warm, caring concern for others. He loved to travel, and especially loved taking cruises. Golf was his passion, second only to his devotion to his University of Georgia Bulldogs football team. One friend commented, "I know he is enjoying some fantastic golf in heaven." His leadership, dedication, sense of humor, and loyalty will never be forgotten.



Hon. Marcia G. Cooke

Marcia Cooke was a Magistrate Judge for the District of Michigan from 1984 to 1992. She was born in Sumter, South Carolina in 1954 and passed away on January 27, 2023 from inoperable cancer at the age of 68. A graduate of Georgetown University and Wayne State University's College of Law in 1977, Cooke spent 15 years as an attorney. She moved to Miami in 1992 where she served as Director of Professional Development and Training at the U.S. Attorney's Office for the Southern District of Florida. Later, she became the Chief Inspector General for the Executive Office of the Governor of Florida under Jeb Bush from 1999 to 2002 and was appointed as a

District Judge for the Southern District of Florida in 2003. She was the first black female Article III federal judge in Florida. She served in that capacity for 18 years. Cooke was well-regarded on the bench by prosecutors and defense attorneys in both Detroit and Miami. She was seen as a fair, smart, unpretentious judge with a good sense of humor, who never forgot her Detroit roots. She was driven by making the right decisions for the right reasons. She was regarded a sweet, funny, and strong, yet down to earth. She had an infectious laugh that made all who heard it join in with joy. She was well-loved and enjoyed spending time with friends and talking about all kinds of events in the community. One friend commented, "I hope God has plans for her because he'll never get anyone better."

Hon. Jane Cooper-Hill

Jane Cooper-Hill was a Magistrate Judge for the Southern District of Texas. She was born in 1945 and passed away on May 16, 2022. She attended Ohio State University and graduated from the University of Dayton School of Law in 1980. She then moved to Texas and went into private practice. She was appointed as a Magistrate Judge in 1997 and retired in 2005.

Jane is characterized by a soft "making others comfortable" smile, easily breaking to gentle laughter. She was known as a good listener and eloquent speaker and writer, qualities that served her well throughout her personal and professional life.

Jane traveled extensively, enjoyed art, and read voraciously. She played the piano when she was young and enjoyed classical music in her later years. She and her husband spent many years doing genealogical research, which revealed family history and stories which led her to join The National Society of the Daughters of the American Revolution. As an avid birder, and member of a bird club, she always had binoculars in her car and was "at the ready" to identify a bird she spotted along the road or on the water along the Texas Gulf Coast where she lived. She loved being a grandmother and sharing her passions with her grandchildren. During various excursions and visits, Jane always planned lots of interesting activities where they could learn and have fun. Jane's quick wit, sense of humor, and kind manner embodied the spirit she had in life.



Hon. Lawrence O. Davis

Lawrence Davis was a Magistrate Judge for Eastern District of Missouri. He was born in 1934 and died on June 25, 2022, at the age of 87. Lawrence grew up in rural southwest Missouri on his family's farm near Aurora. He graduated from the University of Missouri-Columbia, and initially planned to become an engineer, but changed his mind when his older brother suggested that lawyers tend to have bigger homes than engineers. He graduated from Mizzou law school in 1958. He then joined the U.S. Air Force as a first lieutenant during the Korean war, and was stationed in Japan for three years. He was discharged as a captain in 1971.



When he returned home, he worked in private practice, then as a prosecutor, and then as a state court judge. He was nominated in 1992 by President George H.W. Bush for district judge position, but was not able to be confirmed when President Bush lost the re-election. He was then, however, appointed as a Magistrate Judge, a position he held until his retirement in 2001.

He served with dignity and respect for all who appeared before him. He worked diligently to be the fairest judge he could be. He had track record for being a fair, open-minded judge with a sense of humor and a humble servant's heart. Judge Davis often remarked that he went from being a barefoot kid from the Ozarks with two pairs of shoes and one pair of overalls to spending his days with lawyers who wore \$500 suits and diamonds. If you had a problem, he always had words of wisdom to give you. After he retired, he volunteered in numerous organizations, too many to name, and thus, a very active participant in the community. When Judge Davis was not working or volunteering with local organizations, he enjoyed working with his hands and doing manual labor, traveling around the world with his wife (nearly 50 countries) and spending time with his family. He will be remembered for the love of his family and the love of his work.

Hon. William L. Harper (no photo available)

William Harper was a Magistrate Judge for the Northern District Georgia. He was born in 1931 and died on November 8, 2022. He was appointed as a Magistrate Judge on October 1, 1984 and retired on September 30, 1998. He graduated from Emory University for both his undergraduate degree and his juris doctor, and obtained his law degree in 1956. Following law school, he joined the U.S. Attorney's Office and then became the U.S. Attorney from 1977-1981. He then went into private practice until appointed to the bench. It was said that he was a man who wholeheartedly and consistently strived for the best and found positivity and good in everyone.



Hon. Gustave "Gus" J. DiBianco

Gus DiBianco was a Magistrate Judge for the Northern District of New York. He was born in 1941 and passed away at home on August 14, 2022, at the age of 81, after a battle with pancreatic cancer. He served his country in the Army. After his graduation from law school, he served an Assistant U.S. Attorney, Interim U.S. Attorney, and First Assistant U.S. Attorney in the Syracuse office. He was appointed as a Magistrate Judge on November 16, 1987 and served for 22 years. The last nine years of his career, he served as Chief United States Magistrate Judge. He retired in 2010 and served on recall status for a short period.

Following retirement, Judge DiBianco became a mediator/arbitrator and spent several years as an adjunct professor at Syracuse University's College of Law. Judge DiBianco had a relaxed and friendly style without ever losing sight of the important benefits of resolving litigation through alternative dispute resolution. Judge DiBianco was a friend, teacher, and mentor to many. He had a generous heart, an incredible wit, and always had sage advice. He was a very kind and distinguished man and a true professional. He enjoyed tackling home repairs, exercising, tinkering with cars, and helping others, especially those less fortunate. He was always there to lend a hand. Judge DiBianco adored being around his family and close friends. He was a good friend, a good lawyer, and a good teacher who was respected by all who were privileged to have worked with or learned from this truly kind and gentle giant.

Hon. Marilyn Heffley



Marilyn Heffley was a Magistrate Judge for the Eastern District of Pennsylvania. Judge Heffley was born Harrisburg, Pennsylvania on April 12, 1959. She passed away on July 21, 2022, following a battle with cancer. She graduated from Temple University James E. Beasley School of Law. After law school, she practiced law and became a partner of her law firm, before becoming chief litigation counsel for Sunoco. She was appointed as a Magistrate Judge in 2014.

She was a dedicated judge and an inspirational member of the legal community. Judge Heffley was deeply committed to public service and to promoting equal

access to justice. Her sardonic humor provided welcome relief to the stressful work, and while she took her work very seriously, she never took herself that way. She was witty, self-deprecating, and wise. Marilyn served on the board of several charities and held a life-long love of travel, visiting many points of interest around the world. She loved living in the city of Philadelphia and enjoyed reading and listening to classical music. It was reported that, “She continued working until the last days of her life. She showed incredible grace, hope, and determination and everyone admired her for her courage, dignity, and strength.” Marilyn will be remembered for her kindness, sharp intellect, strong will, and sunny disposition. Those who knew her felt privileged to have had a “bit of her light” in their lives. She will be deeply missed as a valued colleague, leader, mentor, and friend.



Hon. Mary Kay Klein

Mary Kay Klein was a part-time Magistrate Judge for District of Minnesota. She was born in 1951 and passed away on April 28, 2023, after a brief fight with pancreatic cancer. In 1973, Mary Kay graduated from St. Cloud State University and from the University of North Dakota School of Law in 1980. Following law school, Judge Klein worked in private practice and opened her own law firm where

she worked for 31 years, retiring in 2014. She was appointed as a part-time Magistrate Judge in 2003, the first to be appointed for the District, and served in this position for 12 years.

Over the years, Mary Kay was recognized by the American Bar Association and her peers as a leading Minnesota Attorney and as a Super Lawyer. She was known throughout the Northern Minnesota legal community as a tireless advocate for her clients. As a judge, she performed outstanding work. Mary Kay was very professional and organized as a lawyer, but if there was an appropriate opportunity to say something funny or laugh about something that happened, she was at the ready. Her laugh was infectious. She was a world traveler, read voraciously, grew beautiful flowers, and loved lake living, especially cruising on the Klein pontoon. She was known for her “great smile and the twinkle in her eye.” She raised and loved many dogs over the years. She will be remembered as a fine human being who had a sharp and probing mind, a good and kind heart, and a ready smile.



Hon. E. Clifton Knowles

Cliff Knowles was a Magistrate Judge for the Middle District of Tennessee. He was born in Pensacola, Florida in 1951 and died on November 21, 2022 at the age of 71 after a long battle with Parkinson's disease. He came from humble means, but his parents encouraged him to work hard and pursue a good education. He was awarded a scholarship to Vanderbilt University and graduated from University of Tennessee College of Law in 1977. He was appointed as a Magistrate Judge on July 7, 2000 and served until his retirement in 2016. Cliff had a keen sense of justice, integrity and equity, and greatly valued justice for all. He devoted his professional

life to serving these objectives. He was known for his intelligence (with a near encyclopedic mind), quick wit, good judgment, and unassailable ethics. He treated all parties who came before him with dignity and respect. Cliff had a life-long love of movies and music, and played several instruments including guitar, bass, banjo, and saxophone. Maybe from the skills he learned as a bartender working his way through Vanderbilt, but he enjoyed a good martini until almost his last day. He was a world traveler, and particularly loved the beaches of Florida and his local pool. He prized close friendships and always had a joke to crack. His mark on society will be a tribute to his life and honor.

Hon. Howard R. Lloyd

Howard Lloyd was Magistrate Judge for the Northern District in California. He was born in 1941 and died on July 7, 2022 at the age of 80. Judge Lloyd received his Bachelor of Arts from the College of William and Mary in 1963 and then served in the Army Intelligence Corp as a 1st Lieutenant from 1963 until 1965. He received his Juris Doctor from the University of Michigan Law School in 1968. After law school, he spent 30 years in private practice, as a business litigator focusing mainly on intellectual property and employment disputes, and then had an alternative dispute resolution practice. He was appointed as a Magistrate Judge in 2002 and served until his retirement in 2018.



He was described by the District's Chief Judge as "a person of keen intellect and sound judgment who, beneath a sometimes-gruff façade, possessed a finely tuned sense of humor and spirit of good fellowship. He was an original who will be missed." Howard was a person who did not like to be the center of attention and did his job so well without fanfare. His dry, sly wit was the foundation for his "tell it like it is with no frills" writing. His lifelong friend and former partner said, Judge Lloyd was a devoted friend, and "I'll miss his wit, and Groucho Marx-like appearance." Judge Lloyd was well known for his HO scale model railroad passion. His intricate and detailed work has been featured in top collector magazines, such as "Model Railroader," "Narrow Gauge," and "Short Line Gazette." Howard loved spending time at the family's vacation home located at The Sea Ranch in Northern California. He was an avid Pinochle player, enjoyed racquetball, and loved training and caring for his dogs. He was a kind, witty, thoughtful, caring man who will be missed by everyone who knew him.



Hon. Harry W. McKee

Harry McKee was a Magistrate Judge for the Eastern District of Texas. Judge McKee was born in 1940 in and passed away May 13, 2022. He graduated from the University of North Dakota (Bachelor of Philosophy) in 1963 and then from George Washington University (Bachelor of Laws) in 1966. Following law school, he was a trial attorney with the Department of Justice, then an Assistant U.S. Attorney until he was appointed to the bench. He was appointed as a Magistrate Judge on August 6, 1982 and retired on January 1, 2006. His long and tireless service to the Court and community will be remembered as a positive influence to many.

Hon. David Shepard Perelman



David Perelman was a Magistrate Judge for the Northern District of Ohio. He was born in Cleveland and died on November 12, 2022 at the age of 88. He was known by those who loved him as David, Dave, or simply Judge. David received his Bachelor and Law degrees from Western Reserve University. After law school, he became a law clerk for the District Court and loved the position so much, he continued in this capacity for 17 years. He earned a reputation as a smart and capable lawyer, who was often sought out for his expertise in researching and writing opinions.

His skill was noticed by the judges of the Northern District of Ohio who appointed him as a Magistrate Judge in 1979. He remained in the position for 31 years, two decades as an active Magistrate Judge and ten as a Recall Magistrate Judge.

As a judge, he was known as creative, fair and impartial, and unconventional, at times when necessary. When he performed his favorite function, naturalizations, he would encourage participants to speak and to share their thoughts and feelings as they took this momentous step. Outside of work, David was a lover and supporter of the arts. He loved theater, opera, dance, and music. He was a progressive thinking, open-minded, and had a generous spirit. Later in life, he took up photography, photographing the many countries he traveled. He was a “long-suffering” Cleveland sports fan, attending football, baseball, basketball, and hockey games. He was not just a fan, but played softball with friends and coached a wildly successful women’s softball team, the Screwballs. David truly loved life and lived it to the fullest. He was not just content; he was happy until the very end.



Hon. Welton Curtis Sewell

Curtis Sewell was a Magistrate Judge for the Eastern District of Virginia. He passed away on November 26, 2022, at the age of 85. After graduating from University of North Carolina Chapel Hill, he joined the United States Marine Corps as a commissioned second Lieutenant in 1959. He served as an infantry officer at various locations in the United States and the Far East. While stationed

at Quantico, Virginia, he went to American University in Washington, D.C. After law school, he practiced law and then was Deputy Commonwealth's Attorney in Alexandria, VA. Later, he was a founding member of his law firm. He was appointed to the federal bench on April 1, 1982 and served the Court for 23 years until his retirement in 2003. He returned on recall status for two years.

Judge Sewell often told his judge colleagues that he loved the Court, but that he had already had "the best job a person could have," which was as a Marine Rifle Company Commander in the Fleet Marine Force stationed in the Far East. He was a smart, gentle, kind-hearted, Southern-accented gentleman. One lawyer remarked he had the pleasure of appearing before Judge Sewell in the "EDVA" (the license plate on the Judge's Porsche), and knew would get a fair hearing from Judge Sewell, who was always well-prepared and "knew his business." During his life, he had some amazing adventures, like bicycling in Italy, sailing the seas, exploring his favorite city, London, going fly fishing, and riding motorcycles. He was known for his kind eyes and a sweet smile. One of Judge Sewell's gifts was making sure that others knew that he appreciated them. He was the kind of man who left a lasting impression on all who were lucky enough to know him.

Hon. Ervin Skipworth "Skip" Swearingen



Ervin "Skip" Swearingen was a Magistrate Judge for District of South Carolina. He was born in 1938 and passed away on September 12, 2022, at the age of 83. He graduated from the University of South Carolina and then in 1964, he graduated from the law school at the University of South Carolina. He worked as a trust officer at South Carolina National Bank, before entering private, and was an assistant city prosecutor. He was appointed as a Magistrate Judge in 1974 and served until 1996. On recall status, he served the Districts of Minnesota, Western Pennsylvania, Western Texas, Eastern New York, Eastern North Carolina and Western North Carolina. Judge Swearingen served as President of the Federal Magistrate Judge

Association in 1996-97. Judge Swearingen was one of FMJA's Founders Award nominees for this year, and was nominated by all of the Magistrate Judges in the District of South Carolina. One of his former law clerks, Kay Tennyson, who served during Judge Swearingen's time as FMJA President, noted that "he reveled in his leadership role in the FMJA and relished the long-lasting friendships he made in that position. He was quite honored to have then-Chief Justice William Rehnquist keynote the banquet during his time as FMJA President." Judge Swearingen's son, Reed, noted on behalf of the family that the judge "valued all the relationships he made during his legal career, but especially those friendships made while serving as a U. S. Magistrate Judge."

Swearingen was an active member of the Masterworks Choir, playing the clarinet, and was still serving as a member of the organization's board when he died. His love of performing music began with a production of H.M.S. Pinafore in the eighth grade. Judge Swearingen was true southern gentleman, gracious and kind, and a pleasure to work with, always a kind and helpful guide directing those in need of opportunities. He had a smile on his face that lit up a room. The world has lost a most wonderful gentleman and friend.

Hon. Venetta S. Tassopulos

Venetta Tassopulos was a Magistrate Judge for the Central District of California. She was born in 1927 and died on February 6, 2023 at the age on 93. She earned her B.A. from the University of California, Berkeley in 1948, her masters in 1957, and later entered, the now, Berkeley Law School (one of only four women in the class). Before joining the Court, Judge Tassopulos worked as a deputy public defender for Los Angeles County from 1960 to 1961 and worked in private practice from 1962 to 1968, handling both civil and criminal matters.



Judge Tassopulos was a pioneer of the Magistrate Judge bench. From 1968 to 1971, Judge Tassopulos served as a commissioner for the Court. In 1971, following the establishment of the federal magistrate system, Judge Tassopulos was appointed as a Magistrate Judge for the Court, as the first woman in the nation to serve as a full-time Magistrate Judge. She was also the first woman judge named to a committee for the Judicial Conference. Judge Tassopulos remained on the bench until 1994. After her retirement, she served as a mediator, arbitrator, private judge, and special master. She was a judge who commanded her courtroom with a calm confidence, impeccable judgment, analytical rigor and utmost decency. She possessed a quiet strength of character that allowed her to succeed in a profession that was dominated by men. Her contributions to the Central District and the legal profession are still felt today and undoubtedly will be for years. A pioneer has left us, but Judge Tassopulos paved the way for the many who would follow.

Hon. David J. Waxse

Dave Waxse was a Magistrate Judge for the District of Kansas. He was born in 1945 and died on March 4, 2023, at the age of 77 after battling Lewy Body Disease with Parkinsonisms. Judge Waxse attended the University of Kansas, where he played freshman basketball, was a defensive back and linebacker for the football team. He received his J.D. degree from Columbia Law School in 1970. After law school, he went into private practice. After a 35-year career, Judge Waxse was appointed as Magistrate Judge in 1999 where he served until his retirement in 2013. He was on recall status until 2017.



Judge Waxse is known for his unwavering dedication to the high standards of the legal profession and the rule of law. Dave was never afraid to make an unpopular decision, even if it would incur strong criticism. His decisions were thoughtful and thorough. Dave was a brilliant guy with a delightfully droll sense of humor, which included the gift of storytelling. His friends remember that he was “always game for whatever crazy thing we happened to come up with (trying to dance with ski boots on).” He was so easy to be around, always smiling, always authentically himself, always accepting of everyone, and was always down to earth. He was kind, compassionate, supportive, generous, loving, and funny. He loved traveling, skiing, and watching Kansas University sports. As noted by several people in tributes to Judge Waxse, “the legal community has lost a giant.”

Hon. Jeffrey Scott Wolfe

Jeffrey Wolfe was a Magistrate Judge for Northern District of Oklahoma. He was born in 1951 and died on December 14, 2022. Jeff earned a B.A. from the University of California San Diego in 1974, and his Juris Doctor from the California Western School of Law in 1976. He earned his LL.M. at the University of San Diego, School of Law in 1990. He served as an attorney in various capacities including two years as Assistant City Prosecutor in Tulsa, OK. In 1987, he was appointed as a Magistrate Judge, in which position he served until 1995. From 1995 until retirement in 2020, he served as a United States Administrative Law Judge with the Social Security Administration.



As a judge, Judge Wolfe was known as honest and fair judge, who was a no-nonsense type of person. Jeff was a scholar and teacher of his profession, prolific in the publication of 29 articles in professional and academic journals across the country. Teaching was his passion. He was tenacious and dedicated to justice. As one lawyer said, "I enjoyed him, even when he chewed me out." He constantly questioned the status quo and sought ways to improve his field. Jeff brought wisdom and patience to every conversation and activity. All who knew Jeff personally admired and remarked on his genuine kindness and generosity. He had a wry and dry sense of humor. Jeff lived his life well and chose his path deliberately, honorably and wisely; and made a positive, lasting impact on the people and world around him.

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