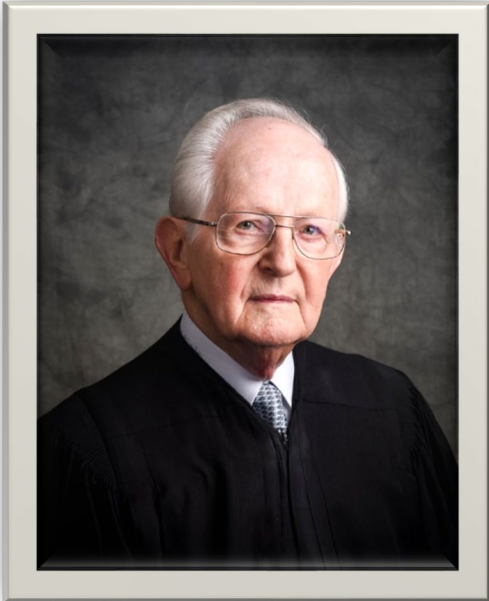


JOHN THOMAS COPENHAVER, JR.

September 29, 1925 — May 12, 2026

Charleston, West Virginia

* * *



John Thomas Copenhaver, Jr., United States District Judge for the Southern District of West Virginia, passed away in Charleston on May 12, 2026, in the 100th year of his life. He had served continuously upon the federal bench from his appointment as referee in bankruptcy by Judge Benjamin F. Moore in 1958 until his death — a span of more than 68 years, more than any other federal judge in United States history.

A judge of measured temper, plain habit, and unbending fidelity to the rule of law, he was, in the phrase his colleagues most often used of him, a judge's judge.

* * *

Judge Copenhaver was born in Charleston on September 29, 1925. He was educated in the Charleston schools and afterward at the Kentucky Military Institute, from which he graduated in 1942 at the age of sixteen. Within the year, the Republic was at war.

Like many of his generation, he entered the service before he entered adulthood. He was assigned to the Americal Division of the United States Army and shipped first to New Caledonia and thereafter to the Philippines and then Japan. He rose to the rank of sergeant. He served in the field as a medic, attending to the wounded in the heat of the Pacific campaigns. The discipline of the soldier, the proximity to suffering, and the early acquaintance with the limits of human endurance produced in him a sense of proportion that was apparent in him for the rest of his life and that did not desert him on the bench. He was honorably discharged in 1946 and returned to West Virginia.

Upon his return to the United States, he entered West Virginia University in Morgantown, where he earned a degree in 1947. He was a member of the Beta Psi Chapter of Beta Theta Pi, the fraternity in which he kept long affection for his fellows; and he was elected as well to Mountain, the ranking senior honorary, the oldest such honorary at the University. He proceeded from college directly to the West Virginia University College of Law, earning his degree there in 1950.

Upon graduating from the College of Law in 1950, Judge Copenhaver served as a law clerk to United States District Judge Benjamin Franklin Moore at Charleston. Judge Moore took early notice of his young clerk's analytical precision and steadiness of judgment, and the relationship between them ripened into one of confidence. After a season at the Charleston bar in private practice, the young lawyer was appointed by Judge Moore in 1958, at the age of thirty-three, to the office of referee in bankruptcy for the Southern District of West Virginia.

The bankruptcy practice of the day was in the main governed by the Bankruptcy Act of 1898, a statute by then a relic of a Nineteenth Century economy of small manufacturers, family farms, and local creditors. The referees of the 1950s were in large part the day-to-day administrators of the federal insolvency system, and the new appointee took to the work with the application that became his signature: rigorous preparation, modesty of tone, and a willingness to shoulder what others would not.

From the 1950s through the 1970s, Judge Copenhaver and a small cadre of bankruptcy judges set themselves to the long, unglamorous task of retooling the law of debtor and creditor for the modern economy. He was elected to the National Bankruptcy Conference, the invitation-only body of scholars and judges then engaged upon the principal questions of insolvency reform. Judge Copenhaver was numbered among its most influential and most revered members. He participated in the drafting that culminated in the Bankruptcy Rules of 1973. He explained those Rules to his fellow judges from the lectern at national conferences. His writings upon the subject -- half a dozen substantial works in the mid-century period -- were marked by a clarity that eluded many.

In 1973 his title was changed by Act of Congress from referee in bankruptcy to United States Bankruptcy Judge. In 1975 and 1976, while serving as President of the National Conference of Bankruptcy Judges, he assisted in the brokering of the so-called Washington Accords, the consensus among rival reform groups that led directly to the Bankruptcy Reform Act of 1978. The Act was the most significant overhaul of the insolvency law of the United States since 1938. Contemporary accounts identified him as one of the six federal bankruptcy jurists who drafted one of the bills upon which the Act of 1978 was built.

A profile of him appeared in *People* magazine in 1976. The piece is now of interest principally for the speech it permitted him: he spoke not of systems but of debtors. He recalled the farmhand in overalls who said, "I ain't got nothin' but three boys." It was characteristic of him that the law for him was never machinery but stewardship -- the keeping whole of the social compact at its frayed edges.

On August 26, 1976, Judge Copenhaver, then in his fiftieth year, was nominated by President Gerald R. Ford to fill the vacancy upon the United States District Court for the Southern District of West Virginia. He was confirmed by the Senate on September 1, 1976, and received his commission two

days thereafter. He was, until his death, the last actively serving district judge of President Ford's appointment.

His elevation to the district bench was no surprise to those who knew him. Judge John A. Field, Jr., of the United States Court of Appeals for the Fourth Circuit, himself a pillar of the federal bench in West Virginia, observed at the time that he should have been bitterly disappointed had Judge Copenhaver not been raised to the office.

From his first sitting, Judge Copenhaver conducted his courtroom upon a disciplined rhythm. He questioned counsel firmly but with courtesy; he pressed for clarity, not for concession. Judge M. Blane Michael of the Fourth Circuit, who knew his work as well as any appellate judge, described him as a man of perfect temperament and rhythm and remarked that he could have served with distinction upon any court in the land. Over thirty years of published opinions, the reversal rate of his decisions hovered in the neighborhood of two percent, a figure all the more remarkable for the difficulty of the cases that came before him. The reviewing courts found it sufficient on more than one occasion to affirm upon his reasoning. As the late Judge Donald Russell of the Fourth Circuit put the matter: "we cannot say it any better than he did."

Two cases stand to mark the work. In the litigation arising from the Buffalo Creek Flood disaster, he held that unborn children could pursue claims for injuries sustained *in utero*, a humane extension of existing tort principles that respected both medical science and moral intuition. In the litigation arising from a failed trade school, he held that the consumer-protection law of West Virginia could coexist with the federal student-loan statutes, and that students defrauded by the school could accordingly assert their defenses against the lenders. Each opinion bore the same marks: meticulous reasoning, sympathy disciplined by law and oath, and a refusal to lose sight of the consequences for the individuals before the court.

He assumed senior status on November 1, 2018, having then served forty-two years upon the district bench. He continued thereafter to carry a full caseload. In 2023 he filed a memorandum opinion of four hundred and sixteen pages, the longest, it is believed, ever entered in his District.

Notwithstanding the press of the docket, Judge Copenhaver taught for some six years at the College of Law of his alma mater, principally upon the subject of creditors' rights. His classes overflowed. The students recalled not grand gestures from the lectern but careful attention -- the insistence that every citation be exact and every argument justified. The College conferred upon him the Gavel Award in 1971. He served thereafter as chairman of its Visiting Committee.

In 2003 the Sarah and Pauline Maier Foundation endowed at the College of Law the John T. Copenhaver, Jr. Chair of Law. Dean John W. Fisher II observed at the dedication that the career of Judge Copenhaver was the embodiment of excellence in the classroom and in the courtroom alike.

Public service for Judge Copenhaver was never confined to the courthouse. In 1969 he was named the founding chairman of the West Virginia Housing Development Fund, then a new instrumentality of the State directed to the expansion of affordable housing. He guided the early structure of the Fund, drafted its bylaws, and set the standards of accountability that have continued to define it. The Fund has since financed homes for more than one hundred thousand West Virginia families, and it has earned the rare triple-A rating from both Moody's and Standard & Poor's. The Fund's long-time former executive director credited the standards Judge Copenhaver established at its outset as the foundation of its enduring success.

In a Rotary Club address in 1972 -- published shortly thereafter -- he set forth the economics of the twenty-thousand-dollar home with the same lucidity he applied to a statute: the monthly payment, the equity after seven years, the new construction's effect upon employment. The address is, in retrospect, a model of his civic style: technical mastery joined to practical concern for the welfare of ordinary people.

He also chaired during a critical period of urban development the Municipal Planning Commission of the City of Charleston. Under his chairmanship, the City adopted a thirteen-point plan that modernized its infrastructure, improved its housing stock, and spared Charleston the decline that overtook so many mid-sized American cities in the decades that followed.

Judge Copenhaver's sense of duty was not bounded by national lines. He hosted at the courthouse delegations of judges from Russia and from Uzbekistan under the Open World Program of the Library of Congress and engaged them in open discussion upon the subjects of judicial independence and due process of law. He hosted a group of officials as well from northern Iraq, brought by the Department of State, to whom he explained the jurisdiction and the daily operation of a federal district court. Many of his guests were said to have been deeply moved by their reception. He wrote to each of them afterward, sometimes arranging for translation into the visitor's native tongue.

For thirty years he presided over the naturalization ceremonies of his District. He turned them, by gentle insistence, into civic celebrations, complete with music and with distinguished speakers, and he reminded the new citizens that the right to vote was the culmination of the oath they had just taken. Those who attended remembered not pomp but sincerity -- the sense that the judge upon the bench regarded their citizenship as a sacred trust.

Perhaps his most enduring legacy is to be measured in the generations he trained. More than fifty law clerks passed through his chambers. Some sit today as judges, others as professors, and others as senior practitioners. They speak of him with the gratitude one reserves for a formative teacher. Judge Jon Levy of the District of Maine has written that Judge Copenhaver grounded him and gave him a value system and a perspective that would have taken him a very long time to establish on his own. Chief Judge Frank W. Volk of his own District has said that Judge Copenhaver -- his foremost mentor -- taught him precision, compassion, patience, analysis, and the vanishing skill of listening; and, above all, that he ingrained in him that no ethical shortcut was ever worth it.

The record of these reminiscences is uniform. Each clerk describes the same triad: precision, humility, and humanity. He demanded the best work his clerks could produce, not for his sake but for the integrity of the law. When they took their leave of his chambers, they carried his habits with them -- the measured tone, and the insistence that civility is not optional but essential.

The honors that came to Judge Copenhaver were many and were borne by him with the same modesty he applied to all things. He received the American Legion Medal of Merit in 2008. A decade thereafter he received the American Inns of Court Professionalism Award for the Fourth Circuit, in nomination for which Circuit Judges Robert B. King and Stephanie D. Thacker observed that he had devoted nearly his entire professional life to the development of the law and to its even-handed administration. The *Almanac of the Federal Judiciary* assembled in 2017 the views of practitioners of every stripe -- plaintiffs' counsel and defense counsel, civil and criminal -- and the views were, upon the whole, of a piece: that he showed no bias; that his sentences were down the middle; and that behind the formality of his manner lay a compassion disciplined by duty.

Chief Justice John G. Roberts, Jr., wrote of him that his commitment to the cause of justice was extraordinary and served as a model for all who worked in the judiciary. The observation rested upon decades of reflection and upon the unbroken pattern of a life lived in alignment with the highest principles of the office.

At his investiture in 1976 Judge Copenhaver took as his text four lines attributed to the father of Western philosophy, by whose standard he proposed thereafter to be measured: that four things belong to a judge -- to hear courteously; to answer wisely; to consider soberly; and to decide impartially. Nearly fifty years thereafter, no fair observer could deny that he had carried Socrates' four ideals every day of the journey.

What remains, in the end, is the record. His opinions are upon the books, and they will speak for themselves long after the present generation has passed. The clerks are at their work. The Fund is housing its families. The College of Law goes forward under the Chair that bears his name. The

Mountaineers count him among their own. The bar of his District remembers him, and the bench he so long graced is poorer by his absence.

He showed, in the only way that finally counts, that precision in law is not coldness but respect; that to decide fairly one must first understand fully; that civility is not softness but strength; and that a judge's influence radiates far beyond the opinions he publishes -- that it lives in the clerks he trains, in the lawyers he steadies, and in the citizens who witness justice administered with dignity.

Institutions endure when those within them quietly live up to their obligations. For nearly seventy years, John Thomas Copenhaver, Jr., did just that. He kept faith with the law and with the people it serves. If the measure of a judicial life is the trust it earns, his record stands near the summit.