

Herbert Milton Schwab (1915–2005)

By Jeffrey Kovac

Herb Schwab was the first chief judge of the Oregon Court of Appeals, a court that he was instrumental in establishing in 1969. He also served as a judge on the Multnomah County Circuit Court and as a temporary justice on the Oregon Supreme Court. A dedicated public servant, he was a member of the Portland School Board and was instrumental in establishing the Portland Legal Aid Office. His younger sister, Mildred Schwab, was also a lawyer and served as a Portland City Commissioner for fourteen years.

Herbert Milton Schwab was born in Portland on December 26, 1915, to Gustave and Frances (Zell) Schwab, who were Jewish immigrants. After graduating from Lincoln High School in 1932, he joined the U.S. Naval Reserve; he transferred to the U.S. Army Reserve three years later. But he was interested in becoming a lawyer and attended night school at the Northwestern School of Law (now Lewis & Clark Law School) while working at several jobs, including as a janitor and shipping clerk for the National Cash Register Company. He graduated from Northwestern in 1939 and passed the Oregon bar the next year.

During World War II, Schwab served for five years in the U.S. Army, including three years in India. He retired from the army in 1946 with the rank Lt. Colonel. That year, he married Barbara Hervin Meyer, a widow with two young sons; they would have one child.

Schwab returned to Portland after the war and spent thirteen years in private practice before being appointed to the Multnomah County Circuit Court in 1959; he served on the court until 1966. In 1965–1966, he was a temporary Supreme Court Justice before returning to private practice in Portland. On July 1, 1969, he became a judge on the newly established Oregon Court of Appeals, which had been created to reduce the caseload of the Oregon Supreme Court. Initially, the Court of Appeals only heard criminal cases and a limited number of civil cases, but as its jurisdiction expanded it became one of the busiest appellate courts in the country.

Schwab was selected as chief judge of the Court of Appeals, which had ten judges by the time he retired on December 31, 1980. He was regarded as an excellent chief judge who believed that the appeals court should decide cases efficiently. He maintained a unified court and worked to quickly dispose of frivolous appeals to free judges' time for more substantive cases.

A member of the Portland School Board from 1950 to 1959, Schwab chaired its Committee on Race and Education, which in 1964–1965 produced a comprehensive report that reviewed de facto segregation in the city's schools. The committee's recommendations included putting in place a Model Schools Program to address student inequities in opportunities and achievement. The purpose of the Model Schools Program was to provide compensatory education at the elementary level to improve academic achievement through smaller class sizes, classroom aides, and preschools. Ten schools were recommended for the program, and Portland Public Schools ultimately had nine schools in the program. The committee's report gained national recognition, and Schwab regarded it as his greatest accomplishment. He also served on a Multnomah Bar Association committee that helped establish the Portland Legal Aid Office and in 1980 was a member of the Northwest Power Planning Commission.

After retiring from the Court of Appeals, Schwab and his wife Barbara moved to Cannon Beach, where he served as a municipal judge and as mayor (1991–1994). The Schwabs helped establish the Cannon Beach History House and the Cannon Beach Arts Association. In 2000, they moved back to Portland, where Herb Schwab served as chair of the Multnomah County Chapter of the American Red Cross and was a member of the executive board of United Good Neighbors (now United Way of the Columbia–Willamette).

Herb Schwab died in Portland on October 18, 2005.

Sources

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The Oregon Encyclopedia

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