

# Victoria L. Nilles Esq.

*"Make us to choose the harder right instead of the easier wrong and never to be content with a half truth when the whole can be won."*



In a profession where our stock-in-trade is making judgment calls, it would be easy to assume that this quote is about the practice of law. In fact, Victoria Nilles would be the first to tell you that these words – framed on her office wall at Taft Stettinius & Hollister – have served her well throughout her legal career. Before that, though, they also served her well during her first career as a Military Intelligence Officer commanding her platoon during the Cold War near the German-Czech border. And before that, the quote – from her *alma mater's* Cadet Prayer – served her well at the United States Military Academy at West Point.

Needless to say, this cadet turned intelligence officer turned commercial litigator knows a thing or two about making judgment calls. However, it is almost impossible for the Kansanative to look back on how she made one of the most significant decisions of her life without marveling at her own *naïveté*. "I decided I wanted to go to West Point when I was in grade school" – even though the storied institution would not open its doors to female cadets for several years – and then someday "take Bob Dole's place as a Senator." (No big deal.) When the high-schooler took pencil to lined notebook paper to seek the Kansas Senator's nomination to the Academy, the valedictorian fortunately got his attention and had the credentials to keep it. Shortly thereafter, she was admitted to her first and only choice for college, as a member of one of West Point's first coeducational classes.

It is no secret that the notion of admitting women to West Point stirred controversy. Women were a minority at the Academy, and the attrition rate

in the early years was high. Although surrounded by impressive scholars and athletes, not all of Victoria's female classmates had the patience for a coeducational West Point's developmental years. For some of these women, West Point might have been their first major experience trying to break into to a male-dominated field.

On a small scale, though, Victoria had already made some headway into that arena when she was in grade school. Fed up with the shortcomings of Andale Grade School's girls' basketball program, she knew there was only one solution: join the boys' team. "There were tryouts that year, even though there had never been tryouts any other year, because I think that they wanted to see if they could literally run me off of the team."

In fact, tryouts involved so much running that some of the other students got sick and quit. Victoria earned her place on the team, although her fun would be cut short by an unprincipled principal who interrupted practice one day to shame her in front of her teammates. "This is a boy's team," he declared. After Victoria pointed out that she had tried out like everyone else, the principal overrode the coach and cut her. "We called other teams from the league, and they won't play," he rationalized. "They won't come out on the court if you're there." The experience was more than a little upsetting, but Victoria got the last word, showing early signs of

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**PHOTOS:**

<sup>1</sup>Border-First Lieutenant Nilles in West Germany. The blue and white pole marks the border—the guards in the background are from the other side (Czech or possibly East German).

<sup>2</sup>Change of Command-Victoria (2LT Nilles, in the 1<sup>st</sup> Armored Division) at a change of command in Germany.

<sup>3</sup>Recon-Victoria (CPT Nilles) in the 101<sup>st</sup> Airborne Division (Air Assault) at Fort Campbell, KY on a site recon for a field exercise as a company commander.

<sup>4</sup>Map Photo-Victoria (CPT Nilles) stationed at 3<sup>rd</sup> Army in Atlanta, GA where she was performing targeting officer duties.

## BARRISTER OF THE MONTH: VICTORIA NILLES ESQ.

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the litigator within. Andale was making a mistake, she said, because with a season of forfeited games ahead the team was bound to finally secure a winning record.

While the challenges associated with breaking into boys' basketball might pale in comparison to the challenges associated with breaking into the nation's oldest service academy, both experiences were highly formative. Victoria would graduate with West Point's class of 1983, embarking thereafter on her military career. She could tell you some stories about her time as a Cold War-era intelligence officer, that is, if the details of her missions were not still classified information. She *can* say, however, that serving in the Army was one of the best experiences of her life. It was in Germany that she met her husband, Dr. Tom Hardy, although her first conversation with the army physician was via telephone and, by Victoria's own account, not very pleasant. Fortunately for their future children, Christopher and Cathryn, she played nice with him when they met in person and they wound up marrying when they returned home to the States.

Ultimately, Victoria thrived in a military environment where rules and problem-solving were the name of the game. It can therefore come as no surprise that the prospect of going to law school had always intrigued her. Of course, attending law school means staying put in a single location for an extended period of time, so she and her husband made a pact that they would make law school happen if and when they found themselves in one place for at least two years. She then had to make one of the hardest decisions of her life, and left the Army. The law school opportunity she had been waiting for arose in Victoria's home state of Kansas, where she enrolled at

Washburn University School of Law in Topeka. After her graduation as valedictorian (where none other than Bob Dole, an alumnus, was the commencement speaker), she accepted a position clerking for Judge Robert L. Miller of the United States District Court for the Northern District of Indiana (making Senator Dole's job safe for a little longer). There, she learned some of the greatest lessons of her legal career: how not to waste an argument; how to spot lawyers' "tells" that belie weaknesses in a case; and how important civility really is. Judge Miller would instill in litigants the importance of the last message, regarding civility, perhaps more than any other message. In fact, when Victoria left her clerkship to enter practice with Barnes & Thornburg, she took with her a certificate from Judge Miller that reminds her of the virtues of civility. It now takes its place in her office on the wall next to the Cadet Prayer.

Fortunately for us, life would eventually bring Victoria to Dayton, a legal community that values civility and a military community that, while predominantly Air Force, can certainly appreciate her *alma mater's* motto. Together, the two codes remind Victoria to keep making tough judgment calls while maintaining the highest professional standards. She argued her first case to a Seventh Circuit panel including Judge Posner not long after leaving her clerkship— and won. If you waste her client's time during mediation, then do not be surprised to see her walk out the door. To the extent that your case presents a question that has yet to be answered by any case in existence, be warned: she will not hesitate to call the author of the leading treatise to get his or her opinion. There is no guarantee that it will work, but there was no guarantee that she would hear back from Bob Dole, either. ●



*By Jade K. Smarda Esq.  
Bar Briefs Editorial Board  
Faruki Ireland & Cox P.L.L.*

## WOMEN IN LAW FORUM LUNCHEON



- DATE:** Wednesday, May 13, 2015
- TIME:** 11:30am
- LOCATION:** The Salvation Army Kroc Center  
1000 N Keowee St, Dayton, OH 45404
- SPEAKERS:** Anne P. Keeton Esq. and Lindsay M. Johnson Esq.
- TOPIC:** Parenting and the Practice of Law:  
*Balancing Family Responsibilities with Career Impact*
- RSVP:** Space is limited. Please RSVP to Lori Lubben.  
lluebben@daybar.org 937.222.7902



Discussion influenced by Nell Scovell and Sheryl Sandberg's book "Women, Work, and the Will to Lead"