Phil S. Gibson Remembered

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On April 28, 1984, former Chief Justice of the California Supreme Court Phil S. Gibson passed away at age ninety-five, almost twenty years after his reluctant retirement from the bench. As is widely known by students of California’s judicial history, Gibson served as Chief Justice for almost a quarter of a century and was responsible for more judicial reforms than any chief justice in California history.

Chief Justice Gibson’s numerous judicial innovations are now deeply embedded in California’s court structure as are the procedural improvements he helped initiate. Such was not the case, however, when he was elevated from his associate justice position by Governor Olson in June 1940. Confronting the newly appointed Chief Justice was a court system with an array of organizational and structural problems; but with single-minded determination and considerable administrative and political skill, Gibson led the slow, relentless fight to correct these shortcomings.

During his tenure as Chief Justice, Gibson succeeded in reorganizing the lower court system so that today it consists of only eighty-five municipal courts and eighty-five justice courts rather than the unwieldy and inefficient system he inherited—more than 800 inferior courts with overlapping jurisdictions. To consolidate the variety of regulations governing appellate practice, which were scattered among various statutes, court rules, and judicial decisions, Chief Justice Gibson pressed for an integrated set of Judicial Council Rules. The Chief also drafted and secured enactment of the landmark Administrative Procedure Act,¹ used as a model in many states, thereby providing uniformity and fairness to hearings and disciplinary procedures by regulatory administrative boards.

Furthermore, Gibson assumed the leadership to establish a disciplinary body, now known as the Commission on Judicial Performance, to handle complaints against judges, replacing a virtually impotent system for removing judges for misbehavior, senility, or incompetency.

Additionally, Chief Justice Gibson constitutionally established the position of administrative director of the courts and expanded member-

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1. CAL. GOV'T CODE § 11370 (Deering 1982).
ship of the Judicial Council to include four state bar representatives and two legislators, thereby improving liaison with the practicing bar and the legislature. He also moved for the creation of Municipal Court Rules and the revision of Superior Court Rules. He developed a system for reviewing lower court decisions, introduced pretrial procedures, and led the fight for better pay and retirement benefits for judges. His were no small achievements, to be sure.

Gibson was no stranger to the use of power. Because of the high regard in which he was held, coupled with the fact that he was head of one of the three branches of government, the Chief had enormous influence with incumbent governors. Not only was he able to secure executive support for the Judicial Council's legislative programs but he was also able to sidetrack undesirable bills. In addition, he was personally responsible for the appointment of more able lawyers to the Bench and elevations to higher judicial posts than any Chief Justice before or since. A favorable word from Gibson carried great weight, particularly during Governor Edmund G. "Pat" Brown's term of office.

As the head of the judiciary, Gibson maintained an active ongoing relationship with members of the Bench. He would frequently call judges at home in the evening or on weekends when he needed their views on a pressing issue or their help in assessing a candidate for a vacancy on their local bench. To aid him in these communication endeavors he carried around a small black looseleaf binder containing detailed information on each trial court and appellate judge, not the least of which was the judge's home phone number.

He also had a prodigious memory about people, places and events. An entertaining storyteller, he could recount incidents from the past in great detail and with humor. I remember seeking his comments on judges we had proposed to serve as members of an advisory committee for a Judicial Council seminar. As a name was offered, I listened in utter fascination as the Chief spilled out candid assessments accompanied by anecdotal tidbits. It was almost as if he was pouring out a computer tape summary! To avoid getting my ears pinned back for suggesting inappropriate candidates for these prestigious assignments, I learned the wisdom of first running the names by Gibson's loyal and able Assignments Secretary, the beloved Mrs. Alice Hogan, since she was privy to the Chief's private assessments of individual bench members which she had used in her important assignment functions.

As an aside, the last time I saw "the Chief" was seven years ago when he joined a group of his former staff members for dinner in Carmel. Then approaching ninety years of age, he complained of a loss of memory. However, none of us were convinced that he was losing any
ofhis capacities as we listened to him regaling us with stories, laced
with considerable detail, from his past judicial and political encounters.

He was a rather short man but he had an enormous self-assured
presence. When he spoke in his distinctly Missouri accent, he usually
had a knowing twinkle in his eye. Of course on occasion he would
exhibit his temper and staff members were never spared if their work
product or some other action displeased him. It wasn’t only staff mem-
bers, however. I remember being called to his office and when I en-
tered, he was talking on the phone. He was berating the party on the
other end of the line in rather strong terms. Not knowing to whom he
was talking I concluded it was either one of the staff members or some
judge in a local court. When he concluded his phone call, he turned to
me and asked if I knew to whom he was talking. I shook my head and
he replied with the name of the head of a very powerful local govern-
ment organization. Obviously when he was displeased, his wrath
spared no one!

Like a stern father he could reprimand you in a very firm manner,
but if you were hurt by his criticism he would feel bad and would
hasten to reassure you of his high esteem and affection. In truth, while
we tried to avoid being chastized, we all agreed that his bark was worse
than his bite. We were all aware that in the final analysis we could
count on him for support, appreciation, affection, and even special fa-
vors. His employees were truly members of his family and he gener-
ated great devotion from one and all.

The economic consequences of remaining beyond the mandatory
retirement age forced him to leave his prestigious position. Remaining
would have reduced his retirement pay from three-fourths of his salary
to one-half, and more important since he had a younger wife and son,
would have resulted in survivors benefits of only one-half the retire-
ment pay. He tried to secure a legislative exemption for himself but his
efforts failed. When it became obvious that he would have to leave the
Bench he resigned himself to retirement but discouraged lavish and
large-scale retirement parties. He went out quietly and with dignity
and disdained the honors and public tributes that were rightfully his.

Everyone personally touched by Phil S. Gibson retains vivid and
fond memories of this exceedingly unique, able man who contributed
so much to a better administration of justice in California, and whose
place in American judicial history is forever stamped among the giants
who graced the Bench. Perhaps his old friend, the late Eugene M.
Prince, said it best on the occasion of Gibson’s retirement in 1964: “To
a rare degree, Phil Sheridan Gibson combine[d] a great record of
achievement with the finest traits of human understanding, personality and character."^{2}

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