

In Memoriam

HONORABLE LOUIS WESCOTT MYERS

Judge of the Superior Court of Los Angeles County, 1913-1923; Associate Justice of the Supreme Court of the State of California, 1923-1924; Chief Justice of the Supreme Court of the State of California, 1924-1925.

HONORABLE JESSE W. CURTIS

Judge of the Superior Court of San Bernardino County, 1915-1923; Justice, District Court of Appeal, Second Appellate District, Division One, 1923-1926; Associate Justice of the Supreme Court of California, 1926-1944.

The Supreme Court of California met in bank in its courtroom, State Building, Los Angeles, at 10 a. m., pursuant to recess of yesterday. Present: Chief Justice Gibson, presiding; Associate Justices Traynor, Schauer, McComb, Peters, White, Dooling; Sullivan, clerk; Joanne Jacobs, acting reporter; Bushong, bailiff.

CHIEF JUSTICE GIBSON: We desire this morning to pay tribute to the memory of two former members of this court, Chief Justice Louis W. Myers and Associate Justice Jesse W. Curtis.

We have asked Mr. John O'Melveny, with whom Chief Justice Myers engaged in the practice of law after his retirement from the bench, to present the memorial to him. Mr. O'Melveny:

MR. O'MELVENY: It is my privilege to be permitted to appear before you today to honor the memory of a former Chief Justice of this Honorable Court, my partner for the last 33 years, my close and beloved friend, Judge Louis Wescott Myers, who died on February 15, 1960.

He was born in Lake Mills, Wisconsin, on September 6, 1872. His father was Pennsylvania Dutch, a millwright by trade, and a builder of "grist mills," an owner of several farms, who, in the words of Judge Myers, "retired with a modest competence." While still a child, Judge Myers resolved he would become a civil engineer, which to him meant a "surveyor." His father was determined that he should be a lawyer. In his own words he has said, "To the best of my knowledge there

had never been a lawyer in the Myers tribe and only one in the history of the Wescotts. That was Sir Thomas Littleton, author of 'Littleton on Tenures.' His name before he received the title was Thomas Westcote, and I am supposed to be one of his many descendants." Just as Judge Myers graduated from high school, his father died, and in his will was a special bequest of \$2,000 to his son with the hope that he would go through the university and law school. That put an end to Judge Myers' ambition to become an engineer, and he entered the University of Wisconsin and eventually graduated from the University of Wisconsin Law School. At that time there was no chapter at Wisconsin of Phi Beta Kappa, but later when it was established, Judge Myers was elected as an honorary member on the basis of his very high scholastic record in both the university and law school. Shortly after he entered law school he obtained a clerkship in the office of the leading firm in Madison, i.e., Spooner, Sanborn and Kerr. John G. Spooner was a former United States Senator from Wisconsin, and Arthur Sanborn was later Federal Judge at Madison. Both were, in Judge Myers' words "great lawyers and great gentlemen." He started the practice of law in Madison, Wisconsin, in the office of Burr W. Jones, who also taught Evidence in the law school. It was the custom of Professor Jones to offer one man in the graduating class a position of clerk at \$25 per month, and Judge Myers was selected. After a time he was offered a clerkship in Chicago in the firm of Jesse A. and Henry R. Baldwin, and Mr. Jones released him. He was admitted to the Illinois Bar on motion and entered the Baldwin office in July 1895, where he progressed rapidly and remained for two years.

While living in Chicago he married Blanche Brown, who was his constant companion and watched over him and helped him in many ways until she died in 1943. He and his bride in 1897 moved to Southern California with his mother and sister and her husband. Senator Spooner sent a letter about Judge Myers to Judge Bicknell, of Bicknell, Gibson and Trask. Judge Myers says, "on the strength of that letter and my licenses from the Supreme Court of Wisconsin and also Illinois, Judge Gibson moved my admission before the California Supreme Court, and I was admitted." He could have joined one of the Los Angeles firms at that point but wanted to be independent and start his own practice. His practice grew slowly but steadily, and in 1913 he was appointed to the Superior Court of Los Angeles County. He was soon to be known as one of the

ablest judges on the court, and in January 1923 he was appointed Associate Justice of the Supreme Court. In March 1924 he was appointed by the Governor to the office of Chief Justice. In his talk with the Governor before the appointment, he pointed out that he was the youngest Justice in both years and period of service, and that he felt he was undeserving of the appointment, but in spite of his modest protest he was appointed.

As we all know, he was an exceedingly able, conscientious and industrious Chief Justice, and I feel his short time thereafter in the high position on this court will be long remembered. His great feeling of responsibility and his tireless dedication to his work on the court in a relatively short time impaired his health to such an extent that in December 1925, in a little less than two years after his appointment, he was seriously threatened with a breakdown, and his devoted wife and his physician insisted that he resign from the bench and take an extended vacation.

He was an ardent fisherman. During this enforced vacation he traveled to many trout streams all over the West. I made a trip to Vancouver Island in May of 1926 and drove in a steady downpour to Mrs. Work's cabin on an island in Sproat Lake, and the first man I saw warming and drying himself by the big open fire was Judge Myers. We spent about a week together fly-fishing the Lake and the streams that flowed into it with some success, after the weather had cleared. Although I had known him for some years as a visitor to my father's home, this was the first time we became intimate and close friends, and thereafter there continued to be a warmth and affection that was mutual, later reinforced by the fact that we were partners in the practice of law and saw each other daily for over thirty-three years.

Judge Myers had been a close and respected friend of my father's, Henry W. O'Melveny, for many years before he joined our firm. He was a frequent visitor to my family's mountain home in the San Gabriel Canyon. They both had this ardent interest in nature, the out-of-doors, and, of course, fly-fishing. Sometime in 1927 my father called his partners into his office and suggested that we take Judge Myers into our firm. We were all very pleased and delighted when he accepted and, as I have stated before, he remained with us for over thirty-three years, until he died in February of last year. His work for our firm was chiefly of briefing and arguing cases in the appellate courts. He was a great success, and a check

of the cases he handled while active indicated that he had a record of 95 per cent decided in favor of his clients. I think, however, his greatest contribution to our firm was in the consistently wise counseling that he gave us all. When my father, Henry O'Melveny, died, now twenty years ago, my office was moved immediately across a narrow hall from "the Judge," as we affectionately called him. His door was always open to me, as it was to all our partners and staff attorneys, for advice and assistance in our work. I sought him out almost daily. Sometimes we did not agree on firm policies or procedures, but what two lawyers *could* always consistently agree? But I always had deep respect for his opinions.

During his successful career he was presented with an honorary doctor's degree from the University of Southern California and also an honorary doctor's degree from the University of California at Berkeley. He was past president of the Sunset Club, in which he was very active. He was also a member of the Lincoln Club.

On December 31, 1958, he retired as an active partner and became "of counsel" to the firm. However, he continued to occupy his same office and to come in every day until he died, always ready to help all of us whenever necessary or advisable. It did give him more time for his great hobby in later years of deep sea fishing, and many of you Justices sitting here have accompanied him on his small power boat, the "Ono" on his various excursions and fishing expeditions. He loved to take his friends with him on these cruises. He celebrated his 87th birthday by catching two large marlin on light tackle.

To me, the outstanding characteristics of Judge Myers were his deep and sincere feeling of honesty and his great integrity in the highest sense. I feel the greatest contribution he made to our firm was to stamp it with these qualities that commanded the respect of our clients and the members of our community. As our fellow partner William Clary said of him at the memorial service,

"His arguments were always clear, lucid and were usually restrained. I say usually, because on rare occasions when he thought his opponents were not forthright in their arguments he would reply with a most astonishing vigor and would give vent to a righteous indignation that swept away all sophistry. It was a wonderful experience to hear him on these occasions."

His years on the bench and his unusual intelligence made him one of the great and learned lawyers I have known. I

have sat with him in many an important conference on important matters and with important lawyers from many other parts of our country, and he was invariably the leader very shortly after the conference got into session. His learning was always evident, and his ability to quickly analyze and to simplify even the most complex legal and business problems was ever apparent and quickly attracted the attention and respect of the able and aggressive members of the bar present, whether they were from our own community or from New York, Boston, Chicago, Houston or even Philadelphia. He was usually in charge in his quiet, orderly way, unless, as has been pointed out, he unearthed some trace of dishonest or frivolous thinking, when his caustic and sharp criticism was often fearful to behold. He had no truck with deceit or chicanery or sloppy thinking, and in all the years I have sat with him, whether in discussion groups or in the preparation of cases, I have never once known him to be deceived or confused by anyone. He could get to the heart of a complicated problem as quickly and as truly as any man I have ever known.

To those who did not know him very well, he might have seemed forbidding. But to those of us who were associated with him closely, whether in our firm, or on his boat, or on the trout streams of the Sierras, or on the Annual Sunset Club outings that he loved so well, or at the poker table or domino table, he was a man of very great heart and affection for his family and friends. He had a warmth and devotion to those who were close to him that was unbounded.

His death meant a very great loss to his son and daughter and to his descendants, a great loss to his many, many friends and to all of us who were his partners and associates in the practice of law, who held him in such high regard and deep and sincere affection, and to the members of this Honorable Court, because most of you knew him so well and loved him. He was a very great Chief Justice, lawyer, friend and counselor.

He was a very great man in every way. He will never be replaced.

CHIEF JUSTICE GIBSON: None of the present members of the court had the privilege of serving with Chief Justice Myers but some of us were personally acquainted with him and all of us are familiar with his record as lawyer and judge. We join in the tribute paid to him by Mr. O'Melveny.
