

"No Sniveling"
A Remembrance of Dad

BY BETH EAGLESON

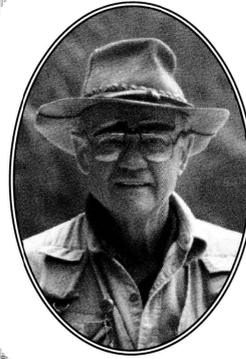
Thing v. LaChusa, 48 Cal.3d 644 (1989). Most legal professionals will remember this as an important case in which the California Supreme Court limited a bystander's cause of action for negligent infliction of emotional distress. I remember it for an entirely different reason, because when I reached two paragraphs on page 666, where Justice David Eagleson explained that emotional distress is a condition of living that simply has to be borne, I was transported back to the living room of the home in Long Beach where my sister Vicki and I grew up. I was standing again in front of my dad, perhaps near his lawyer's briefcase that he always set down when he came home, hearing very similar words about one of my childhood or adolescent catastrophes. And as I envisioned myself in that place again, I thought, "Oh no, no, NO! He is giving his 'no sniveling' lecture to the entire State of California!"

"No sniveling" was our dad's watchword, for himself and for his family. Complaints and fears were invariably greeted with some variation of "no sniveling." It was hard for us to take sometimes, but we could see that his rigorous application of this philosophy to himself served him well.

"No sniveling" meant discipline. Without the benefit of college-educated role models in his family, Dad lived by the motto "do today's lessons today. Tomorrow's will take care of themselves." Every day presented a new opportunity for accomplishment.

"No sniveling" made Dad decisive. Most of you know he proudly attended USC. What you may not know is how he chose to attend there. Dad had been discharged from the Navy after World War II and was ready to use his GI Bill benefits – at UCLA. The enrollment line was long and by the time his turn came, the admissions office was closing. Rather than bemoan a wasted day, Dad recovered his paperwork. He drove across town to USC, where he enrolled on the spot! This, of course, turned out to be a fortunate decision for both.

Dad never complained that others had advantages he didn't. He figured that hard work would create advantage. His rise from a young lawyer in a sole practice, who typed and served his own papers, to a justice of the California Supreme Court is certainly a testament to the soundness of his belief. Dad's success was not entirely his own, however. Our mother, Virginia Eagleson, chose Dad when he was a law student with an uncertain future. As equal partners, they built his career. Mom did not live to see Dad



serve so proudly on the Supreme Court. But he knew that her efforts made his service possible.

"No sniveling" also meant frugality. Except for fishing gear and golf equipment, Dad was not a collector. Except for fishing and golf clothes, Dad was not a fashionista. And

when it came to interior design, recycled, old, ugly metal office furniture was his choice. Fortunately, our mother had more style. Shortly after they bought their home, the same one where the lectures occurred, our mother had upholstered furniture designed for the formal living room, used semi-annually. Nearly twenty years later, in response to changing color trends, Mom wanted to have the pieces recovered. Dad was appalled! With the furniture having been sat on no more than three times a year, he could not understand how new upholstery would possibly be needed! Our mother, however, was a tough negotiator, and the furniture was recovered. But, as a condition of the settlement, Dad began to take his morning newspaper onto the off-limits furniture, sitting on a different piece every morning to satisfy himself that the next time she wanted new upholstery there would be a reason to get it!

Dad looked for value everywhere, even from the family dog. Dad wasn't a fan of pets, believing the inconvenience outweighed any arguable psychic benefits. But one day Vicki came home with a puppy. On the basis that a dog should be useful, not merely decorative, Dad decided he would train her to fetch his morning paper. His method was this: to carry her out to the paper, cradled in his arms like a baby, put her down, and show her the paper. Her response was to trot back to the house immediately, empty-mouthed. This "training" was never successful. But, for many years after that, the dog kept him company while he walked outside to get the paper himself.

By now, I might have led you to believe that Dad was an ascetic curmudgeon. Nothing could be further from reality. The application of the "no sniveling" philosophy to his life never caused him to skimp on the things he really valued: travel, music, family, friends, his hometown. Although dad's work often kept him away from family dinners during the week when we were small, he would come home to sit with our mother, each in an identical rocking chair, one lap for each child, singing to Vicki and me before putting us to bed, then returning to work. He had life-long friendships

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because he always made time for them. More recently, he became friends with his five grandchildren, showing them how to fish in Montana and Mexico. And, of course, in his final years he shared all of these interests and attributes with his wife, Lillian. He loved Long Beach and California. For all his travels, he never really wanted to be anywhere else.

When I read *Thing v. LaChusa*, I recognized not

only Dad's life philosophy, but I heard his voice. Those of you who knew him will miss him deeply. You will sometimes wish you could hear his voice again. When you feel that way, do what I do: read those paragraphs in *Thing v. LaChusa*, listen with your hearts and memories, and you will, like me, hear his voice again. For those of you who never knew him, but want to know what kind of man he was, read *Thing v. LaChusa*. Dave Eagleson is there and will tell you everything you need to know.

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