

PHIL GIBSON:

Conversation with Edward L. Lascher

EDITOR'S NOTE

Phil S. Gibson (1888–1984) was appointed to the California Supreme Court in 1939 by Governor Culbert Olson and served as chief justice from 1940 until his retirement in 1964. He was interviewed in 1973 by the well-known attorney and legal columnist Edward L. Lascher. The interview was intended for publication in the *California State Bar Journal*, but it did not appear. This was explained by Lascher at the time of Gibson's death in 1984:

The legal world, as well it should, mourned the passing of Chief Justice Phil Gibson last month. The encomiums regarding his matchless impact on the California judicial scene were less than adequate for such an incandescent life and person. Despite enormous respect for his achievements, however, my favorite picture is not of a judge in a robe, but of a host in an easy chair in a gracious Carmel home, plying my secretary, Hilda, and me with better champagne than our palates deserved and discoursing on how the juice of the grape was obtained during Prohibition, not to mention the merits of the various cheeses and caviars we were downing.

We had gone to do an interview for a special issue of the late, lamented *State Bar Journal*. We got a witty, candid, wide ranging commentary on four decades of California legal history and personalities, from the perspective of someone who not only had the best of all views, but also applied the “Show Me” mindset of his native state. Everything was gentle, kind, modest — and incredibly perceptive and penetrating.

The two hours were more than enough to add enormous fondness to my preexisting admiration — and to make Hilda an unabashed cheerleader for that gentleman. They also produced a priceless text which would have been the most informative, original and avidly read thing regarding courts, judges and lawyers to appear in a month of blue-mooned Sundays — because of what he had to say, obviously, not any contribution by the interviewer.

How come you never read it? As agreed in advance, I sent a draft and, a few days later, got a call. “I don’t want you to print it at all, Ed.”

Why? “Those are just the ramblings of an old man. Nobody wants to hear about that stuff nowadays. You should be writing about today, not bothering with reminiscences.” That was tantamount to Einstein’s telling an interviewer nobody would be interested in hearing about some penny ante theories. But he was adamant, and I had made a deal, so it never saw light of day, anywhere, and I was even more in awe.¹

The interview did finally see the light of day in 2006, when it appeared for the first time in the Newsletter of the California Supreme Court Historical Society.²

As prepared for publication by Lascher, the interview opens with a brief introduction, followed by questions and answers. It will be noted that the first “answer” by Gibson continues an ongoing conversation. The

¹ Edward L. Lascher, “Lascher at Large — The Untold Story: A Priceless Interview with the Chief; Jurist Phil Gibson, in Two-Hour Session, Left a Lasting Impression,” *Los Angeles Daily Journal* (June 6, 1984).

² Edward L. Lascher, “An Interview with Phil Gibson,” *California Supreme Court Historical Society Newsletter* (Autumn/Winter 2006), 1, 8-14 (by permission of Wendy C. Lascher). The year of the interview was stated there incorrectly as 1963.

interview appears to have begun with a discussion of Lascher's work in the field of appellate practice, in which he was an early specialist. The published portion of the interview then turns to Gibson's observations about appellate practice in general and to his career on the Court. The interview is reprinted here in full.

— SELMA MOIDEL SMITH