

A SPECIAL SESSION
of the
SUPREME COURT
of the
STATE OF NEVADA
Tuesday, June 6, 1961

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A special session of the Supreme Court of the State of Nevada, commencing at nine a. m., Tuesday, June 6, 1961.

Present: Chief Justice Badt (presiding), Justices McNamee and Thompson; Officers of the Court; Relatives and Friends.

BADT, C. J. :

The Court has convened this morning for the purpose of engaging in a very simple but very important ceremony, the administering of the Oath of Office to a new Justice of this Court. I use the word "important" advisedly. I think I can safely say there are very few, if any, laymen, unless they have made a study of the matter, who have any conception of the functions of an appellate court of last resort. I think it is true many attorneys do not entirely appreciate the appellate function of a court of this nature, particularly at a time when public criticism is rife throughout the nation concerning the decisions of the United States Supreme Court, in which it is said they are determining matters of policy and that they are judicially legislating. This Court, throughout all its history, has religiously stayed away from anything like that. We have recognized the complete supremacy of the Legislature in its field. We have never investigated the necessity, the advisability, the propriety of legislation in any line, particularly wherein the Legislature has, under the exercise of its just power, passed legislation looking toward the protection, the safety and general welfare of the people of the State of Nevada. We have recognized supremacy in that line, only paying attention to the possibility of the convincing showing at times where the Legislature may have enacted legislation beyond the constitutional limitations of the powers of the Legislature. In the same way, with the great

growth of our administrative agencies, we have had the rulings of those administrative agencies in many cases coming to this Court, and just as we accord to the courts the absolute right to pass upon questions of fact involved, so when the rulings of those administrative agencies come to our Court, or through the District Courts, unless we feel their acts have been the result of capriciousness or whim, we have consistently sustained those acts. We have not been hesitant to decide, in some cases, that the findings of administrative bodies have been capricious, and have set them aside. At the same time, the function of this Court is part of the great system of the administration of justice throughout the country. This court must decide cases in accordance with the law of the State, the statutory provisions adopted by the Legislature, or rules of law enunciated by this Court, where we decide cases in which we were not entirely convinced complete justice has been had. That is the recognized, the proper function of a court of this kind in its appellate capacity; and we now welcome to the Court a man whose mental ability, training and disposition are those such as we find in Judge Thompson—Mr. Thompson—soon to be Judge, as soon as the Oath is administered.

We have present in Court eminent members of the Bench and Bar of this State. The President of the Nevada State Bar is out of the State in matters connected with the State Bar. Vice President John C. Bartlett is present, however, and we would like to hear from him.

MR. JOHN C. BARTLETT (Vice President, State Bar of Nevada) :

May it please this Honorable Court, ladies and gentlemen :

At the time the news became public that Miles Pike had resigned and Gordon Thompson had been appointed to this Court, I was on what we might say "circuit," trying cases first in Tonopah and then in Las Vegas and, in the course of being on circuit I had occasion to talk

with my fellow members of the State Bar and Court attachés regarding the matter of Judge Pike's resignation and I found a unanimity of regret at the fact the Supreme Court was losing him. I also discussed the appointment of Gordon and found a unanimity of opinion of approval at this appointment.

Now, most of you here are either lawyers or you know quite a bit about lawyers, and you know that unanimity of opinion is not one of our characteristics. We generally find something to disagree about, no matter what the subject may be. So even though I have known Gordon for many years and have a deep and abiding affection for him, I was compelled to ponder briefly what would bring about this unanimous approval among his fellow attorneys.

In order to analyze that question, I tried to think "What qualities do we normally seek in a man who is going to be appointed a Supreme Court Justice?"

I thought first and foremost he must be a man who is dedicated to principle. He must be dedicated to principle for many reasons. In the first place his personal life must be at a high principle level because, although our courts are criticized as Mr. Justice Badt has pointed out, generally the criticism is by those who do not fully understand the workings of the Court and the problems it faces. But most people, I think, look up to the members of this Court with a great deal of respect, almost amounting to reverence.

Second, and from a lawyer's standpoint, he must follow principle, because that is perhaps most important to those who are not really litigants in this Court. It is important, of course, for the litigants to have this Court follow principle, because they have been defended here based upon what some lawyers thought were principles of law and there is a disagreement and this Court has to decide it. But a more important reason for this Court establishing a principle in these decisions is the guidance they give to future litigants and lawyers who can advise people who, for one reason or another, do not desire to become litigants. It is only if we can find an established principle and be assured as to what is

going to follow that we can properly advise our clients and properly prepare our cases if we have to litigate.

I thought about Gordon in this light and the thought occurred to me what better qualification could any man have for being dedicated to principle than to be born into the family of Dean and Mrs. Thompson. I think in that home from an early age he not only was taught to live by principle but he was given an example of a life dedicated to principle. I think when you add to that fine beginning his excellent legal training in a small Peninsula law school (here Mr. Bartlett smilingly refers to Stanford Law School), and his training both in the practice of law in public office and privately, you will find this quality in Gordon developed to the highest possible degree.

Next, I thought a Judge of the Supreme Court should be a man of considerable experience, not in just one field of law but in many fields of law. So I thought back over Gordon's career as a lawyer and as a public servant. He was in the Legislature. He was a School Board Trustee. I believe he started his private practice being associated with Douglas Busey and Tom Craven. When he started with them, these two men were relatively young men with a great deal of experience, and I am sure Gordon benefited from his association with them.

He was next appointed to be Assistant District Attorney of Washoe County. I might mention that the entire staff he started with in that office in 1947 is present here this morning, with the exception of one Secretary who is having stork trouble in her home, and she would like to be here and she wishes him well. In the District Attorney's office, I am sure, because I was there with him, Gordon learned the importance of treating the problems of small people with full attention. Even though their problems may, in the abstract, seem to be small, to those involved they may be just as big as though they concerned a suit by a large corporation involving a lot of money or other things of substantial material value. It was a sort of a public service office for people who have problems which, to them, are of great magnitude. Furthermore, I think in the District

Attorney's office you learn to have a feeling of solemn responsibility when dealing with people's lives and liberties; that is an experience you can only learn in that particular office and it should be of immeasurable value to Gordon in this office which he is now about to undertake.

From the District Attorney's office he then went to the former firm of Woodburn, Forman, and Woodburn, which is now the firm of Woodburn, Forman, Wedge, Blakey and Thompson. I suppose they will have to eliminate that last name now. There he received a vast amount of experience in the field of torts, a very active field of law at the present time, and a very varied experience in dealing with problems of corporations, large and small, and people, large and small.

So I think you can honestly say that, for a man of his relatively brief professional lifetime, Gordon has had as much experience as any member of the State Bar of Nevada.

The next trait I thought such a man must possess is the trait of courage. It takes a little different kind of courage to be a Supreme Court Justice than it takes to be a boxer or a soldier. I think it goes more to your moral fiber, because it is the type of courage you have to have to make a decision in which you believe as a matter of principle, knowing full well when you make this decision it is going to be very unpopular with the public, and nevertheless without fear or favor you go ahead and so decide. All of us that have known Gordon and his stands on matters coming before the Board of Governors of the State Bar, and matters that came before him when he was on the School Board, have no fear that he does not possess that kind of courage.

I thought next of the quality of humility, which I took the trouble to look up. It is defined as "a modest estimate of one's own worth." Those of us that have had the misfortune to tangle with Gordon in the courtroom, and lose, certainly know that he possesses that quality at this time. I think that quality is particularly important in a Judge of this Court because of the tremendous power this Court possesses. I think, as the years go

by, some Justices, present company excepted, become rather dictatorial in their beliefs; in other words, they feel they are more right than anybody at the Bar because they have been at the Bench longer. I don't have any fear Gordon will ever lose his humility. I think if he had any thoughts of changing he could well remember the time he resigned from the District Attorney's office to go with the Woodburn firm, at which time we replaced him with a very capable, young, efficient Secretary, rather than a new District Attorney. (Laughter from the audience.)

There are many other qualities, judicial qualities, that Gordon possesses, and I am sure that you all know of them. So I won't labor the point further.

Gordon, on behalf of the Board of Governors of the State Bar of Nevada, I want to welcome you to your new high office, with enthusiasm and with confidence; with enthusiasm in the fact we all know you have the high qualities necessary to make a good Justice, and confidence in the fact we know you are going to use these qualities well, and when your record on the Supreme Court is read by future generations they are going to say, "There was a fine Justice."

(Mr. Bartlett concludes.)

BADT, C. J.:

Thank you, Mr. Bartlett.

We have with us today the President of the Washoe County Bar Association, an organization of which the Bar of this State and the Bench of this State has always been very proud, by reason of its high character. Mr. Robert Taylor Adams, President of the Washoe County Bar Association.

MR. ROBERT TAYLOR ADAMS (President, Washoe County Bar Association):

Chief Justice Badt, Justice McNamee, Gordon Thompson, Esq., and Ladies and Gentlemen:

First may I say that the Washoe County Bar Association is very much pleased to see you back sitting on

the Bench, Judge Badt; and on this particular occasion when we are celebrating the elevation of Gordon Thompson as a member of this Court.

I was asked to say a few things. I first thought in terms of contrast, of transition, and I talked with Gordon and Gordon's friends, his associates, and the rest, thinking of the transition from Gordon Thompson, Esquire to Judge Gordon Thompson. There were, I found, some things, some incidents, perhaps, which might illustrate that transition, that contrast. One which Gordon himself was telling me about was greatly exaggerated in the newspapers, when he was in the District Attorney's office. According to the newspapers, a lady wrestler was demonstrating a hold and threw him into the jury box. Actually that didn't happen. The lady wrestler simply demonstrated the hold. But there would have been a contrast in the aspect of dignity from then to now. The more I thought of this matter of Gordon's becoming a Judge, the more I realized that, although there is a transition in the assumption of office and the undertaking of new duties, from the viewpoint of personality, of character, there really is no transition at all. By that I mean the things that are expected of a Judge, the things that John Bartlett spoke of, we have in a very large measure in Gordon and have had them for a long time.

I asked Gordon when he thought of becoming a Judge and he said, well, he didn't remember exactly, probably in law school. Those things that go to make up the character, the abilities of a Judge, this particular audience here knows very well. Also, as I look around, I see that all of us know Gordon personally quite well. There are one or two things about him which are of great interest in the light of his becoming a Judge. They are not things we did not know. We knew these things, but they are so relevant, so important, as Judge Badt said, that I will mention them very briefly.

We are fortunate in the simple fact that Gordon knows the State of Nevada. I mean he was raised here; his family was raised here. He married Betty Ricker and has two lovely children; he has lived his life here. I

think that is going to be helpful to him as a Judge in this particular State of Nevada. The background of his family, of which we are indirectly proud, contributed, I think, a certain amount to his being well qualified. It gave approval to intellectual activity. There was not only the fine character of the family, but the approval of intellectual activity and this, we assume, (Mr. Adams now speaks smilingly) was developed further in a small Peninsula college. At least we know that a sound understanding of the theories which he will have to use and apply here as a Judge was certainly gained.

John (referring to the previous speaker, Mr. Bartlett) mentioned the matter of courage and he has expressed it better than I can. I was thinking of the idea that every lawyer's experience contributes to his future practice. I never saw Gordon play basketball at the University of Nevada, but I know he was on the team for three years and I think perhaps the experience of competitive sport has been carried over to Gordon the lawyer, and each of us who has practiced against him knows very well his competitive aggressive spirit.

The legal experience was also covered by Mr. Bartlett. I would like to emphasize one point on the experience, that it has been broad. It has been on both sides of the fence, not only in criminal cases, Gordon having been in the District Attorney's office, but in all types of civil cases. I know Gordon has represented both plaintiff and defendant, and his variety of experience is such as will give a broad understanding as a Judge. His extensive activity as a trial lawyer will certainly provide a very necessary background for his decisions on this bench.

One very interesting thing to lawyers about Gordon is the quality which he has of relevant thinking. All of us, I am afraid, depart from that kind of thinking from time to time, and the one time it should not be departed from is in the practice of law and, above all, when sitting as a Judge. We know Gordon has a good mind. We know how likable he is. We know he has experience. But those of you who have not known him as a lawyer will perhaps not realize the really keen sense of relevance which he

has. It is said that lawyers should be experts in relevance; Gordon is such an expert. The complete integrity of this man has been mentioned, his charm, his good judgment, his inclination to see both sides of a problem, and the quiet passion, shall we say, to see that justice is done. These things are in Gordon who is about to become one of the members of our Supreme Court.

Yes, Gordon has faults, but I found it difficult to think what they were; I don't say they don't exist. I would say, simply, that in reviewing the character, the abilities, of this man as a Judge and as a lawyer, the faults did not appear, and they didn't come to the mind of anyone with whom I talked. Of course, it has been a matter of great interest to the members of the Washoe County Bar Association that one of us has been elevated to the Supreme Court. None of them seemed to find a fault in Gordon. There was not a single exception.

So, Gordon Thompson, Esquire, in behalf of the Washoe County Bar Association, we congratulate you, and we congratulate ourselves. We are happy that you are sitting where you are today.

(Mr. Robert Taylor Adams concludes.)

BADT, C. J.:

Thank you, Mr. Adams.

We have a little association for the First District here, comprising five counties. On the occasions that it has been before us, it has been affectionately referred to as the "Disorganized Bar of the First District." It has no dues, no officers, no board of directors, no constitution, no bylaws; they are the "Disorganized Bar Association." Representing the "Disorganized Bar of the First District" today we have present Mr. Homer Angelo.

MR. HOMER ANGELO:

Mr. Chief Justice, Justice McNamee, Mr. soon-to-be Justice Thompson, Members of the Bar, and Friends:

One of the great traditions of the West is to honor the independence of the legal profession and we of our small

group of lawyers in the First Judicial District think we are one of the last outposts of the embattled tradition of independence and democracy in an over-bureaucratized world. As Judge Badt has said, we have no organization, no dues, no bylaws, no officers, no system whatsoever, and I think that is epitomized by the fact that to speak today on behalf of our group the Court chose the one person who is here the least often. We have other elements of democracy, I think Mr. Justice Thompson will soon learn. He has been among us often in this district, usually giving us lessons in courtroom practice and procedure. He is now welcome as an associate member of our "Disorganized Bar Association" to attend our occasional meetings; and the epitome of our democracy, Mr. Justice Thompson, is that you will be permitted to pay for your own dinner. (Laughter from the audience.)

I think all of us in this room will agree one of the key elements of our American life and the law profession is the integrity and independence we have. The world is becoming over-organized and complex and there are very few of us who still can stand on our own feet. We of our First Judicial District Bar believe we, as individuals, are doing this, and we are proud that, over decades, the Supreme Court of the State of Nevada has stood for that same principle. We have had customarily as members of our Court lawyers who have been in practice on their own a great deal, and who through the trials of life as individuals and their conduct on the Bench, reflect that understanding and dedication to principle. We were happy when Mr. Justice Pike came to join Justice Badt and Justice McNamee on the Bench and, although we are sorry to see Jack Pike leave us, we join in the enthusiasm expressed by Mr. Bartlett and Mr. Adams for the elevation of Gordon Thompson to that position. Gordon's record and his attainments have been well recounted by those speaking before me, so I will do no more than come to the point and welcome you on behalf of the First Judicial District Disorganized Bar, and the community of Carson City and Ormsby County.

(Mr. Angelo concludes.)

BADT, C. J.:

Thank you, Mr. Angelo.

We are honored in having present here today the Attorney General of the State of Nevada, who comes from Las Vegas, so he will also speak for the Clark County Bar Association—Attorney General Foley.

ATTORNEY GENERAL ROGER D. FOLEY:

May it please the Court, Ladies and Gentlemen:

Nearly 25 years ago I first became acquainted with Gordon Thompson, while a student at the University of Nevada, and during those years I, like many students before and after me, had the rich and rewarding experience of having known and having been educated by the late Dean Thompson. Dean Thompson was a brilliant scholar, a dedicated educator and, I think, a humble and kindly man. It is easy to see, from this point of view, that had Dean Thompson gone into commercial pursuits, with his great ability, he would have amassed a fortune.

It is not surprising, then, that this morning we witness his son, Gordon, who, after an excellent career as a prosecuting attorney and as a private practitioner, willingly gives up a lucrative partnership in one of Nevada's largest law firms to assume the black robes of the Supreme Court. He joins on the Bench two men who, like himself, are dedicated to public service. When we look back over the years that Justice Badt and Justice McNamee have served on the Judiciary, realizing the income they have received over that period of time compared to what they might have earned as practicing attorneys, knowing their abilities, all of us as members of the Bar can indeed be proud of this dedication to public service.

As Attorney General, on behalf of my staff, and as a representative of the Clark County Bar Association, and as a personal friend, Gordon, we salute you; may God bless you, and I know you will enjoy a long and wonderful career on this Court.

Thank you.

(Attorney General Foley concludes.)

BADT, C. J.:

Thank you, General Foley.

There are many other eminent members of the Bench and Bar in the Courtroom today. By my not calling particularly on any one of them, I don't want to foreclose their comments; they are welcome to address the Court on this occasion and they are now invited to do so (smilingly), having in mind, of course, the fact that we do have a session of Court at ten o'clock this morning. (Laughter from the audience, but no one comes forward in response to the invitation of the Chief Justice.)

BADT, C. J.:

Mr. Justice McNamee, with me, has had the opportunity over these past years of reading the briefs written by Mr. Thompson and of hearing arguments in this Court on many, many occasions by Mr. Thompson. We both have had an immediate opportunity to gauge his value and his worth.

I am sure we would like to hear from Mr. Justice McNamee.

MCNAMEE, J.:

Mr. Chief Justice Badt, Members of the Bench and Bar, Ladies and Gentlemen:

My association with Gordon, over the past years, has been most pleasant. In Reno during the times I held Court there as a District Judge I always found him a very competent advocate and that is an attribute of a lawyer because the work of a Judge is made easy if he has a person before him who knows the law and gets quickly to the point in question.

On the Supreme Court we have had a different approach. First we have read his scholarly briefs and then we heard his able arguments before us, presented with calm dignity. It was always a pleasure to have him in this Court as an advocate. The same courtesy he

rendered to the Court during those times, I am sure the advocates before him in the future will receive.

Now the Chief Justice and I are most happy to have Gordon Thompson as our associate on this Court and we welcome you today, Gordon, as a member of the Supreme Court of the State of Nevada.

(Mr. Justice McNamee concludes.)

BADT, C. J.:

Thank you, Judge McNamee.

For me to add anything further at this time would simply be surplusage and I refrain from doing so.

At this time I shall administer the Oath of Office to you as an incoming officer.

Mr. Bailiff—

(The Bailiff raps his gavel, all present in the Court-room arise, and the Oath of Office of Justice of the Supreme Court of Nevada is administered to Mr. Justice Thompson by Chief Justice Badt.)

BADT, C. J.:

You (addressing Mr. Justice Thompson, after administering the Oath of Office) will also sign that Oath of Office, on the back of your Commission, for filing with the Clerk of this Court.

IT IS ORDERED that these proceedings be spread upon the minutes of the Court and published in the next volume of the Nevada Reports, and a copy of the proceedings to be furnished to Mr. Justice Thompson.

If there is nothing further, then, Court will be in recess until ten o'clock this morning.

(Whereupon Court recessed at 9:40 a. m.)

ANNA REBOL, *Official Reporter.*
