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IN MEMORIAM

JUDGE ROBERT G. GILLESPIE

*Mary Libby Payne**

On January 31, 1983, Robert G. Gillespie went home to be with the Lord. His many friends all miss him but the students and faculty of Mississippi College School of Law acutely experienced loss. He was our teacher, confidant, and friend. "Judge," as he was known, is greatly missed.

Robert G. Gillespie was born on September 17, 1903, in Madison, Alabama. Although he attended the University of Alabama Law School, he dropped out for financial reasons. He studied for and passed the Mississippi bar examination and was admitted to practice in 1927. He served as a Special Agent of the Federal Bureau of Investigation until 1935 when he had to resign, being a victim of tuberculosis. After recovery at the Mississippi State Sanitorium, he entered private practice in Meridian. His law partner, Thomas L. Bailey, was elected to the Governorship in 1943, but Gillespie continued in private practice until appointed to the supreme court in 1954. In 1971, he was elevated to the post of Chief Justice for the State of Mississippi.

After retiring from the court on August 1, 1977, Judge became a Professor of Law at Mississippi College, and he began teaching later that month. During his tenure at Mississippi College School of Law, he endeared himself to the students, and they to him. Torts, evidence, remedies and worker's compensation were his subjects. After retirement from M.C. in 1981, he came back to help coach the appellate advocacy teams who were entering regional competition.

A delightful colleague, Judge brought cheer as well as dignity to any room he visited. He was never too busy to take the initiative to drop in for a short chat. He had the unusual ability of making everyone around him feel like an individual of genuine worth. On the occasion of his retirement from the faculty, he wrote letters to his colleagues. I cherish mine which said:

* B.A., University of Mississippi, 1954; J.D., University of Mississippi, 1955. Professor of Law and first Dean, Mississippi College School of Law.

When you asked me to teach at the Mississippi College School of Law, I accepted because of the challenge and because I had always had an idea it was something I would like to try. That was four years ago—four of the very best years of my life. Looking back now it seems that my life would not have been completely fulfilled without this experience. I thank you for making this possible for me. I shall always have an interest in the School of Law and believe its future is great.

Judge had many loves. He never forgot his Alma Mater, the University of Alabama. In fact, his last published work was a piece in a compilation of thirty-three essays by people who were part of the colorful history of the University.¹ Judge's article was entitled *High Standards*.

It is interesting to know how Judge got to the University of Alabama in the first place. "Certain things that happen in a person's life are pivotal," Judge told his son one day. One of those pivotal things happened when Judge was about fourteen years old. He had suffered from a childhood disease that had caused him to have to stay out of school. After he recuperated, he would hunt with his father and spend time working with him. They had almost decided for him to drop out of school entirely because "he could make just as good use of his time on the farm as in the classroom." Then one day a man drove into their yard and talked to his father about Robert's enrolling in a prep school in Huntsville. They would provide a full scholarship if he would just go to Huntsville and play football. Judge grinned as he told the story and said, "I played in the first football game I ever saw." As a result of his playing football at that prep school at Huntsville, he was offered a football scholarship to the University of Alabama. He played first string on the team with Johnny Mack Brown, but then he dropped football in order to go to law school full time. "Times were so hard back then everyone had to work two or three jobs to stay in college." Ultimately, Judge had to leave, a victim of economic distress.

In spite of all the obstacles to Judge's formal education, he had an insatiable appetite for learning. His example was an inspiration to us all. At the end of his first year of teaching at Mississippi College—when he was seventy-five years of age—he spent a summer in England at Magdalen College of Oxford University

1. WHEN MOTHER CALLS—SESQUICENTENNIAL REMINISCENCES BY UNIVERSITY OF ALABAMA ALUMNI (1981).

studying comparative legal systems. Never letting age or infirmity dampen his zest for life, he enjoyed law, literature and history until the end.

Beauty and blessings were loves of his life. As a grower of hybrid roses, he appreciated and nurtured God's creations. As a lover of people, he shared his roses wherever he went. Roses in the State Capitol, the Gartin Justice Building, or the M.C. School of Law were silent reminders that this gentle man had passed that way.

Judge Gillespie loved his work. He was in the FBI during the John Dillenger days, and many a happy hour he talked about those dangerous yet exciting adventures. But then tuberculosis ended his career in law enforcement. He would tell of how in the 30's God brought blessing from the devastation of that dread disease. He had not known what he would do—with a family to support and his inability to work. He would then tell his listeners: "One day Dr. Boswell, the director of the Sanitorium, said 'Gillespie, I've looked at your x-rays and I believe you can get well.'" Then Judge would say,

When I heard that, I began to believe I could too. And look what happened. Back in Mississippi, I got well, and began to practice law. The worst thing in my life was the best thing that ever happened to me. The same will be true for you, too. Just look for the silver lining to your dark cloud.

An active trial lawyer, he was well respected by the Lauderdale County Bar and greatly missed when he was appointed to the supreme court. When he arrived at the court, his desk was stacked with records, all of which had to be read and opinions reached. After worrying about the enormity of the task and wondering whether or not he was equal to it, he finally decided that first afternoon to put away all of the records but one. He would read and concentrate on that one until it was finished. Only then he would take out another record and begin to tackle it.

He had the marvelous ability to set immediate, attainable goals in pursuit of higher, more difficult ones. Judge told about being involved in a fishing accident in Warren County. He could feel himself losing consciousness. It was too much to try to hold out until he got to the hospital. He determined to stay awake until they got to the bridge. It was flood time, and there was a possibility the bridge would be closed, requiring a long and arduous detour. Just the thought of it might have brought despair, so he kept

his mind on the goal of the bridge. Theirs was the last car to pass over the bridge before it was closed to traffic. Then he determined to stay alert until they got near Vicksburg. Later the doctor said that if Judge had lapsed into unconsciousness, he probably would have gone into shock. His determination literally may have saved his life.

Though never characterized as a crusader for causes, in his quiet but thorough manner, he brought improvement and efficiency into judicial administration in Mississippi during his six years as Chief Justice of the Mississippi Supreme Court. To streamline the hearing process, he caused the court to sit in panels of three rather than of five as had been done for years. He appointed a court executive to handle the bulk of administrative responsibilities, thereby "freeing up" the judges to devote most of their time to deciding lawsuits. The support staff was enlarged under his leadership. The court began to take a larger role in budgeting and rule making for the judicial branch. The "silent branch" of government began to speak—courteously, but firmly and effectively.

Judge genuinely cared about the persons around him. He made an impact on the lives of each of the young lawyers who clerked for him. Cotton Ruthven, Judge's last clerk, credits Judge Gillespie's encouragement with changing and enriching his whole life and his professional career, in particular. When Judge retired from the court, his former clerks, Timothy R. Smith and George F. Woodliff, III, gathered all the former law clerks together for a dinner in Judge's honor. A coronation would have seemed insignificant in comparison to the joy that dinner brought him.

During his last week in office, when I, as dean of the Mississippi College School of Law, asked him about his retirement plans and suggested that the law school needed him on its faculty, he replied, "Well, that might be nice, but I don't think the ABA would allow it." When I inquired of his reason for such a statement, he said, "You see, I don't have a law degree." Assuring him that twenty-three years on the Mississippi Supreme Court would constitute adequate credentials even without reference to his illustrious careers with the FBI and in private practice, I asked him to consider our offer.

Judge's contributions to the law school were legion. While he was at Mississippi College, the Moot Court Board instituted the Robert G. Gillespie Award for the student presenting the best appellate argument each year. In 1980, Judge was selected by the

students as "Professor of the Year."

Judge's involvement at Mississippi College went beyond activities of academic interest. Being interested in the local student chapter of the Christian Legal Society, he would often bring us information of inspiration. Indeed, Judge could have been a charter member of a "Barnabas" Club for he truly was a "son of encouragement."

A person only had to meet Judge Gillespie to know his enormous love of his family. His children and grandchildren were often in his conversation and always in his heart. He was married to Margaret Griffith, to whom their two sons, Robert, Jr. and Virgil, were born. Theirs was a loving and joyous marriage, though not immune from hardship. Though his sons did not know it until recently, money was so "tight" during the years his sons were in college, Judge dropped out of the Kiwanis Club to save the expense. Margaret Gillespie had a long and heart-breaking terminal illness. Judge cared for her at home many months, being Chief Justice, "House-Husband" and nurse all at the same time. Ultimately, he was unable to care for her at home. During her last years in the nursing home, his daily visits brought encouragement and inspiration to everyone there—patients, nurses, and staff. Mrs. Gillespie died in 1974.

Often, Judge would talk about his nephew, Navy Captain Charles Gillespie, Jr., who was a prisoner of war in Vietnam. Charles, a pilot and the wing commander, became the Chaplain of his POW camp. Judge was so very proud of him. He shared with us at the law school an inspiring poem the nephew had written, and told us of the way in which that nephew's faith had instilled courage and hope in the other prisoners in their darkest hours.

In July, 1975, Judge married Alice Wells McIlwaine, a true partner in his every venture thereafter. He often would commend her to others as the finest Christian he knew. Whether he was walking in the cool of the evening, sharing a poem, or doing mundane, routine chores, his enjoyment of life was heightened by her presence. At the law school he recounted to his students a happy experience from the evening before when he and Alice were out walking. The beauty of springtime and the joy of their companionship so impressed him that he turned to her and said, "It just can't get any better than this."

He always inspired the highest and best in those whom he loved. His son, Robert, Jr., recently said:

My father was a great man, but his greatest accomplishment was the example he set. He had a unique handle on life. Though he was a Supreme Court Judge, he realized that a judge's job was to resolve disputes, not to lord it over those in his courtroom. He was courteous to people. He treated people with respect, even calling young lawyers 'sir.' He did not take himself too seriously. He appreciated every day. He said good things about people. He understood that being rich and famous was not what life is all about. I am so fortunate to have had a father like that.

His greatest love, of course, was his love for God and His church and, particularly, the First Presbyterian Church of Jackson. His faith permeated his life's philosophy. There was no line of demarcation between his church life and his everyday life. His kindness and consideration were manifestations of the love he received daily from his Heavenly Father. Even during his painful last illness, his relationship to and fellowship with the Lord Jesus Christ became richer and fuller.

All of us are richer for having shared his friendship. Truly, he was a "gentle man." His philosophy of life can be summed up in the words of Phil. 4:8: "Finally, brethren, whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report; if there be any virtue, and if there be any praise, think on these things."