

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Resolution

In Memory Of

THE HONORABLE OLIVER D. HAMLIN, JR.,

Deceased.¹

¹ Judge Hamlin left specific written instructions that, in the event of his death, the full Court should conduct no *en banc* ceremony in his memory. The Court adopts this Resolution as an alternative method of reflecting its respect and affection for Judge Hamlin.



HONORABLE OLIVER D. HAMLIN, JR.

Resolution

On December 28, 1973, in his eighty-first year, Senior Judge Oliver D. Hamlin, Jr. of this Court departed this life. Judge Hamlin was stricken suddenly, and all of those bereaved, while stunned and grief-stricken, are grateful that the loss of their friend and loved one was not attended by an extended period of pain or disability.

Judge Hamlin was a native Californian, as were his parents. His grandparents, Oliver D. and Elizabeth Hamlin, were of French descent, and after emigrating from Quebec into this country, they purchased two hundred acres of land in Contra Costa County, California, in 1871. That property now constitutes a large portion of the City of Lafayette. Judge Hamlin's father, Dr. Oliver D. Hamlin, was born there and himself became a distinguished citizen of much accomplishment. He was a skilled surgeon and during his career served as County Medical Officer of Oakland, California and as Chief Surgeon of Oakland's Providence Hospital.

Judge Hamlin was born in Oakland on November 30, 1892, was reared near, and enjoyed, the property settled by his grandparents, and attended the public schools of his community. After graduating from the Oakland High School, Judge Hamlin entered the University of California at Berkeley. He graduated there in 1914 and subsequently attended Boalt Hall, then the University's only Law School. Although his formal legal training consumed only one year, he successfully underwent California's State Bar examination and was admitted to the Bar in 1915. He immediately became a Deputy District Attorney for Alameda County. He retained that position until May, 1920, when he resigned to become a partner in a firm first called Donahue, Hynes, and Hamlin and later, Donahue, Richards, and Hamlin. It is worthy of mention that the young attorney who succeeded Judge

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Hamlin as Deputy District Attorney was Earl Warren, who later attained the exalted position of Chief Justice of the United States.

In the private practice, Judge Hamlin's law firms were eminently successful, and Judge Hamlin became known as an outstanding trial lawyer. During his twenty years in the active private practice of law, Judge Hamlin devoted a great portion of his energy and enthusiasm to the welfare of his profession. He served on California's Committee of Bar Examiners from 1938 to 1942 and as a member of the Board of Governors of California's State Bar from 1943 until 1946, when he was selected as the President of California's State Bar. No higher honor may be conferred by the lawyers of California. Judge Hamlin's ability and integrity had previously been recognized by the lawyers with whom he most closely lived and worked since, by them, he had been elected as the President of the Alameda County Bar Association in 1940.

While Judge Hamlin always faithfully performed his legal duties, his energy was such that he was capable of spreading it broadly. His memberships included the Bohemian Club of San Francisco, Oakland's Claremont Country Club, Athenian-Nile Club, Elks Club, of which he had been Exalted Ruler, and Native Sons. He had served as President of the Oakland Exchange Club, Chairman of the Alameda County Civil Service Commission, and President of the Oakland Chapter of the American Red Cross. At the time of his death, he was an active member of the Providence Hospital Advisory Board and a member of the Board of San Francisco Law School.

Throughout his life, our late Brother maintained a keen and active interest in various sports. While in high school and the University of California, he played basketball and rugby football. He enjoyed duck and pheasant hunting and was an expert marksman, even to the last days of his life. As he said, one, if not the principal, attraction of his hunting was the opportunity it afforded for good fellowship with his companions. His ability at golf amazed all who watched and played with him. Playing

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on his seventy-ninth birthday, his score was seventy-nine on a regulation course. During his eightieth year, he posted a score of eighty, and we expect that had he lived very long into his eighty-first year, he would most surely have shot an eighty-one or lower!

Judge Hamlin enjoyed a happy and tranquil domestic life. On March 25, 1916, he married Miss Mignon J. de Neuf, a high school classmate. Of this union, there were born two children, Mrs. Mignon H. Rowe, and Oliver D. Hamlin, III. Mrs. Mignon Hamlin passed away in 1954. A long-time friend, Frank K. Jackson, also died in that year, and on September 2, 1955, Judge Hamlin married Mrs. Gertrude Cole Jackson, the gracious widow of his late friend. For almost twenty years, Gertrude and "Ollie" lived happily together. They traveled extensively, and their families became as one. They were the most graceful of hosts and companions, and Gertrude, like "Ollie," was a greatly beloved member of our court "family."

After serving for six years as a California judge, the excellence of Judge Hamlin's judicial work was brought to the attention of the President of the United States. President Eisenhower then, in 1953, nominated Judge Hamlin as a United States District Judge for the Northern District of California. From September 4, 1953, he served notably in that capacity, and on March 26, 1958, he was rewarded by appointment to this Court. On that occasion, it was written in "The Brief Case," the publication of the Bar Association of San Francisco,

"One sometimes hears it said, usually by unsuccessful litigants and their disappointed counsel, that judges of appellate courts dwell in an ivory tower and breathe rarefied air composed of abstract theory, impractical philosophy and the dead hand of precedent. In short, it is claimed, they have lost the common touch. If this be true, we can think of no better antidote than that which will be supplied by an infusion of Judge Hamlin's dynamic personality and his warm, human, practical approach to the problems of those who come before him."

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This was an accurate prophecy. In his work with our Court, he always carefully prepared himself for the cases he was scheduled to hear in the near future. While he was kind and patient with attorneys appearing before him, especially young lawyers, he was not tolerant of specious arguments or of careless briefing. As a long-time trial lawyer and trial judge, he quickly recognized issues of gravity and directed the attention of the participating attorneys to those debatable issues. He performed his work quickly, believing it to be to our society's interest that there be a speedy disposition of litigation. When sitting as presiding judge, he, taking no advantage of that position, always assigned to himself a fair portion of the work at hand. His opinions, although carefully written, were succinct and sharply directed to the significant problems presented by the case. One found no obscurity in Judge Hamlin's writing; hence, one reading his work was left in no doubt as to the legal position taken by Judge Hamlin and the meaning of the language by which the issues met by him were resolved.

Although Judge Hamlin took Senior Status in 1963, he continued to take an active interest in the Court's affairs and to perform, gratuitously, a substantial portion of the Court's work. Upon learning of his friend's death, Chief Justice Warren remarked, "I am greatly saddened by his passing. We first knew each other as school boys and always remained very close. * * * Ollie was a fine lawyer and judge, and he was still going strong to the end." How true this was, for on November 15, 1973, only six weeks before he died, Judge Hamlin was scheduled to hear, and did hear, appeals on that day's calendar.

Judge Hamlin was a cherished friend of all of us with whom he worked so affably and so closely. We shall miss him, but the worthiness of his life will continue to live in those of us whom he inspired, in his children, his six grandchildren, and his three great grandchildren. But of more importance, the exceptional value of his life will endure in the law which he created and which he interpreted.

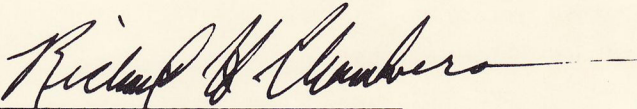
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Our colleague's life was marked by certain significant notes, including boundless energy, gentility, warmth in friendships, faithful devotion to his country and to his duty, and a personal character of consummate impeccability. As in every life, there were doubtless some imperfect notes in that of "Ollie." But most assuredly, there was none so discordant as to obscure or diffuse the lasting beauty of the whole melodic score.

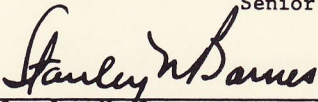
The Court adopts the foregoing as a Resolution, and the Clerk is directed to insure that it be made a permanent portion of the Court's records. Moreover, the Clerk is directed to deliver authenticated copies to Mrs. Oliver D. Hamlin, Jr. and to Judge Hamlin's two children to whom, as well as to all other members of Judge Hamlin's family, the Court extends its sincerest condolences.

Finally, the Circuit Executive is directed to forward an authenticated copy of this Resolution, together with an appropriate photograph of our late Brother Hamlin, to West Publishing Company for reproduction in the traditional way.

Dated this 11th day of April, 1974.


Richard H. Chambers, Chief Judge

Senior Circuit Judges:


Stanley N. Barnes


Frederick G. Hamley


James M. Carter


John F. Kilkenny

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Circuit Judges in Active Service:

Charles M. Merrill M. Oliver Koelsch
Charles M. Merrill M. Oliver Koelsch

James R. Browning Ben. C. Duniway
James R. Browning Ben. C. Duniway

Walter Ely Shirley M. Hufstедler
Walter Ely Shirley M. Hufstедler

Eugene A. Wright Ozell M. Trask
Eugene A. Wright Ozell M. Trask

Herbert C. C. Choy Alfred T. Goodwin
Herbert C. C. Choy Alfred T. Goodwin

J. Clifford Wallace Joseph T. Sneed
J. Clifford Wallace Joseph T. Sneed

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