

A TRIBUTE TO JUSTICE ROBERTSON

*Michael B. Wallace**

Justice James L. Robertson, Jr., was a man of many loves. Those of us who knew Jimmy and loved him enjoyed the benefit of his enthusiasms. We will cherish those memories always.

For the readers of this Journal, of course, Jimmy's most important love was the law. I did not know Jimmy as a professor, but I first met him as I stood up to argue before him at the Supreme Court of Mississippi. His impact on that Court remains to this day.

When I began my clerkship with Justice Harry Walker nearly 50 years ago, questions were almost unknown at oral argument. The three Justices on each panel generally sat stone-faced as each advocate proceeded. Then and now, the Court tentatively assigns a case to a Justice before argument, and once in a very blue moon the responsible Justice might have had a question to ask. The other two Justices invariably remained silent. Lawyers left the courtroom knowing essentially nothing more than when they went in.

That was not how Jimmy behaved at oral argument. Whether or not it was his assigned case, he wanted to pursue every interesting question as far as he could. Young lawyers today are told that appellate argument is a conversation between the Court and the advocate, and Jimmy loved that conversation. He always felt that there was something new he could learn about the law, and oral argument gave him the chance to do it. Before too long, other Justices felt moved to join the conversation. By the end of the argument, everyone in the courtroom knew more about the case and law that governed it.

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Jimmy's writing likewise brought new life to the law. The Supreme Court had no shortage of sound scholarship before Jimmy arrived, but he took delight in making the law memorable. Every lawyer in this part of the world now knows that "[h]eadlighting deer is a sorry form of human behavior" being "the product of base motives, the thrill of the quick and easy kill and the pursuit of profit."¹ He brought his own perspective to the question of our courts' jurisdiction over Tulane: "On the afternoon of September 27, 1980, the writer of this opinion personally witnessed the Tulane football team doing substantial 'business' in Oxford, Mississippi, as it defeated Ole Miss 26-24 in a miserable, drizzling rain."² His knowledge of legal history was unsurpassed. The Supreme Court had no provision for amicus briefs until Jimmy analyzed years of precedent and updated it for modern practice.³ He loved his affiliation with the American Law Institute, a participation he retained even after he left the Court. The Court got the benefit of his learning, as he ushered principles of the various Restatements into our law.⁴

Jimmy loved lawyers as much as he loved the law. He once told our partners that he didn't care how many cases a judge decided for the plaintiff or the defense, but how many he got right. To help his colleagues get it right, he always made time to discuss any issues they might be facing in their practices. As partners, he and I would spend many hours helping each other work through our cases. Where the law edges over into politics, Jimmy and I often had our differences, but he was generous in helping me to see where the law applied and where it didn't. Countless young lawyers had the benefit of his guidance over the years.

Jimmy loved the law, but he also loved justice, and he understood that there is sometimes a difference. As both a jurist and an advocate, he expounded the existing law honestly, but he always tried to push it in a more just direction. Where there was no law, and where the law lacked clarity, he was always prepared to pursue and endorse his sense of right and wrong. As he and I

¹ *Pharr v. State*, 465 So. 2d 294, 296, 299 (Miss. 1984).

² *Administrators of the Tulane Educational Fund v. Cooley*, 462 So. 2d 696, 699 n.2 (Miss. 1984).

³ *Cooper v. City of Picayune*, 511 So. 2d 922 (Miss. 1987).

⁴ *See, e.g., Boardman v. United Servs. Auto. Ass'n*, 470 So.2d 1024 (Miss. 1985).

reached the end of one indeterminate conversation, he invoked Sheriff Tate's explanation of his refusal to arrest Boo Radley: "I'm still sheriff of Maycomb County, and Bob Ewell fell on his knife." Sometimes right and wrong can be as simple as that.

As Jimmy's reference to *To Kill a Mockingbird* makes clear, he also loved the South, particularly Mississippi, and its history and literature. A few years ago, he organized a pilgrimage of fellow Mississippians to the bridge where Quentin Compson leaped into the Charles. His love of Faulkner led him to condemn "unsportsmanlike" hunters as being "of Snopesean genre."⁵ Every July 3 every lawyer at Wise Carter would find in his mailbox a photocopy of Faulkner's description of Pickett's charge. Jimmy was no devotee of the Lost Cause—far from it. Few people have worked harder to correct the injustices of our past. Still, Jimmy felt the love that brave people have for their homes, and he savored Faulkner's celebration of their courage.

Jimmy loved historical writing so much that he did it himself. He published several volumes of his insights into our state. Naturally, he memorialized old cases that might otherwise have been forgotten, but his efforts extended far beyond the law. He could find a fascinating story along any rural Mississippi road.

Jimmy dearly loved baseball, and his time at Harvard infused him with a love for the Boston Red Sox, and particularly Ted Williams. For those benighted enough not to appreciate baseball, it is impossible to convey the pleasure that Jimmy gained from his constant study, but everyone should be able to appreciate his admiration of Williams. Ted Williams is generally considered to be the most scientific hitter the game has ever known. From long experience and study, his mind could break down every square inch of the strike zone and its vicinity, precisely calculating his chances of hitting safely. No one ever worked harder to understand and perfect his craft. That is exactly the approach that Jimmy took to his life.

Of course, Jimmy's greatest love was for his children and his wife Linda, a veteran administrative law judge at the Mississippi Workers Compensation Commission. When Jimmy arrived at Wise Carter, my wife Barbara was already a partner, but I was over a decade away from joining the firm. Linda and I were Wise Carter

⁵ *Pharr*, 465 So. 2d at 296.

wives together, and the four of us enjoyed many happy times at firm functions. Their love for each other was apparent for all to see, and they brought light and joy into the many lives they touched.

Jimmy's long life was a blessing to his family, his profession, and his state. Those of us who were honored to know him will always miss him.