Preface

Pillsbury, Madison & Sutro was a truly great law firm. It was a firm of lawyers that were devoted to the firm, its clients and the practice of the law.

Eugene M. Prince was the senior partner when he drafted the "Firm History, Part I." It was never completed. The firm name no longer exists. This is one of its legacies.

Thomas J. Harbinson

December 19, 1961.

MEMBERS OF THE FIRM:

Herewith a draft of Part I of a History of Pillsbury, Madison & Sutro, Part I being entitled "The Firm and its People."

If this job is to be completed it should be followed by Part II, "The Firm and its Work." This second part would be based principally, though not altogether, upon the thousand or more reported cases we have in the books. Over the years a complete list of these cases has been assembled, going back to 1868, and we have short abstracts from which the more interesting and important cases can be selected. In a treatment of these cases and other work of the firm (Part II) some credit can be given to the firm and its members which, particularly as to living people, it is hard or impossible to give in Part I, since good taste forbids any suggestion of self-laudation.

In giving you this manuscript I would ask from each of you:

1. Your opinion as to whether the job should be completed.

2. Any corrections of fact that you can give me, including any inaccurate references to yourself, and any omissions, etc., particularly in the chapter on Public Service, where I am very conscious of deficiencies.

3. Any further comments or criticisms which you care to make.

The script of Part I needs some working over. There are a few blanks which need filling in and a few facts

to be checked. Figures as to the number of people in the firm, etc., obviously must be related to a definite cutoff date. Basically, however, Part I is quite close to completion.

In giving you the present script, and pending completion of the job in final form if that is to be done, I would ask that no distribution of it be made outside the office.

With the best of holiday wishes to one and all,

Sincerely,

Eugene M. Prince

PILLSBURY, MADISON & SUTRO - THE HISTORY OF A LAW FIRM

PART I

THE FIRM AND ITS PEOPLE

PILLSBURY, MADISON & SUTRO - THE HISTORY OF A LAW FIRM

PART I

THE FIRM AND ITS PEOPLE

Chapter 1

A summary - Pillsbury, Madison & Sutro and its predecessors, 1874 to date.

There is some room for choice in dating the birth certificate of Pillsbury, Madison & Sutro. The present firm name dates from 1902 but the firm's history begins long before with E. S. Pillsbury, whose California practice dates from 1866 and San Francisco practice from 1874. The firm thence stems in unbroken succession through Greene & Pillsbury (1875), Evans S. Pillsbury (1877), Pillsbury & Titus (1879), Wallace, Pillsbury & Blanding (1883), Pillsbury & Blanding (1885), Pillsbury, Blanding & Hayne (1891), Pillsbury & Hayne (1893), Evans S. Pillsbury (1894), and "E. S. Pillsbury and Pillsbury, Madison & Sutro"(1902). The Pillsbury of this "Pillsbury, Madison & Sutro" was not E. S. Pillsbury but his son, Horace, in association with Frank Madison and Alfred Sutro, these three young men not yet being partners of Pillsbury Senior. In 1905 came Pillsbury, Madison & Sutro, with E. S. Pillsbury, F. D. Madison, Alfred Sutro, H. D. Pillsbury and Oscar Sutro as partners. The firm has since continued under that name.

The last of the original five, Alfred Sutro, died in 1945, but there is a second generation Madison and a second generation Sutro among the three present senior partners of the firm (1961). These three have

been together for thirty-two years, the two elder for forty-one years. In contrast with E. S. Pillsbury's first one-man office the firm today has 38 partners, 59 associated attorneys, and 145 nonlawyer associates; 242 in all. The following pages will trace this growth.

Chapter 2

E. S. Pillsbury to the start of his San Francisco practice in 1874.

Evans Searle Pillsbury was born in Guilford, Maine, August 8, 1839. He died January 22, 1934, in Santa Barbara, California, and is buried in the military cemetery of the Presidio of San Francisco.

He entered Bowdoin College in 1859. His degree, however, did not come until 1915, some 46 years later, and then in the form of an honorary Doctor of Laws. The reason for the delay was the Civil War.

On October 15, 1861, Pillsbury was commissioned Second Lieutenant of the First Regiment of Maine Volunteer Cavalry and assigned to Company M. He was promoted to First Lieutenant on March 8, 1862, and became regimental adjutant. The regiment took part in General Pope's Virginia campaign of 1862. Lieutenant Pillsbury was engaged with it in the severe battle of Cedar Mountain, where on August 9, 1862, part of Pope's forces fought a drawn battle with Stonewall Jackson, only to be disastrously defeated by Lee, Jackson and Longstreet at Second Manassas or Second Bull Run three weeks later.

Meanwhile Pillsbury had been incapacitated by dysentery, probably a worse foe than bullets to Civil War soldiers, and thereafter was only occasionally fit for duty. He was in the hospital when Antietam was fought on September 17, 1862, and while he soon after reported for duty at Frederick, Maryland, a recurrence of the disease put him back into the hospital. Failure to recover over a period of months led to his honorable discharge for physical

disability on March 5, 1863.

Returning to Foxcroft, Maine, he was advised to seek health in California; advice which proved out, since he spent 70 vigorous years there, and was in his ninety-fifth year when he died in 1934.

Pillsbury left New York for San Francisco on May 13, 1864, going by way of Panama. Crossing the Isthmus was not the arduous trip of the '49ers, because the Panama railway had been built in 1855. The experience was, however, very different from going through the Panama Canal, which Pillsbury traversed some fifty years later and vividly described.

He arrived in San Francisco on June 8, 1864, and thence went to Stockton on June 15th. There he began to "read law," as the then current expression was, in the office of Joseph H. Budd. Budd was a graduate of Williams College, Massachusetts, had studied law in New York, had practiced in Stockton since 1860 and was well established at the local bar. He later served many years as superior judge of San Joaquin County. His son, James H. Budd, some twelve years younger than Pillsbury, studied law with his father after Pillsbury did; he was a successful lawyer, served with distinction in Congress, and was Governor of California from 1895 to 1899.

The ideals with which Evans Pillsbury approached the law, citizenship and life itself are eloquently stated in this extract from his diary under date of December 31, 1864:

"SO ENDS THE YEAR

one of the most eventful of my life. God knows that I left my home for the Army with as high and pure feelings and principles as ever actuated a Roman or a Greek. It was my wish and my will to join the Army and sacrifice my life or fight till this rebellion was ended. Providence willed otherwise. My lot has been thrown with the people and State of California. While here I have tried to do my duty to the government as a good citizen. I have used my influence to make the American people what they should be--honest, loyal and devoted to the maintenance of the Constitution and laws. In California I propose to live. I am twenty-five years old. My fortune is my profession and my future prospect--what another year may bring forth, no mortal knows. The only way is try to do the best--after all, the only real satisfaction one ever feels comes from within. Popular applause is but a hollow echo when one's own conscience does not justify the cause for it. I am well out upon the stream of life. The world looks upon me as a man--I seem more a child than ever to myself. Who can tell when the mystic silver chain of youth is changed for the knotted coil of manhood--who can tell, who can realize that he has passed the flowery fields of boyhood till long after when he hears the roar of the quick rushing waters of middle life. Shall I reach in honor and safety the quiet river of old age? Shall I die in armor?--if so, let it be battles for the right. This is the heroic age. Such opportunities are seldom presented. For him who has ability and ambition there is no barrier against the most magnificent deeds. Glorious to live in these days, if you are worthy of them. It is like the majestic times of Greece and Rome, when the world bowed to their power. Let the lessons of the past year sink deep into my soul--Let me not forget that God is with the right--Let me remember to never grow faint-hearted while fighting for truth--Let me never swerve from the course of honor and integrity--Let me be generous, honest and just--Let me remember that by toil alone is great success obtained--Let me be true to my country and my fellow creatures--Let me be governed by my judgment and conscience. The New Year is before me. May my record be unspotted till another year still claims a solemn reflection upon the flight of time and the manner in which it should be spent. God bless my father and sisters at home. May old age rest lightly upon my honored father. May joy and happiness light up the way of my sisters. Let me forget some portions of the past, and in all which is not pleasant to remember live only from today. Goodbye 1864. Let me keep the good and forget the bad, or let me keep the bad to warn me from all offenses hereater. Wonderful changes have been wrought in the last year. May the next be more uniform, and

lead me forward in the way of manhood and my profession. Goodbye old year, goodbye. You brought me many pains and many sufferings, but God bless you. Goodbye."

While studying law with Joseph Budd, Pillsbury maintained some military interest. Governor Low on January 3, 1866, appointed him Senior Second Lieutenant of the Stockton Light Artillery, California Militia, and on December 17th of the same year commissioned him as Major and Commissary on the staff of Brigadier General William A. Davies, Commanding Third Brigade, National Guard of California. There is no record that the Guard was called upon for anything more than drills and parades during Major Pillsbury's service.

On February 9, 1866, Pillsbury was admitted to practice before the Supreme Court of California, then a body of five members presided over by Chief Justice John Currey. Pillsbury was admitted before the United States Circuit Court for the Northern District of California on October 28, 1867, and before the District Court for that District on December 2d of the same year.

The federal circuit and district courts then functioned much as they had under early statutes starting with the Judiciary Act of 1789. The principal jurisdiction of the district courts was in admiralty. The circuit court as originally constituted consisted of a Supreme Court member as Circuit Justice and the District Judge. Except for a short period between 1801 and 1802 there was no statutory provision for appointment of circuit judges until 1869. The circuit courts had criminal jurisdiction and diversity jurisdiction in law and equity. They also had a limited appellate jurisdiction over the district courts until

the creation of the circuit courts of appeal in 1891. Up to that time all federal appellate jurisdiction of consequence was in the Supreme Court of the United States, procedure being by appeal in equity cases and by writ of error in cases at law. This distinction is unknown to or has been forgotten by most lawyers of today, but it was not until 1928 that it was abolished by statute and in the meantime it had affected the decisions of innumerable cases in the federal courts.

The circuit court was abolished in 1911 and the district court became, as it is today, the federal court of first instance.

In 1867 Ogden Hoffman was District Judge for the Northern District of California, a position he occupied for forty years (1851-1891). He sat in the circuit court also with Stephen J. Field of the Supreme Court of the United States as Circuit Justice. In 1870 Lorenzo Sawyer came from the Supreme Court of California to be the first Circuit Judge.

Immediately following his admission to the bar Pillsbury began practice in Stockton with his office in the Odd Fellows Hall Building. On September 4, 1867, he was elected, and on September 6, 1871, re-elected, District Attorney for San Joaquin County. He resigned in 1873 after holding the office for six years.

In many of his trials as District Attorney Pillsbury was opposed by David S. Terry, and he often said that whatever skill he had as a trial lawyer--skill of a high order as proved by fifty years' practice--was largely the result of experiences against this formidable antagonist. Terry doubtless found that Pillsbury needed nothing except

experience to become just as formidable.

A digressive reference is made to Terry not only because he contributed materially to the education of E. S. Pillsbury, but also because his life story tells a good deal about the conditions of Gold Rush California and the following period in which the firm's history begins.

Terry, '49er, miner, lawyer, and judge, was probably a more colorful adventurer than any holder of as high a judicial office. He was justice and Chief Justice of the Supreme Court of California (1855 to 1859), where one of his colleagues for most of the time was his later nemesis, Stephen J. Field. Terry was an outspoken opponent of the San Francisco Vigilantes of 1856, on the solid judicial ground that, however good their motives and achievements, they were an illegal and lawless body. They thereupon arrested, tried, convicted and imprisoned him for stabbing one of their number and for other alleged crimes and misdemeanors, which appear clearly to have been none of their business. This was unusual treatment for a justice of the Supreme Court; actually it put the Court temporarily out of commission, since Terry's confinement plus the absence of one of the other justices deprived it of a quorum.

Terry resigned from the Supreme Court (1859) to engage in our country's second most famous duel--granting Burr-Hamilton first place. In San Francisco near the south end of Lake Merced, Terry killed United States Senator David C. Broderick. The duel has been represented as a North-South contest, although more probably the motive for Terry's challenge to Broderick was personal. Terry was,

however, an ardent Southerner, and when the Civil War came he joined the Confederate Army wherein he became a brigadier general. War was nothing new to him; he had fought in the Mexican War and earlier still at the age of 13 in the Texan War for Independence.

Returning to law practice in California after the Civil War and the collapse of Maximilian's Mexico, where he had taken asylum, Terry represented Sara Althea Hill in her efforts to establish first a common-law marriage to and then her right to a divorce from William Sharon, multimillionaire miner and former United States Senator from Nevada. In the course of these protracted proceedings Terry married his client, who supposedly had established her marriage and obtained a divorce from Sharon in the California courts. He appeared on her behalf before the United States Circuit Court with his old colleague, Field, then on the Supreme Court of the United States, sitting as Circuit Justice along with Circuit Judge Sawyer and District Judge George M. Sabin. A decision from the bench adverse to the validity of the California proceedings brought such comments from Mrs. Terry that the court ordered her removed from the courtroom. Terry drove off the court attaches with a bowie knife, for all of which both Terrys served sentences for contempt. Against Field he was irreconcilably embittered. At a chance meeting on the train near Stockton he assaulted the Judge and was shot and killed by the Judge's bodyguard (1889). Gertrude Atherton, who many years later was a client of Pillsbury, Madison & Sutro, described Terry as "probably the most anomalous figure that ever sat on a Supreme Court Bench," saying, however, that he was "learned in the law

and fair in his decisions" (Golden Gate Country, p. 164). At the bar he was recognized as one of the best trial lawyers of his time.

Chapter 3

The firm's genealogy from 1874 to 1905.

In 1874 Pillsbury moved from Stockton to San Francisco, where he lived first at the Occidental Hotel and then at 47 South Park Street.

The San Francisco of 1874 was the unchallenged queen of western cities. Los Angeles was a sleepy village of 5,000, still two years away from having a railroad. Stockton, whence Pillsbury came, was a more important center than Los Angeles, due to its position at the head of navigation on the San Joaquin and as entrance city to the Southern Mines, yet it had in 1870 a population of only 10,066 which it took ten years to increase to 10,283.

San Francisco, in contrast, had a population in 1874 of 200,770, including transients, such as the military, whom the city was careful to count in. The Presidio was headquarters for the Army in the West; in military occupancy as it had been ever since the Spaniards founded it in 1776. The harbor on the one side and the transcontinental railroad, completed in 1869, on the other, connected San Francisco with the world. It was graced by fine theatres and hotels and other adjuncts of a true cosmopolitan center as well as those necessary to provide pleasure and recreation for a thoroughly sophisticated and open town.

Nevertheless the city was still primitive in many respects by comparison with today. Its boundaries were about the same as now, but mostly contained empty space. There was little development west of Larkin and scarcely any toward the Mission. Transit about town was provided by two-horse

teams drawing circular shaped balloon cars labeled "Market and City Front St. R. R. Co." The first successful cable car had started running in 1873 on Clay Street from Kearny to Leavenworth. The horse and cable cars doubtless furnished faster transportation than can be had during rush traffic hours in the same area today.

The telephone was yet to come, though this indicated no lack of local progressive spirit. An experimental line was in fact installed between Meiggs Wharf and the Merchants' Exchange in 1876, the very year of Bell's invention. In 1877 an exchange, if one switchboard can be so called, was installed at 222 Sansome Street by Gold and Stock Telegraph Company. This company was an offspring of Western Union through its subsidiary American District Telegraph Company (both ADT and Western Union being clients of Pillsbury, Madison & Sutro today). Gold and Stock Telegraph Company, which soon changed its name to American Speaking Telephone Company, operated under an Edison patent. In 1880 it consolidated with National Bell Telephone Company under the name of Pacific Bell Telephone Company, predecessor of the present The Pacific Telephone and Telegraph Company. San Francisco's first telephone directory was issued in 1878, listing 178 names, mostly business firms, with few, if any, lawyers.

Great prosperity lay both behind and ahead of San Francisco in 1874, but that year was one of depression with worse to come in the immediate future. The panic of 1873 and preceding scandals in both the financial and political worlds had vexed the entire country. San Francisco besides had committed serious speculative sins

of its own, and retribution was at hand in the form of the many bank and business failures of 1875. These came about despite the new discoveries of 1873 in the Fair group of mines on the Comstock lode in Virginia City, Nevada, and completion the same year of the Sutro tunnel, the engineering marvel which made possible the drainage of the Comstock mines and the working of their lower levels.

In this 1874 setting E. S. Pillsbury established his office at 502 Montgomery Street; one year after the advent of the cable car, one year before the completion of the Palace Hotel, two years ahead of the formation of the earliest predecessor of Standard Oil Company of California, and four years before the first telephone exchange.

In 1875 Pillsbury formed a partnership with William E. Greeneunder the name of Greene & Pillsbury, with offices at the northeast corner of Montgomery and Pine Streets: thereafter on the cable car line with Rooms 24-25 at 636 Clay Street.

William Ellsworth Greene was probably the man who had influenced Pillsbury to locate first in Stockton and then in San Francisco. The probability stems from these facts. Greene, like Pillsbury, was born in Maine; he shortly preceded Pillsbury at Bowdoin College; he came to California in 1863 and entered practice in Stockton; his name comes immediately before Pillsbury's on the role of attorneys admitted to practice in the Federal District Court. For a time Greene served as probate judge in Stockton, resigning in 1874 to take up practice in Oakland and San Francisco.

The partnership of Greene & Pillsbury lasted only

a short time because Greene decided to center his activities in Oakland. In 1879 he was elected a superior judge for Alameda County, so becoming one of the original members of the superior court which was created by the Constitution of 1879, and commenced functioning on the first Monday in January, 1880. Greene retired from the Alameda County bench on August 8, 1905, with a high reputation for ability and character, then being one of a scant half dozen surviving members of the original superior court.

In 1879 Pillsbury, after a short period of practice alone, formed with Daniel Titus the firm of Pillsbury & Titus. Offices were in Rooms 2 and 3, 309 Pine Street, and later Rooms 1 and 3 at 306 Pine Street. This association had reflections a long generation later when Titus's son, Louis Titus, practiced in Washington, D. C., and often handled matters there for Pillsbury, Madison & Sutro.

In 1883 Clarence R. Greathouse resigned from the firm of Wallace, Greathouse & Blanding. Pillsbury was invited to take his place, and, withdrawing from his partnership with Titus, entered the firm of Wallace, Pillsbury & Blanding in November, 1883. Invitation into this firm was a high professional compliment as a brief reference to its members shows.

Wallace is one of the great figures in California's legal history. Son-in-law of California's first governor, Peter H. Burnett, he had been Attorney General of the State and a member of the Supreme Court for ten years (1870-1880), eight of them as Chief Justice. In 1881 he joined Greathouse and Gordon Blanding, who had formed the firm of Greathouse & Blanding in 1877.

Greathouse had been successful as a lawyer and had ahead of him unique experiences of a very different sort. Prior to his partnership with Blanding he was a partner of Louis T. Haggin, son of James Ben Ali Haggin, whose colorful middle names stem from the fact that his mother was a Turk. Louis Haggin had also practiced law with William M. Stewart, who had been and was again to be United States Senator from Nevada. Stewart was another great figure of the Old West; a successful miner, champion of the miners in Congress, and a leader of the bar in two states. Both he and Louis Haggin were among the leading counsel for the appropriators in the case of Lux v. Haggin, where the Supreme Court of California, overruling their arguments, established the riparian doctrine in this State by a four-to-three vote (69 Cal. 255). A considerable part of the court's time ever since has been spent in modifying without overruling this decision.

Greathouse withdrew from law practice to become a writer, and soon thereafter was appointed editor of the San Francisco Examiner; doubtless through the following chain of connection with George Hearst, who had purchased the paper to further his political interests.

Greathouse was a nephew of Lloyd Tevis, who was associated in many ventures with James Ben Ali Haggin, mentioned above, and Tevis and Haggin were engaged in mining ventures with George Hearst. These three, to say nothing of many "smaller" successes, turned up with what are probably the two best mines in the United States. One was Homestake, and the other Anaconda, which Hearst bought for silver, not for the fabulous and unsuspected copper

deposit which it soon turned out to contain. Greathouse was editor of the Examiner when Hearst, by now Senator Hearst, gave it to his son, William Randolph Hearst. Hearst the Younger found the ideas of Editor Greathouse too conservative for the new journalistic methods which the Examiner was introducing to a startled world. Hearst solved this problem through his father, the Senator, by obtaining from President Cleveland the appointment of Greathouse as U. S. Consul General for Japan. He assumed that office in 1886 (see W. A. Swanberg, Citizen Hearst, pp. 41, 44).

At the end of his term in Japan Greathouse was sought out by Korea, then reluctantly beginning to emerge from its status as a hermit kingdom. Greathouse became confidential adviser and practically grand vizier to the King of Korea and so continued until the year before his death, when the Russian Minister forced his dismissal from royal service. Because Greathouse had given Korea a postal system and a first semblance of a judicial administration and because he was a strong antagonist of official corruption he was revered in Korea and on his death in 1899 he was buried in Seoul with great ceremony.

Gordon Blanding was born in Charlotte, South Carolina, December 2, 1849, of an old Huguenot family. His father, Captain William Blanding, served in the Mexican War, came to San Francisco in 1854 and was United States attorney from 1855 to 1857. Gordon Blanding, graduated from Yale in 1871 and from Columbia Law School in 1873, the first law school graduate in the firm's history. He was a man of great culture and personal charm, as well as

outstanding ability in law and business. Books were among his interests and he obtained for the firm's library rare or original editions of many English and American law books, nearly all of which were destroyed in the fire of 1906.

Blanding was a son-in-law of Lloyd Tevis, and the connection with Tevis-Haggin-Hearst continued to be valuable to the firm just as it had been to its predecessor, Greathouse & Blanding. Tevis, among his other interests, was president of Wells Fargo & Co. Express, a company long comparable in importance with the largest railroads. It eventually became a part of what is today's nationwide express company, Railway Express Agency, Incorporated, for which Pillsbury, Madison & Sutro is Western counsel, a connection which tracing back through Wells Fargo has continuously existed for more than 80 years.

Another important enterprise in which Tevis had a hand was Pacific Coast Oil Company. This was organized in 1879 by Blanding as counsel for Tevis and Charles N. Felton, later United States Senator and a life-long client of the firm, to enter all phases of the oil business--California's first integrated oil company, which ultimately became

Standard Oil Company of California. One of the first acts of Pacific Oil was to acquire Standard's earliest local predecessor, California Star Oil Works Company, incorporated by Greathouse & Blanding in 1876.

In 1885 Judge Wallace withdrew from the firm to fill a vacancy on the Superior Court of San Francisco, and with successive re-elections he served until 1898. By vigorous management of the "Wallace grand juries" which were, among other things, concerned with the activities of so-called Blind Boss Buckley, and by conspicuous civic service as well as by his everyday work on the superior bench, he contributed to his great reputation perhaps even more than he had as Chief Justice.

With Wallace's return to the bench the firm became Pillsbury & Blanding. Its office continued to be on the top floor of the Dividend Building, 324 Pine Street. It consisted, by account of Horace Pillsbury written many years later, of two large rooms fronting on Pine Street, E. S. Pillsbury having the room on the left and Blanding the room on Leidesdorff Street. A third and smaller office was occupied by the firm's one associated lawyer, P. L. Benjamin. A hall fronted on Leidesdorff Street. There was also a reception room and a large clerk's room presided over by William T. Barnett, for many years chief clerk, a fine gentleman of British origin and courtly manners. Behind Barnett in the later Pillsbury & Blanding days were two desks occupied by Frank Madison and Alfred Sutro. A small room to the west was occupied by the typewriting force, which consisted of one man and one woman. There was in fact little typing. Though typewriter patents had issued early

in the century and before, it was not until 1874 that a practical commercial machine went on the market--with an all capital keyboard and no shift key. Legal papers were still written in longhand in a special kind of ink, and when the original had been reproduced on a gelatine pad copies were made from it. Barnett like many others of the time wrote a beautiful Spencerian hand legible as type. For years after typewriting had become standard practice Barnett handwrote the titles of court and cause on the firm's backs, blue then as they are today.

The individuals mentioned above, together with one office boy for whom Horace Pillsbury substituted during school vacations, made up the office force of Pillsbury & Blanding. The entire organization, including the two partners, consisted of nine people and was a large one for those days.

During 1890 ill health compelled Blanding to give up work. The next year Robert Y. Hayne became a member of the firm, its name then becoming Pillsbury, Blanding & Hayne. Hayne had been one of the "five persons of legal learning and personal worth" (Cal.Stats. 1885, p. 161) whom the legislature had required the Supreme Court to appoint as commissioners to assist the Court in its work. The commissioners sat in panels of three, heard cases, and wrote opinions which became rulings of the Court upon its approval thereof.

Hayne was named for his uncle, South Carolina Senator Robert Young Hayne of the Webster debates, whose watch he took great pride in carrying. He was born in South Carolina in 1853. His father, after service as a Confederate

Colonel, brought his family to California in 1867 and the son lived there until his death in 1903. He was president of the Bar Association of San Francisco in 1896-97. He was a superior judge in Sacramento prior to his appointment as Supreme Court Commissioner. His legal education had been in the office of Edward S. Pringle. Pringle was a cousin, which made Hayne a remote relative of Felix Smith, who became a member of Pillsbury, Madison & Sutro many years after Hayne died.

Blanding retired from the firm in 1893. He did not seriously practice law thereafter, although for a time he maintained offices in the Mills Building. In 1896 he became President of Pacific Coast Oil Company which, as a lawyer, he had incorporated twenty-seven years before. He so continued until 1900 when Pacific was acquired by Standard of New Jersey, by that time the holding company of the Rockefeller corporations. Pacific Coast Oil Company, through a change of name to Standard Oil Company (a California corporation), a merger with Standard of Iowa, the antitrust dissolution decree of 1911 against the Rockefeller companies, and a change of corporate domicile in 1926, is the present Standard Oil Company of California, a Delaware corporation.

The ill health which had impelled E. S. Pillsbury into the law in 1864 and Gordon Blanding out of it in 1890 proved no impediment to the longevity of either. Blanding surpassed his one-time partner by a year of old age for he was in his ninety-sixth year when he died on September 11, 1945.

With Blanding's withdrawal the firm became and

continued for a short time as Pillsbury & Hayne. By then it had outgrown its quarters in the Dividend Building and offices were taken in 1894 on the sixth floor of the newly completed Crocker Building. These offices, at the westerly end of the building, consisted of six rooms on Market Street and two small rooms on the inside facing the well. The lawyer occupants were Pillsbury, Hayne, F. D. Madison and Alfred Sutro.

Frank Delino Madison was a native San Franciscan born April 18, 1867. He came with the firm as a clerk and law student in 1889 while attending Hastings College of the Law. He graduated from law school and was admitted to the bar in 1892.

Alfred Sutro, born in Victoria, British Columbia, in 1869, was brought to San Francisco by his parents in 1875. He graduated from Harvard in 1891 and was employed by the firm as a clerk while attending Hastings. He graduated in 1894 and in the same year was admitted to the bar.

In 1895 Judge Hayne retired from the firm, although he continued to occupy the same office for a time. Madison and Sutro were then given an interest in the Pillsbury practice but did not appear as partners. The letterheads read E. S. Pillsbury, under which was a line and the names of F. D. Madison and Alfred Sutro.

In 1895 Horace Davis Pillsbury, son of E. S. Pillsbury, graduated from Harvard, commenced law studies at Hastings, and came into the office as a clerk. He was admitted to the bar in 1898 and was given an interest in the practice on the same basis as Madison and Sutro.

A classmate of Horace Pillsbury at Hastings was Oscar Sutro, born in Victoria, British Columbia, in 1874, a younger brother of Alfred Sutro. While at law school Oscar Sutro was a clerk in the office of Pierson & Mitchell.

At the close of the Spanish American War clients of E. S. Pillsbury acquired interests in the Philippines and wished to have American counsel there. Oscar Sutro had meantime entered practice and completed a term as assemblyman in the State Legislature. E. S. Pillsbury made a partnership with him entitled "Pillsbury & Sutro," designed to practice in Manila and entirely separate from the San Francisco organization.

Oscar Sutro sailed for the Philippines on April 30, 1901, and quickly established a successful practice. He was active in drafting the Philippine Code. In 1902 he was joined by William Hamilton Lawrence. Lawrence, born in 1875, had left the University of Minnesota to volunteer in the Spanish war; he saw service as an infantryman in the Philippines, returned to Minnesota for his law degree and then went back to Manila. There he became Sutro's associate and soon his partner, the firm name becoming Pillsbury, Sutro & Lawrence. Directly descended from this firm is the present Manila firm of Ross, Selph & Carrascoso, of which Lawrence wrote a brief history covering the period up to 1948. He had returned to San Francisco in 1920 and until his death in 1954 was a close friend of Pillsbury, Madison & Sutro. He was associated with the firm in many matters, including problems of Latin American law. In these he had a particular competence by

reason of his fluent Spanish and practical experience with a legal system derived from Spain.

At the outbreak of World War II James M. Ross of the Manila firm was by good fortune in San Francisco, and so avoided spending the war in a concentration camp. He was associated with Pillsbury, Madison & Sutro during the greater part of the war period, a welcome addition to the firm's depleted man power at a time when legal help was in exceedingly short supply.

In 1904 Oscar Sutro returned to San Francisco. He and E. S. Pillsbury after a time withdrew from the Manila firm. The Philippine experience had been a valuable one. Pillsbury, Madison & Sutro still have clients with Philippine interests. One happy incident for Oscar Sutro was his acquaintance with Governor General William Howard Taft. This became a warm friendship lasting throughout the life of the later President and Chief Justice.

When Oscar Sutro returned home the name of Pillsbury, Madison & Sutro had been in use since 1902. The letterheads, however, read "E. S. Pillsbury and Pillsbury, Madison & Sutro," the "Pillsbury, Madison & Sutro" being F. D. Madison, Alfred Sutro and H. D. Pillsbury, to whom Oscar Sutro was added on equal terms. The office was in 1904 moved from the Crocker Building to the Union Trust Building at the northeast corner of Montgomery and Market Streets. In 1905 F. D. Madison, Alfred Sutro, H. D. Pillsbury, and Oscar Sutro were taken into partnership with E. S. Pillsbury, and the firm then became Pillsbury, Madison & Sutro. It continued for eighteen years without change in its partner personnel.

Chapter 4

Pillsbury, Madison & Sutro from 1905 to the retirement of E. S. Pillsbury in 1923.

On April 17, 1906, Pillsbury, Madison & Sutro was an established firm with a fine practice. It was headed by a recognized leader of the bar backed by four young men of proved ability. The new quarters in the Union Trust Building were the best the firm had had. Each partner had his own room. There was space for the excellent library which included rare volumes originally acquired by Greathouse and by Blanding. It looked as if the firm was settled indefinitely when the earthquake of April 18, 1906, and the fire thereafter wiped out everything. The fire left the office ankle deep in ashes. All records and files were destroyed. Of the library there remained a few volumes which the partners happened to have taken home.

With nothing but ruins in downtown San Francisco, clients found temporary quarters where they could; a number of them in Oakland. The firm, therefore, established an Oakland office at 1155-1/2 Washington Street, with Madison and Oscar Sutro in charge. A San Francisco office, with E. S. Pillsbury, Alfred Sutro and H. D. Pillsbury, was established in the top flat of 1860 Webster Street, the southeast corner of Webster and Pine. This came to be known as the Little Mills Building because it was entirely occupied by law firms.

The San Francisco disaster brought an almost unbelievably generous outpouring of gifts from all over the world for rehabilitation and relief. In relation to the present story, John D. Rockefeller made a personal gift of

$100,000 to be spent as directed by E. S. Pillsbury and by D. G. Scofield of Pacific Coast Oil. Other Standard executives made personal contributions in five-figure amounts. Standard of Iowa, a Rockefeller company, soon to be merged with Pacific Coast Oil to make Standard of California, contributed another $100,000. Pacific Coast Oil engaged in extensive relief activities on its own account.

The firm was reunited in August, 1906, when, as San Francisco began to rise from the ruins, space was secured on the tenth floor of the Kohl Building, 486 California Street. Later the firm moved to the top floor and occupied the south wing.

In 1912 Standard Oil Company, theretofore a tenant of the Sheldon Building on Market Street, commenced a building of its own, the "old Standard Oil Building," at 200 Bush Street, on the northwest corner of Bush and Sansome. It was completed in 1913, the finest San Francisco office building up to that time. Pillsbury, Madison & Sutro leased the top floor, which was the tenth when the building was built, later the twelfth when two stories were added.

It took Standard less than ten years to outgrow 200 Bush Street. The present "new" Standard Oil Building, 225 Bush Street, on the southwest corner of Bush and Sansome Streets, was completed in 1923. The nineteenth floor was designed for Pillsbury, Madison & Sutro and the firm moved there in March of 1923.

One incidental effect of completion of the new building was to end many months of noise. Those were days when construction of a steel building meant riveting, with steel workers walking along the beams catching in iron

buckets hot rivets thrown with tongs. The pleasure of watching the matter of fact performance of this dangerous and daring feat did not, however, compensate for the continuous bedlam made by the rivet hammers.

The group moving to 225 Bush Street consisted of the original five partners, seven associated attorneys, of whom Felix Smith soon to become a partner was the senior, and sixteen nonlegal associates and secretaries. The job of moving was the responsibility of Marshall Madison. Of the participants in this move three only are still active with the firm as this account is written (1961), these being Marshall Madison and Eugene Prince, presently the two senior partners, and Evelyn Powers, Chief of Secretaries, who had come to the firm in 1922 as a young girl direct from business school; the first secretary, incidentally, ever to be employed without prior legal experience.

E. S. Pillsbury retired from the firm December 31, 1923. The law had grown more complex since he had organized Pillsbury, Madison & Sutro eighteen years before, but it was immeasurably less complex than it is today. The California practitioner of 1905 could obviously know more about his four codes--Civil, Civil Procedure, Penal and Political--than today's practitioner possibly can know about his 26 codes in 75 volumes. There were 145 volumes of California reports in 1905, a number still manageable, although viewed even then with apprehension because of its growing size. Administrative law, except for a few decisions of the Interstate Commerce Commission, was still in the future.

By 1923 such things as income tax laws, incomprehensibly moderate by today's standards, and a few regulatory

agencies had arrived to vex lawyers and some segments of the public, but relative simplicity still prevailed. E. S. Pillsbury and his original partners were all general practitioners. Each partner was responsible for "his own clients." Such specialization as there was originated in individual preferences, special aptitudes or demands for particular types of work. Thus Frank Madison was a capable lawyer in court and a close intelligent student of the law books throughout his professional life, yet he might ask E. S. Pillsbury or one of the Sutros to take over a litigated case because he preferred the role of business adviser. Some lawyers thus naturally develop more experience than others in particular fields, as for instance Madison did in business law, Alfred Sutro in mining, and Oscar Sutro in the law of petroleum and land law generally. H. D. Pillsbury had wide experience in public utility law because of his work for The Pacific Telephone and Telegraph Company. He served this company for many years as counsel and for ten years as president (1925-1935).

Four men entered the service of the firm during E. S. Pillsbury's later years who became partners at varying times after his retirement--Felix Tesseire Smith, Marshall Pierce Madison, Eugene Mitchell Prince, and Maurice De Lano Fuller.

Smith was born in 1887. He was a third generation member of the San Francisco bar, at which his father and grandfather, both named Sidney Smith, had practiced with distinction. He graduated from the University of California in 1908. Unlike most lawyers he had a mind equally good for the classics on one hand and for science and mathematics on

the other. He was elected in college both to Phi Beta Kappa and to the scientific scholastic honor Society, Sigma Xi. His college major was a science--geology--and his geological knowledge served him well in his many years of work for Standard Oil Company of California. One of his college classmates was Clark Gester, Standard's long-time chief geologist. It took considerable family pressure to divert Smith from geology into law. He was, however, persuaded to attend Harvard Law School, from which he graduated in 1911. He practiced two years in San Francisco before coming with Pillsbury, Madison & Sutro in 1913. There he worked as assistant first for H. D. Pillsbury and then for Oscar Sutro.

Marshall Madison and Eugene Prince were employed by the firm in 1920, the former as assistant to his father, Frank D. Madison, the latter as assistant to Alfred Sutro.

Marshall Madison is a native San Franciscan, born in 1895. He graduated from Lawrenceville (1913); the University of California (1917) and California's Boalt Hall of Law (1920), having spent one semester at Stanford Law School to make up for part of the time lost in World War I.

Eugene Prince, born in 1897, is a native of Ashland, Wisconsin. His family moved in 1903 to Tuolumne County, California, where he attended public schools. He graduated from the University of California and Boalt Hall in the same class as Marshall Madison.

Prior to Madison and Prince the firm's policy, seldom departed from, had been to employ only experienced lawyers as associates. This policy modified itself by usage as other law school graduates without experience were soon employed. One of these was Maurice D. L. Fuller, one of the

senior partners today, who came to the firm in 1923, not long after its removal to 225 Bush Street. Born in Eveleth, Minnesota, in 1898, he narrowly missed being another native San Franciscan, since his family brought him here at age one. He attended San Francisco public schools and graduated from the University of California (1921) and Boalt Hall of Law (1923).

With the firm settled in the nineteenth floor of 225 Bush Street it had for the only time a surplus of available space. The vacant portion of the north wing opposite the library was not made into offices for several years. The secretaries were distributed close to the attorneys for whom they worked. Each partner's secretary kept that partner's files, which meant five separate and nonuniform filing systems, some overlapping and few complete. Central filing--such is the natural conservatism of lawyers--was not adopted until just before World War II. By 1923 typewriting had superseded handwritten documents, and the outer office had one adding machine, manually operated. That was about the extent of mechanization in equipment.

In the firm's days at 200 Bush Street the offices of the then five partners were identically furnished. Each had a roll-top desk, a large table, a stand-up bookkeeper's desk, and a safe; all finished in mahogany color. Of these there are a few surviving relics. Thus Room 1908 contains in the original arrangement articles of furniture which Alfred Sutro used when he took that room in 1923 and which he had previously used in the northwest corner of the firm's floor at 200 Bush Street.

Chapter 5

Pillsbury, Madison & Sutro from 1924 to the end of World War II.

Although E. S. Pillsbury retired from the firm on December 31, 1923, he continued to keep his office here. Failing eyesight prevented his going to court, which he had continued to do past eighty, but he remained active with his own affairs and those of concerns in which he was particularly interested. One of these was Snow Mountain Water and Power Company, the builder of Lake Pillsbury, which is named for E. S. Pillsbury, on the Eel River in Lake County. Another was California Wine Association, a corporation formed by a large group of wine producers, then in liquidation because of its unwillingness to struggle with national prohibition. A new California Wine Association became a client of the firm almost a generation later. Still another Pillsbury concern was Richmond Belt Railway. The fact that its Point Orient wharf on San Pablo Bay was consistently bumped and damaged by docking ships led to a series of suits by libel or attachment, and these brought about a distinct shift of policy towards conservatism on the part of captains approaching the wharf.

At the end of 1926 E. S. Pillsbury left the office and thenceforth lived in retirement in Santa Barbara until his death in 1934. He had had just short of sixty active years at the bar. Zechariah Chaffee, in an article wherein he had occasion to allude to a case argued by Pillsbury before the Supreme Court of the United States, characterized him as "a distinguished San Francisco lawyer." He was more than that. Oscar Sutro, only a few weeks before

his own death, in talking to one of the younger partners, epitomized E. S. Pillsbury, the lawyer, thus: "He was capable in all fields; in business, in appellate courts, or before judge or jury; he had superior practical judgment, a good knowledge of the law and the gift of clear, terse, vivid and accurate expression. In any one of these fields some equaled and a few surpassed him--but in the over-all effective representation of a client, he had no equal."

The period just before Pillsbury's retirement included the slight depression which occurred after World War I. The period after his retirement and through World War II covered Coolidge prosperity and the twenties' boom; the troublesome but now forgotten stock market break of 1928 and its quick recovery; the stock market debacle of October, 1929; the depression; the New Deal, with its social and legal innovations, and the tribulations of World War II.

Felix Smith became a member of the firm on February 1, 1924. He was already doing the great bulk of the work for Standard Oil Company. Oscar Sutro was still responsible for this work, as he had been for many years, first in association with E. S. Pillsbury and later on his own, but he was at this period absorbed in protracted pieces of litigation.

Marshall Madison became a partner on January 1, 1925. He took over an ever increasing share of his father's responsibilities, at the same time making valuable additions of his own to the firm's clientele.

As the year 1926 opened there was nothing to

indicate that it would be a time of great stress but it turned out to be that. At one time during the year three of the senior partners were in the hospital and the fourth was held in Europe by the fatal illness of a daughter. For weeks on end the two juniors, Smith and Marshall Madison, were the only partners in the office. In some manner, however, the work was taken care of and the practice kept intact.

On November 1, 1929, Oscar Sutro retired from the firm to become Vice President of Standard Oil Company, acting as adviser to the executives of the Company, and overseeing its legal affairs as conducted by the firm. His office moved to the 18th floor, but his relationship to Pillsbury, Madison & Sutro stayed close as ever. Upon his death in 1935 his position with Standard lapsed until 1948, when it was filled by the appointment of Hillyer S. Brown as Vice President and Director in charge of legal affairs. This position Brown has since filled with great ability.

On January 1, 1930, Eugene M. Prince, to whom reference has already been made, became a partner, and on January 1, 1932, Vincent Butler. They were followed by John A. Sutro on January 1, 1935, Eugene D. Bennett on January 1, 1936, and J. Howard Marshall on May 1, 1938.

Vincent Kingwell Butler, Jr., was born in San Francisco in 1892. He won a Rhodes scholarship while attending St. Ignatius College (now the University of San Francisco), and received a master's degree from Oxford's Worcester College. He was admitted to practice in 1914 and entered the office of Garret W. McEnerney, long-time leader of the San Francisco bar. Following World War I Butler

became resident counsel for Mercantile Trust Company, later American Trust Company. In 1930 he joined the Pillsbury, Madison & Sutro staff. He was coauthor with his accountant friend, Loyall McLaren, who has since won a national reputation, of a book entitled "California Tax Laws of 1929." This led Butler into a degree of tax specialization, though he remained a general practitioner, working in all fields. He was killed on October 7, 1935; ironically in the crash of a commercial airline after he had survived combat flying in France in the rickety planes of World War I. Vincent Butler possessed an unusual power of inspiring friendship. His funeral services filled St. Ignatius Church to overflowing with people from every walk of life in San Francisco.

John Alfred Sutro, born in San Francisco in 1905, is a son of Alfred Sutro and a second generation member of the firm. He graduated from Stanford (1926) and from Harvard Law School (1929). He was admitted to the bar and came with the firm in 1929.

Eugene Dunlap Bennett, born in Kansas in 1894, graduated from Hastings College of the Law in 1920. In those days graduation from law school was not a prerequisite to taking the bar examination, and a good many men did take them successfully before graduation. Bennett was one of these, having been admitted in 1917. He practiced in San Francisco for eight years before coming with the firm.

J. Howard Marshall was born in Philadelphia in 1905, graduated from Haverford College in 1926 and from Yale Law School in 1931. He was from 1933 to 1935 a member of the Petroleum Administrative Board, this being the version of NRA which applied to the petroleum industry.

He was for a short time employed by Standard Oil Company of California and thereafter by Pillsbury, Madison & Sutro. With World War II becoming imminent he became Chief Counsel for the Petroleum Administration for War (1941-1944). After the war he decided to follow the oil business rather than return to law practice and he is now a successful oil executive.

In the passing of the original partners of Pillsbury, Madison & Sutro, Oscar Sutro was next after E. S. Pillsbury to go. He was in Washington, D. C., on Standard Oil business and had taken a week-end trip to Fredericksburg, Virginia. He died there on June 9, 1935.

A memorial volume to Oscar Sutro was privately printed by the Grabhorn Press in 1935. The truly remarkable tributes therein preserved came from lawyers, judges, business and civic leaders, and from the press. The following is from the editorial page of the San Francisco Chronicle of June 14, 1935:

> "Oscar Sutro was one of those quiet figures who arrive at large stature amongst their fellows by outstanding performance. No trumpets blared about him, but in his not long life he had become a leader in both the Bar and the business life of California. In both fields his ability and industry commanded success. They were enough and needed no brasses.
>
> Early Mr. Sutro reached a position among lawyers where he was looked up to and, as he became known as a wise business counselor, the administration of affairs came to occupy more and more of his time. It was the business ability, in addition to the legal, which he manifested that brought him to the vice-presidency of the Standard Oil Company of California and to a place of leadership in the American Petroleum Institute.
>
> His friends knew him as an exceedingly well rounded man. With all his burdens, legal and business, he was ever cultivating the finer sides of life. He was a scholar, a lover of books and a collector, who had formed one of the best private

libraries in this region. He had an informed interest and cultured taste in music and drama and was something more than an amateur in Shakespearean lore.

Oscar Sutro fulfilled the requirement of the late Theodore Roosevelt that a professional man should give freely of his time and abilities to the public welfare. Though it was unobtrusive his interest was always engagedin public affairs and only his friends and those who sought it know how frequently his counsel and aid were given to government and to enterprises of civic betterment. He was a trustee of Mills College and as an alumnus actively interested in the University of California.

Oscar Sutro's friends also knew a large heart, sympathetic and helpful, and they had glimpses of the aid and encouragement that he gave, quietly and without show, to very many who have had abundant occasion to call him blessed.

We do not have too many like Oscar Sutro."

Frank Madison retired from the firm on March 1, 1938, by reason of an illness from which he never recovered, and from which he died on July 30, 1941. The article in The Recorder, San Francisco's fine legal newspaper, which noted his passing, carried touches of the gifted pen of Edward F. O'Day, editor from 1934 to 1955. This article in part said:

"Frank Madison's outstanding characteristics were kindness and unaffected simplicity. Because of his great natural modesty, even diffidence, the dominance of these traits in his character might not have been apparent to the casual eye, but anyone who knew him well knew also that there was no limit to the thoughtful, kind and generous things he did--always quietly, unobtrusively, and if possible anonymously.

* * * * *

As a lawyer, Mr. Madison held an outstanding place. His success and reputation were founded upon sound sense, exceptional judgment and a thorough knowledge, based upon never-ceasing study, of the law. He was a legal scholar in the best sense of the word scholarship, for he sought always for precise and exact knowledge. To the end of his practice he worked in the library, using first-hand the statutes, cases and other materials on which his advice and action as a lawyer were founded. He

never became too great or too famous to do his own research work. He preferred the office to the courtroom, but he was great nevertheless in all phases of the law."

Horace Pillsbury died suddenly on January 18, 1940, after an illness of only a few days. His active life had been principally spent in the service of The Pacific Telephone and Telegraph Company. Much said in The Recorder article concerning Frank Madison would apply in similar words to Horace Pillsbury. His manner was quiet but his abilities were great, and were best known and appreciated by those who knew him best.

Three new partners, Maurice D. L. Fuller, Francis Robison Kirkham, and Norbert Korte, entered the firm on July 1, 1940.

Fuller has already been mentioned as a University of California and Boalt Hall graduate, admitted to the bar in 1923 and with the firm since that year.

Korte, born in the State of Washington in 1897, was also employed by the firm in 1923. He had graduated from the University of Santa Clara in 1919 and from Harvard Law School in 1923.

Kirkham, born in Utah in 1904, attended the University of Utah, graduated from George Washington University and from its law school, and was admitted to the District of Columbia bar in 1931. He came to California and the staff of Pillsbury, Madison & Sutro in 1936.

On the eve of Pearl Harbor Pillsbury, Madison & Sutro was an organization of 106 people. Of its 40 lawyers 26 were in military or other Government service during the war, including four of the ten partners before Pearl Harbor. Alfred Sutro, the last surviving member of

the original firm, was within a month thereafter stricken by a lingering illness which confined him to his home and ended his participation in active practice.

A later chapter touches upon the military experiences of the firm's lawyers. Here it is pointed out that the troubles and strains of the war years upon those who were trying to keep the firm practice together can hardly be exaggerated. Lawyers were in the shortest supply ever. To get clerical help was just as hard; not only was it very scarce but there was also so-called salary stabilization--undoubtedly a wartime necessity, but one which led to the practical absurdity that the easiest and sometimes the only way to get a raise was to quit your job and take one somewhere else. The loyalty of the firm's long-time employees was an invaluable asset in these times.

The strains upon industries producing materials for war, which category included most of the firm's clients, were tremendous. Problems of allocation with respect to necessary supplies and equipment were dependent upon unfamiliar, involved and often conflicting regulations, administered by people who naturally knew little about them, since the whole system was new. American industry was asked to wear hobbles and at the same time break the course record. Its achievement of this seeming impossibility and its indispensable contribution to military victory are matters of history.

While, as said above, 26 of the 40 lawyers who were partners or associates of the firm at the outbreak of World War II were in Government service during the war, the whole group did not go at once. This gave some opportunity to

make adjustments.

Two new partners, Sigvald Nielson and Alfred B. Tanner, were added to the firm on May 1, 1942.

Nielson, born in Denmark in 1899, was taken to Alberta, Canada, as a small child; he received his bachelor and law degrees from the University of Alberta and was admitted to the Alberta bar (1924). He took an additional law degree at Stanford in 1929, and was admitted to the California bar in 1931. He joined the Pillsbury, Madison & Sutro staff in 1936.

Alfred Tanner, born in Missouri in 1903, graduated from the University of California in 1928 and from Boalt Hall in 1930. He was admitted to the bar and came with the firm the same year.

The firm was fortunate in the help received from several outstanding men who were willing to take temporary employment during the war period. Notable among these were Breck McAllister, Scott Lambert, Ira Rowell, James Ross, and Southall Pfund.

Breck McAllister is a brother of Elliott McAllister, present Chairman of the Board of The Bank of California, a long-time client of Pillsbury, Madison & Sutro. The brothers are grandnephews of Hall McAllister, whose statue stands by the San Francisco City Hall, and who probably is the best known of all California lawyers whose fame is based on law practice rather than the holding of public office. Breck, after several years of successful practice in New York with the well-known Donovan firm, had turned to law teaching and was Professor of Law at Boalt Hall at the outbreak of World War II.

With the law school made nonoperative by the war he was willing to help out Pillsbury, Madison & Sutro. Deciding not to go back to teaching he returned to his old firm in New York. He is nationally known as a trial lawyer, particularly in the antitrust field, and for his published writings in the American Bar Association Journal, Harvard Law Review and other periodicals of distinction.

Scott C. Lambert has an academic degree and a law degree from the University of San Francisco, both earned by attending night school while he worked by day to put himself through. One of his schooltime employers was Standard Oil Company, and he entered its tax department as a lawyer on his admission to the bar in 1936. The Company generously let Pillsbury, Madison & Sutro have him "on loan" during most of the war. In 1948 he became and still is Standard's General Tax Counsel.

Ira Rowell is a distinguished figure in the history of public utility regulation in California. He was chief counsel for the Railroad Commission from 1934 to 1943. Resigning this position he was for nearly two years with Pillsbury, Madison & Sutro. In 1944 Governor Warren appointed him to fill out an unexpired term on the Commission (renamed Public Utilities Commission in 1946). He was then appointed for a full term on the Commission as of January 1, 1945, and served until December 31, 1950, when ill health led him to retire.

James Ross has been mentioned as a partner of the Manila firm descended from Pillsbury & Sutro, who fortunately happened to be in the United States at the outbreak of the war. He returned to Philippine practice when the war was over.

Another wartime staff member was Southall Pfund, who graduated from the University of California in 1917 and from Boalt Hall in 1923. After twelve years of practice in San Francisco he had been appointed in 1935, on the recommendation of Alfred Sutro, as resident counsel in Alaska for United States Smelting Refining and Mining Company, which conducted extensive gold-dredging operations near Fairbanks and near Nome. Wartime restrictions put the gold mining industry almost out of business and the Smelting Company recalled Pfund to its Boston office, but in view of the needs of Pillsbury, Madison & Sutro was willing to lend him to the firm. He became a partner on January 1, 1947, and so continued until August, 1952, when he went back to the Smelting Company in Boston as Vice President and Counsel. Having retired from the Company's service (1960), he again practices in San Francisco.

The last survivor of the original Pillsbury, Madison & Sutro did not live to see the end of World War II. Alfred Sutro died on March 9, 1945. In the few weeks before his death he had for the first time in three years, and to his great pleasure, been able to revisit the office and to attend meetings of the Telephone Company, where he had succeeded Horace Pillsbury as chief counsel when the latter became President in 1925.

Alfred Sutro was a man of great culture. Throughout life he continued to read Latin and Greek. He was a connoisseur of books. He was for many years president of the Book Club of California, and a friend of famous people in the world of books and writing. The Sutro Room at Hastings College of the Law, from which he graduated, is

named for him. This room contains a collection of books connected with the law, but not the bar examinations--for example, biographies of lawyers, legal novels and literary novels about lawyers.

Alfred Sutro was a lover of the out-of-doors and made many trips into the high Sierra. As a lawyer he had broad and successful experience both in business fields and litigation. He had the same untiring industry as E. S. Pillsbury and Frank Madison. He had absolute determination to get every case prepared to the utmost. He believed in the saying that a case well stated is a case half won, and he tried consciously for perfection of form as well as solidity of substance in speech and in writing. This marked no difference in degree in basic thought from his colleagues. It was part of the professional creed of all the original Pillsbury, Madison & Sutro partners, as it should be of their successors, that strength, clarity and brevity of expression are an essential part of a lawyer's working equipment. This is so whether the subject be an argument in court, a business discussion, a letter, a pleading, a contract, or a brief.

Chapter 6

Pillsbury, Madison & Sutro from the end of World War II to 1961.

With the death of Alfred Sutro the old order in the firm had completely given way to the new, but transition from old to new is a never-ceasing process. With the close of the war Pillsbury, Madison & Sutro was again reunited; it was now headed by Felix Smith and was a young group as large law firms go. Again it had to adjust itself to changed conditions and new legal problems, and this made it an even younger group as the necessities of expansion added new members to it.

The end of the war and of wartime controls marked the beginning of the boom and inflation which has since continued. The boom was one which people did not expect; at least not so soon. Many people living at the end of World War II had experienced the depression after World War I which had lasted through 1921. After World War II there was no lag, but a great expansion of business with frenzied efforts to make up the shortages of consumer goods which the war had caused. More business made more legal work, the volume of which was increased still more by the mounting complexities of the law itself and by problems resulting from big government, big labor and big taxes.

As the firm tried to adjust to these new conditions it suffered two unexpected and heavy losses.

Norbert Korte, 49 years of age, died on May 30, 1947, to the sorrow of his colleagues and professional loss to the firm. Vigorous, handsome, and apparently as good a

picture of health as in his days of stardom in basketball and Rugby at Santa Clara, he had been stricken with an incurable illness only a few weeks before his death. He had attained success and reputation in his specialty of litigation, and would have added to that reputation had he lived a normal span.

Felix Smith died later the same year, December 3, 1947. He had been in the office the day before; he had stayed home supposedly with a slight cold, and only an hour before his death had telephoned the office with regard to a matter he wanted attended to. He had just turned 60. None of his co-workers had suspected that anything was wrong with him, and if he himself had had any knowledge on that subject he kept it strictly to himself.

Smith's interests were limited to his family, his work, an occasional trip to the mountains, and the constant acquisition of knowledge, in fields of which language, science and history were only three among many. He possessed an amazing keenness of intellect, and his mind, unlike that of most lawyers, was as good for science and mathematics as it was for law. He had a most unusual power of analysis and of reducing things to their fundamentals, and he could often give the key to a difficult problem in a few words.

The Board of Directors of Standard Oil Company of California passed a memorial resolution to Felix Smith, which, having paid tribute to his personal qualities, referred to his professional attainments thus:

> "With the death of Mr. Felix T. Smith on December 3, 1947, passed one of the outstanding lawyers of the State of California and of the nation. He first came to the Company's general

attorneys, Messrs. Pillsbury, Madison & Sutro, in 1913 as a junior lawyer, later to become the senior partner of that firm. Among his first duties were those in connection with the Company's legal work. Continuously thereafter he devoted a good portion of his life's work in the legal profession to the services of Standard Oil, with increasing responsibility and respect as the years rolled by. During the past 17 years he was General Counsel of the Company, which title he acquired without any formal designation but had earned by the merit of his work.

During the long illness and after the death of Alfred Sutro, Smith had carried the responsibility for the firm's work for both Standard and the Telephone Company, a gigantic burden. Following his death Marshall Madison, now senior partner, became general counsel for Standard and John Sutro assumed the responsibilities which once had been his father's for the Telephone Company.

In the fourteen years since the death of Felix Smith the firm has not been depleted by death. It has in these years added the following members:.

Harry R. Horrow, born Chicago, Illinois, August 16, 1910; admitted to bar, 1935, Illinois; 1940, California. Preparatory education, Northwestern University (A.B., 1931); legal education, Northwestern University (J.D., 1934). Became a partner January 1, 1948.

Francis N. Marshall, born North Adams, Massachusetts, January 5, 1907; admitted to bar, 1931, California. Preparatory education, Stanford University (B.A., 1928); legal education, Stanford University (LL.B., 1931). Became a partner January 1, 1948.

Hugh T. Fullerton, born San Francisco, California, 1900; admitted to bar, 1926, California. Preparatory education, Stanford University (A.B., 1923); legal education, Harvard University (LL.B., 1926). Became a partner January

1, 1949. He resigned from the firm in 1958.

Fredrick H. Hawkins, born Park Ridge, Illinois, December 16, 1909; admitted to bar, 1935, California. Preparatory education, Stanford University (A.B., 1931); legal education, Stanford University (LL.B., 1934). Became a partner January 1, 1949.

James E. O'Brien, born Trinidad, Colorado, March 22, 1912; admitted to bar, 1935, California. Preparatory education, University of California (A.B., 1932); legal education, University of California (J.D., 1935). Became a partner January 1, 1949.

Turner H. McBaine, born Columbia, Missouri, May 5, 1911; admitted to bar, 1936, California; 1947, New York. Preparatory education, University of California (A.B., 1932); legal education, Oxford University, England (B.A., Juris., 1934) and University of California (LL.B., 1936). Became a partner January 1, 1950.

Albert J. Brown, born San Francisco, May 6, 1914; admitted to bar, 1940, California. Preparatory education, University of California (A.B., 1937); legal education, University of California (LL.B., 1940). Became a partner July 1, 1951.

Wallace L. Kaapcke, born Chicago, Illinois, October 3, 1916; admitted to bar, 1939, Oregon; 1941, California. Preparatory education, University of Oregon (B.S., 1937); legal education, University of Oregon (LL.B., 1939) and Yale University. Became a partner July 1, 1951.

Lawrence F. Kuechler, born San Rafael, California, April 21, 1913; admitted to bar, 1938, California. Preparatory education, Stanford University (A.B.); legal education,

University of California (LL.B., 1938). Became a partner July 1, 1951.

John B. Bates, born Oakland, California, March 2, 1918; admitted to bar, 1947, California. Preparatory education, Stanford University (A.B., 1940); legal education, Stanford University and University of California (LL.B., 1947). Became a partner January 1, 1953.

Harold I. Boucher, born Chico, California, June 27, 1906; admitted to bar, 1930, California. Legal education, University of California (LL.B., 1930). Became a partner January 1, 1953.

James Michael, born San Francisco, July 12, 1919; admitted to bar, 1946, California. Preparatory education, University of California; legal education, University of California (LL.B., 1942). Became a partner January 1, 1953.

Charles F. Prael, born Astoria, Oregon, August 1, 1907; admitted to bar, 1934, California. Preparatory education, Stanford University (A.B., 1929) and London School of Economics and Political Science; legal education, Stanford University (LL.B., 1934). Became a partner January 1, 1953.

Noel J. Dyer, born San Francisco, December 25, 1913; admitted to bar, 1939, California. Preparatory education, University of San Francisco (A.B., 1936); legal education, University of San Francisco (LL.B., 1939). Became a partner November 1, 1953.

Gerald S. Levin, born Danville, Illinois, January 9, 1906; admitted to bar, 1930, California. Preparatory education, University of California (A.B., 1927); legal education, University of California (LL.B., 1930), Harvard University (1931). Became a partner November 1, 1953. Resigned from the firm February 29, 1956, to accept appointment

as municipal judge; presently judge of the Superior Court, San Francisco, to which post he was re-elected without opposition in 1960.

Stanley J. Madden, born Fresno, California, October 4, 1910; admitted to bar, 1935, California. Preparatory education, Stanford University (A.B., 1932); legal education, Stanford University (LL.B., 1935). Became a partner July 1, 1955.

Richard B. Daugherty, born Los Angeles, August 30, 1915; admitted to bar, 1940, California. Preparatory education, Stanford University (A.B., 1937); legal education, Harvard University (LL.B., 1940). Became a partner July 1, 1955.

Whitcomb J. McFarland, born Chicago, October 22, 1909; admitted to bar, 1936, Illinois; 1949, California. Preparatory education, Amherst College (A.B., 1931); legal education, George Washington University; Chicago-Kent College of Law (LL.B., 1935). Became a partner July 1, 1955.

Noble K. Gregory, born Los Angeles, April 19, 1918; admitted to bar, 1946, California. Preparatory education, University of California, Los Angeles (A.B., 1939); legal education, University of California (LL.B., 1946). Became a partner July 1, 1956.

Richard J. MacLaury, born New York, April 6, 1918; admitted to bar, 1949, California. Preparatory education, Yale University (A.B., 1940); legal education, Columbia Law School (LL.B., 1948). Became a partner July 1, 1956.

William E. Mussman, born Minneapolis, Minnesota,

February 10, 1919; admitted to bar, 1946, Minnesota; 1949, California. Preparatory education, University of Minnesota (B.S.L., 1941); legal education, University of Minnesota (LL.B., 1946). Became a partner July 1, 1956.

Frank H. Roberts, born Marion, Ohio, July 6, 1919; admitted to bar, 1949, California. Preparatory education, De Pauw University (A.B., 1941); legal education, University of Michigan (J.D., 1948). Became a partner July 1, 1956.

Harry C. Scott, born Newark, Ohio, August 15, 1915; admitted to bar, 1941, California. Preparatory education, Deep Springs; Cornell University (A.B., 1938); legal education, Cornell University (LL.B., 1941). Became a partner July 1, 1956.

E. Hugh Taylor, born Rushville, Illinois, August 25, 1920; admitted to bar, 1949, California. Preparatory education, Harvard College (A.B., 1942); legal education, Yale University (LL.B., 1948). Became a partner July 1, 1956.

George H. Eckhardt, Jr., born Philadelphia, Pennsylvania, September 19, 1919; admitted to bar, 1948, California. Preparatory education, Princeton University (A.B. 1940); legal education, Harvard University (LL.B., 1948). Became a partner January 1, 1959.

John Richard Hofmann, Jr., born Oakland, California, June 24, 1922; admitted to bar, 1950, California. Preparatory education, University of California (A.B., 1943) legal education, Harvard University (LL.B., 1949). Became a partner January 1, 1959.

Claude H. Hogan, born Bishop, California, March

2, 1920; admitted to bar, 1949, California. Preparatory education, College of the Pacific (B.A., 1942); Legal education, Yale University (LL.B., 1948). Became a partner January 1, 1959.

Carlisle B. Lane, born San Mateo, California, December 22, 1926; admitted to bar, 1951, California. Preparatory education, University of California (B.A., 1947); legal education, Harvard University (LL.B., 1950). Became a partner January 1, 1959.

Charles R. Purnell, born Wellington, Kansas, July 31, 1922; admitted to bar, 1949, California. Preparatory education, Municipal University of Wichita and Stanford University (A.B., 1947); legal education, Stanford University (LL.B., 1949). Became a partner January 1, 1959.

George A. Sears, born Chehalis, Washington, October 17, 1926; admitted to bar, 1952, California. Preparatory education, Yale University (A.B., 1949); legal education, Stanford University (LL.B., 1951). Became a partner January 1, 1959.

Thomas E. Haven, born Oakland, California, August 25, 1920; admitted to bar, 1949, California. Preparatory education, University of California (1941); legal education, Stanford University (1948). Became a partner January 1, 1961.

James L. Wanvig, born Minneapolis, Minnesota, October 31, 1921; admitted to bar, 1949, California. Preparatory education, University of Minnesota (1943); legal education, University of Minnesota (1948). Became a partner January 1, 1961.

Even the bare statistics of the foregoing brief

paragraphs suggest many interesting facts. Wartime service in World War II or Korea is suggested by longer than usual lapses of time between completion of college and law school. The increasingly cosmopolitan character of the firm is illustrated by the fact that the birthplaces of the present members include 13 states and one foreign country. The partners are graduates of 16 different law schools, and the whole legal staff, partners and associates, represents attendance at 23 law schools and 39 colleges or universities. In the work of the firm its members represent many specialties. The ability to interchange strength and to utilize the experience of co-workers is one of the firm's great assets in trying to meet the complex and difficult legal problems of today.

Chapter 7

The associates of Pillsbury, Madison & Sutro

Starting with the one lawyer employed by Pillsbury & Blanding before Frank Madison and Alfred Sutro started as law clerks in 1889 and 1891, the firm has had over the years about 325 associated attorneys, 97 of whom are with the firm today. The latter number includes the 38 partners. The firm has never admitted a partner without prior service as an associate. From the beginning the proportion of partners to associates has been much greater than the average of large firms.

The associates make up a group of able, and in many instances distinguished, lawyers. Space permits mention of only a few.

Edgar Thompson Zook and Alfred D. Plaw were classmates at the University of California, where they graduated in 1902, and at Hastings, where they received law degrees in 1904. In that year they were admitted to the bar. This was before the establishment of a law school (Boalt Hall) on the Berkeley campus. Prelegal courses were given there which could be followed by law at Hastings. Both Zook and Plaw were prelegal students of William Carey Jones, founder and patron saint of the law school at Berkeley.

On admission to the bar Zook spent a few months in the office of the United States Attorney, doubling as messenger and young lawyer. He then entered the employ of Campbell, Metson & Campbell. This firm was a living vestige of the old West, particularly in the colorful person of W. H. Metson, who once stood off the police in an armed

siege of his own house to protect a relative from extradition. Pillsbury, Madison & Sutro had been retained to support the extradition, which, however, was finally denied. When the federal statutes in 1933 made it illegal for an individual to have more than $80 in gold coin, Metson thenceforth habitually carried five $20 gold pieces which he exhibited whenever possible to officers of the law. Many years before he had been on the same side with E. S. Pillsbury and Alfred Sutro in the litigation which involved claim jumping during the Nome gold rush (1899-1900) and is the basis of "The Spoilers," famous novel by Rex Beach. Circuit Judge William H. Morrow, who participated in these cases, later wrote a vividly interesting article on "The Spoilers" and its legal background (4 Cal.L.Rev. (1916) 89).

Zook became an associate of Pillsbury, Madison & Sutro in 1909, and remained with the firm until January 1, 1911, when he took office by appointment as Superior Judge for Marin County, age 28, the youngest Superior judge in the state. Except for William M. Conley, who was appointed in 1894 at the age of 26 to the Superior Court in Madera County, Zook seems to have been the youngest judge in the history of the court. He resigned after ten years on the bench to practice in San Francisco with the late Charles W. Slack, one of San Francisco's great legal figures, both as Superior judge and practicing lawyer.

Judge Zook has described the staff of Pillsbury, Madison & Sutro in 1909. It consisted, he says, of a bookkeeper, three stenographers, Miss Vincent, Miss Cost and Miss Ramsey, Zook and Plaw as associated attorneys, and Charles C. Sullivan as office boy.

Sullivan was a protege of E. S. Pillsbury. He worked for the firm while attending St. Ignatius College and Law School and, upon graduation and admission to the bar, joined its legal staff. He left the firm in 1921 to found with M. A. Thomas, also an associate of Pillsbury, Madison & Sutro and a former chief deputy United States attorney, the firm of Thomas & Sullivan. Thomas died some years later but Sullivan carries on and has been almost fifty years at the San Francisco bar.

Alfred Plaw had won collegiate fame as a hammer thrower. He was employed by Pillsbury, Madison & Sutro not long before his classmate Judge Zook. He was recognized by all who knew him as having extraordinary legal ability, but he died in the influenza epidemic of 1918 and did not have a chance to reach the place to which that ability would undoubtedly have brought him in normal course.

There is a story in the manner of Plaw's introduction to the firm. One of Alfred Sutro's hardest contests and greatest victories was in the pilot case following April, 1906, which involved the liability of insurance companies with policies excluding liability for fire losses caused by earthquakes. The young assistant of Sutro's chief opponent was Alfred Plaw.

The firm library still yields an occasional memento of Al Plaw. This is when some musty old law book turns up a wheat straw cigarette paper which Plaw long ago used as a bookmark. Permissive use of cigarette papers was long limited in the office to that purpose only. Early in the firm's history E. S. Pillsbury enforced a ban on smoking and nonsmoking continued by force of custom for

many years after he retired.

Frank T. Deasy was a law clerk for Pillsbury, Madison & Sutro while studying law at St. Ignatius College. In 1914, not long after his admission to the bar, he became a Justice of the Peace in San Francisco. At that time the justice court, within a lower jurisdictional monetary limit, had much of the civil jurisdiction now exercised by the municipal court. The magistrate's jurisdiction in San Francisco was then vested in a police court, since abolished. Deasy became a municipal judge when the municipal court was established in 1931; he became a superior judge in 1935 and so continued until his death in 1955, with a high reputation achieved during 41 continuous years on the bench.

Wallace Sheehan is a grandson of William T. Wallace, once Chief Justice of California and later head of the firm of Wallace, Pillsbury & Blanding. Sheehan attended St. Ignatius and was a law clerk with Pillsbury, Madison & Sutro at the same time (1915-1917). He left the firm for service in World War I. Since that war, except for another tour of duty in World War II, he has practiced with distinction in San Francisco. He was president of the San Francisco Bar Association in 1951.

Milton T. Farmer was appointed by Governor Johnson as superior judge for Kern County in 1913. He was just short of his thirtieth birthday. He had graduated from the University of California and from Boalt Hall. At Berkeley he had been graduate manager of athletics. He resigned from the bench in 1919 and was with Pillsbury, Madison & Sutro for three years before entering the firm

of Haven, Athearn, Chandler & Farmer. He was an excellent lawyer, very effective in court. His high reputation would have been even higher if his life span had been coupled with ordinary good health. He died in 1949, but illness from which there was no chance of ultimate recovery had greatly curtailed his activities for many years before his death.

Almon E. Roth, a graduate of Stanford and Stanford Law School, conducted important cases for the firm during the period from 1917 until 1919 when he became Stanford's comptroller. In 1937 he left the quiet of the University to enter the new and turbulent field of labor law. There he has won a national reputation both as a lawyer and management representative.

Harold H. Ashley graduated in 1910 from the University of California, where he was a varsity oarsman and Rugby player, Rugby being the brand of football then played between California and Stanford. He studied law at Boalt Hall, passed his bar examination in 1913, and joined the Pillsbury, Madison & Sutro staff, where he was a colleague of Plaw, Roth, Farmer and Smith. He left the firm in March, 1920, to become Assistant Manager of Standard's land and lease department, the first of many Pillsbury, Madison & Sutro lawyers to join Standard's staff. Later he became a Vice President of the Bank of America, in charge of its Los Angeles trust department. He returned to Standard in 1938 and held important Company assignments in India and in the Middle East.

Richard H. Morrison, born in 1896, a Boalt Hall graduate who was employed by the firm in 1921, entered Standard's land and lease department in 1923. He is

another whose rapid progress was stopped by an untimely death. Aged forty-two, he was killed in 1939 through the explosion of a gas water heater in a domestic accident.

Several Pillsbury, Madison & Sutro lawyers reached important places with Arabian American Oil Company (Aramco). Standard of California made the original discovery in Arabia in 1936. Aramco, in which Standard now owns a one-fourth interest, started as its wholly owned subsidiary named Calarabian.

Woodson Spurlock, one of several Rhodes Scholars who have been on the firm staff, joined Aramco via Standard shortly before World War II. He was for many years Associate General Counsel for Aramco and its resident counsel in the Middle East. Douglas Erskine, one of Spurlock's associates at Pillsbury, Madison & Sutro, worked with him at Aramco and succeeded him on his retirement. Louis Goodyear, also from Pillsbury, Madison & Sutro, is on Erskine's staff, as he was on Spurlock's. Garry Owen, who has spent more than twenty years with Aramco, became its representative with the Saudi-Arabian Government, and is now a vice president and director. Franklin W. Bates, who joined Standard shortly after service in World War II, has had responsible experience with Tapline, the Arabian pipeline company, and elsewhere in Standard's foreign service, where his abilities as a linguist are put to good use.

A number of Pillsbury, Madison & Sutro lawyers are on the legal staffs of other clients of the firm. These include Melvin Mensor, with California Packing Corporation, Dexter Tight, with W. P. Fuller & Co., Bernal

Dobell, with Safeway, and Richard Doty, with United Vintners. Albert Shults, in addition to his own law practice, is legislative representative in Sacramento for several clients of the firm.

Ivan Crase, who was calendar clerk and associate attorney with the firm from 1921 to 1923, made a notable record in the office of the Corporation Commissioner, which office administers California's blue sky law. In 1931 he became Assistant Commissioner in charge of the San Francisco office and served as such for twenty-four and a half years; then appropriately rounded out a public career by six months as Commissioner prior to his retirement in 1956.

Ralph Kleps and Thomas Caldwell left the firm for the staff of the Supreme Court of California. Caldwell is chief law clerk of that Court. Kleps in 1950 became Legislative Counsel and held that important post until October, 1961, when he was appointed, under recently enacted legislation, as the first Administrative Officer for the California courts.

Felix T. Smith, Jr., graduated from Williams College and Harvard Law School, was admitted to the bar and spent two years (1950-1952) of practice with the firm. Felix inherited his father's versatility, with aptitude for science and mathematics as well as law and the classics. Deciding that he preferred science to law, he took his Ph.D. in organic chemistry at Massachusetts Institute of Technology and is now a staff member of Stanford Research Institute.

Others have gone from the firm to law faculties.

These include Phil Neal at Stanford, Robert L. Knauss at Michigan, and David T. Steffen at Virginia. Conversely, two distinguished law professors from Boalt Hall have been welcomed into the office as short-time associates in search of experience in practice.

Renato Capocelli was Italian born and a graduate of the University of Naples, where his father had been on the law faculty. Coming to the United States he was admitted to the California bar and employed by Pillsbury, Madison & Sutro in 1918. He remained with the firm until his death in 1953, highly regarded for his learning and culture and for fine personal traits which included old-world courtesy and manners.

Charles A. Ruggles graduated from Harvard in 1900 and Harvard Law School in 1903. He was with the firm, carrying responsible assignments, from 1920 until his retirement in 1942.

Walter A. Starr, Jr., is a tragic episode in the firm's history. In 1933, aged 30, he was killed in a fall while making a solitary climb of the Minarets in one of the most rugged parts of the Sierra. He was an accomplished mountaineer, but the best swimmers sometimes drown. In the two or three years preceding his death he had compiled his "Guide to the John Muir Trail and the High Sierra Region," which was published after his death and is an authoritative work today. The Taylor & Taylor edition of this work (1934) contains a short biography of Walter Starr, written by Vicent Butler. Starr graduated from Stanford Law School in 1926, having completed in five years the seven usually required for undergraduate and law degrees. He was

employed by Pillsbury, Madison & Sutro in 1927 and continued with the firm until his death. Time did not allow him to fulfill his legal promise.

Among members of the firm's nonlawyer staff, as with the legal staff, only a few names can be mentioned among many worthy of note. A good starting point here is Jean Townley. For many years Mrs. Townley was to San Francisco lawyers and firm clients quite possibly the best known representative of the firm, E. S. Pillsbury not excluded. She presided over the firm's one-space switchboard, then located in the outer office, for some 20 years after the disaster of 1906. Her standard answer to all incoming calls was "102," signifying KEarny 102, and she exercised a prerogative of her own in deciding who should be connected at once or told to call back later.

The firm did not achieve the dignity of a two-place switchboard until 1936. The board with its five places is one of the most important adjuncts of the office today, and now has its own room which it needed but did not get for a long, long time.

Among the women employees of Pillsbury, Madison & Sutro, a group remarkable for personality and competence, twenty-one have service records ranging from twenty to forty-two years. Ten are active with the firm today--Evelyn Powers, Mary Barrett, Marie Burke, Amy Clark, Mary Delany, Isabelle Hutchings, Jean Lejeal, Frances Marvin, Marion Mortensen and Vivian Peck.

Members of the twenty-year club retired under the firm's retirement plan are Marie Canaday, Vera Sale, Helen Ragsdale, Mildred Hill, Josephine Keenan, Rhoda Angus

Draycott, Agnes Steele, Sue Cost and Irma Clark. Deceased are Sue Knight, with the firm from 1933 to 1954, and Violet M. Vincent, who was Frank Madison's secretary in 1905 and so continued until his retirement in 1938.

Miss Cost, with the firm for forty-two years (1907-1949) was Alfred Sutro's secretary for thirty-eight of them, from 1907 until his death in 1946. Miss Ragsdale, with thirty-eight years' service (1916-1954), was the first stenographer assigned to Eugene Prince, this being a few days after his employment with the firm, and she continued as his secretary for just short of thirty-five years.

A competent staff of agreeable people is indispensable to a successful law firm. For its staff, legal and nonlegal, Pillsbury, Madison & Sutro has the highest appreciation and gratitude.

Chapter 8

Pillsbury, Madison & Sutro and public service.

In today's war-threatened world a brief reference to the firm in public service may appropriately start with military service.

Counting all members, past and present, of the firm and its legal staff, Pillsbury, Madison & Sutro lawyers had one representative in the Civil War, E. S. Pillsbury; they had 15 in World War I, 85 in World War II, and 14 in the Korean War.

Four wars produced no fatalities in this group of well over a hundred men. There were four Purple Hearts--Marshall Madison and Harold Ashley in World War I and Noble Gregoryand Malcolm Barrett in World War II. That the number was no greater is almost incredibly fortunate, because more than half of the firm's soldiers, sailors and flyers had combat service, and they appeared in almost every area of conflict.

To the Civil War experience of 1st Lt. E. S. Pillsbury a brief reference has already been made.

In World War I Marine Captain Marshall Madison was one of the few American nonregulars to reach France in 1917, one of the earliest in combat, and one of the earliest casualties. In early June, 1918, he was severely wounded at Belleau Wood, an American victory in the first important engagement of American troops.

1st Lts. Eugene Bennett, Southall Pfund and Richard Morrison were with combat units of the 91st Division in the Argonne and the advance into Belgium. Bennett continued into Germany with the Army of Occupation. Years

later he returned as a Colonel in World War II to serve with General Stilwell in China.

Pillsbury, Madison & Sutro furnished three captains to what World War I originally called the Aviation Section of the Signal Corps and afterwards the Air Service. Vincent Butler, later to die in the wreck of a commercial airliner, and Harold Ashley, who acquired a Purple Heart in France, had combat flying as observers. Ashley returned to the Air Corps in World War II, in which he became a Colonel. He ended World War I as assistant operations officer on the staff of General William Mitchell, the apostle of air power who achieved the reward of humiliation which so often comes to men who are ahead of their time. Only posthumously, like most martyrs, did Mitchell receive his due recognition.

Captain Felix Smith was a World War I casualty without a Purple Heart, because an airplane crash left him with a permanently stiffened arm. Francis Gill, an associate of the firm for fifteen years between World Wars I and II, was a pilot in the Lafayette Escadrille; previously he had left college to join one of the first American ambulance units. These volunteer units, which few youngsters of today ever heard of, went to France in 1915 and 1916 before American entry into the war.

The participants in World War II and Korea were too many to be individually followed. Generalizing it is to be said that the experiences of those who had combat service were world wide on land, sea and in the air. In the Pacific they ranged from the Aleutians through Guadalcanal, Tulagi, Tarawa, Saipan, Truk, Iwo Jima to the actual occupation of Japan. In Europe firm lawyers

participated in the Normandy landings and in operations in France, Germany, Holland, Belgium and Austria up to the final German surrender. They were in the African campaign and in China.

Firm lawyers commanded land combat units from platoons to battalions. They were fighter and dive bomber pilots. They commanded destroyers and served on war vessels of almost all sizes in all oceans.

Among decorations received were Purple Hearts, awarded, as said before, to Marshall Madison and Harold Ashley in World War I and to Noble Gregory and Malcolm Barrett in World War II.

The Distinguished Flying Cross was won by Gregory and by William Mussman.

The Air Medal went to Mussman, Gregory, Richard Coggin and Harold Ashley. Ashley who was decorated in World War I had the unique and satisfying experience of receiving the Air Medal in World War II at the same ceremony as his own son.

Bronze Stars were awarded to Ashley and to James O'Brien, Richard MacLaury and Charles Purnell.

Presidential Citations went to units which included MacLaury, Coggin, David Brown, Edward Hale (Korea) and Ashley. To his unit citations and Bronze Stars MacLaury added a letter of commendation from Admiral Nimitz with ribbon attached.

The Legion of Merit was won by O'Brien and Turner McBaine.

Among foreign decorations McBaine received the Order of the British Empire. The French Croix de Guerre with silver star went to O'Brien and the Croix de Guerre

with palm to Ashley. Belgian decorations were the Croix de Guerre and Order of the Crown to Ashley and the Belgian Fourragere to Robert Miller. Ashley, in addition to French, Belgian and American decorations, received the Croix de Guerre of Luxemburg and two awards from the Polish government in exile.

Though limitations of time and space prevent accounts of individual wartime experiences, brief mention will be made of two.

Noble Gregory, shot down in flight over Germany in 1944, luckily survived, then evaded capture by escape into Switzerland, and then evaded internment by escape into Holland--an extremely dangerous cloak and dagger episode with a happy ending.

John Bates acquired five battle stars in Pacific operations from Attu to Truk. One battle which did not produce a star is what naval history, when it can be brought to mention the subject, calls the "Battle of the Sitkin Pips." In this "engagement" the battleships and cruisers fired so furiously that they burned out their big guns. This seemed to put things up to the destroyer squadron in a torpedo attack, wherein Bates was on the leading ship. It fortunately developed that there was no enemy. The Sitkin Islands had created such vivid reverse images in the radar screens of the battleships that they took on the phantom shape of an enemy task force.

Among those in uniform who did not get into combat many held responsible positions in staff work, intelligence and procurement. Varied activities out of the ordinary included cryptography and speaking Japanese.

Five of the firm's lawyers held civilian positions for the Government during World War II.

This brief account of service in World War II could not have a more appropriate climax than the award to Mrs. Alfred Sutro of the Cross of the Legion of Honor. This award, made in April, 1960, was made on the nomination of General de Gaulle, and was accompanied by a personal letter from him. It was made for Mrs. Sutro's distinguished service during the war to the cause of the Free French.

Mrs. Sutro, born Rose Newmark, was married in 1902, the first year in which Pillsbury, Madison & Sutro was used as a firm name. For 60 years, through her husband and her son, she has been not only one of the firm's strongest friends but a real part of it in every sense.

Turning now to Government service other than in wartime, Bennett, before joining the firm staff, had been Chief Deputy United States Attorney in San Francisco and later counsel and executive officer of the California Department of Fish and Game. In the latter capacity he won important cases up to the Supreme Court of the United States which upheld the right of the State of California to protect ocean fisheries by controlling shore-boats entering California ports from ships on the high seas. The immediate controversy was about the so-called floating reduction plants which reduced fish, principally pilchards (sardines), to fertilizer. The floating reduction plants were eliminated, but the sad aftermath is that the California sardine industry, once America's most valuable fishery, is nevertheless almost extinct today. It was ruined by

overfishing from shore plants despite the efforts of conservationists in and out of the industry to hold the annual take to an amount which the fishery could support and live.

Bennett's interest in the fields of fish and wildlife has been lifelong and his reputation therein has become international. He is presently a member by presidential appointment on the Inter-American Tropical Tuna Commission and the Pacific Marine Fisheries Commission. He is a national trustee of Ducks Unlimited.

Horrow was employed by the Bureau of Internal Revenue immediately following his admission to the bar in 1935, and spent eight years there. He was one of the three-man team chosen to set up the Bureau's first decentralized office--San Francisco. In 1944, when the end of World War II

appeared to be in sight and further service with the Bureau was no longer a wartime duty, Horrow joined the staff of Pillsbury, Madison & Sutro.

McFarland is another who had Bureau of Internal Revenue service prior to joining the staff of the firm. His experience, totaling about seven years, included a period in the office of the Chief Counsel of the Bureau and in the regional office in San Francisco.

In civic and charitable activities the firm has given legal service to many organizations, of which the San Francisco Foundation, the San Francisco Opera Association, the California Academy of Sciences, the Presidio Society, the Palace of Fine Arts League, many private foundations, and various veterans and service organizations are but a few. The firm has for a long time annually donated the service of one or more of its young lawyers, full time, to the fund raising campaign of the United Crusade.

Madison is president of the Drum Foundation; trustee of the Bothin Helping Fund; director of the Madison Fund, of the Edward E. Hills Fund and Herbert Gray Hills Fund; he is president of the Strybing Arboretum Society of Golden Gate Park, and active in the Junipero Serra Center for Girls, the University of California Hospitals Auxiliary, and the American Cancer Society. This is only part of the record on which he was honored in 1961 by the St. Thomas More award. The University of San Francisco has made this award each year since 1938 to a man who exemplifies the ideals of St. Thomas More and has achieved "distinction in the fields of law and public service." The Recorder, noting the award to Madison in its issue

of June 5, 1961, gave some highlights of his achievements in the law, then referred to his charitable services and said:

> "Thus the name of another San Franciscan, noted for his generous and unselfish devotion and services to the city of his birth and the charities which aid the sick, the needy and underprivileged, has been cited and signally honored by the University of San Francisco."

Prince, by appointment of the President of the University of California, is a member of the Distribution Committee of the San Francisco Foundation.

Sutro has been a director of the Commonwealth Club of California. O'Brien has been active in the work of the Chamber of Commerce.

Sutro is also a national vice president and director of the Navy League. Bennett has been since 1947 civilian aide for Northern California to the Secretary of the Army. He and Prince are members of the Civilian Advisory Committee to the Sixth Army Commander.

Lawyers from the firm have acted as unpaid mayors, city attorneys and councilmen for their home localities--Michael, MacLaury, and Hofmann in Belvedere, Bates in Piedmont, Scott in Ross, and Hawkins in Woodside.

The firm's lawyers have been active and often prominent in the work of the organized bar. All the partners and many associates are members of the American Bar Association. Kirkham was chairman of its Antitrust Section for 1960-1961. Bennett is currently chairman of the section on International Law (1961). Since 1958 he has been a member of the Committee on the Federal Judiciary, the work of which affords one of the very few instances wherein the organized bar has been able to act effectively in the

all-important matter of selections for the bench.

All firm lawyers belong to the State Bar of California, since membership therein is a legal prerequisite to the right to practice. It is a public corporation created by statute in 1927, and made a constitutional body by vote of the people in 1960 (Cal.Stats. 1927, p. 38; Business and Professions Code, secs. 6000-6154; Amendment adding section 1c to California Constitution, Art. VI, November 8, 1960). The Supreme Court of the United States in 1961 upheld the right of states to establish state bars with compulsory membership by overruling in the case of Lathrop v. Donohue (367 U.S. 820) an attack made on the State Bar of Wisconsin. Prince was one of three lawyers who, at the request of the State Bar of California, filed a brief as amici curiae on its behalf.

Prince is a past president of the State Bar (1953-1954). He and Fuller are past chairmen of its Committee of Bar Examiners (1948, 1954). The firm has at one time or another supplied members to almost all important State Bar committees. Hawkins has several times been chairman of the San Francisco Bar Association delegation to the Conference of State Bar Delegates.

The whole firm belongs to the Bar Association of San Francisco, and the younger men are active in its junior bar organization, the Barristers Club of San Francisco. The firm has furnished three presidents to the Bar Association: Prince (1941); Levin (1953); and Sutro (1962). From an earlier era Robert Y. Hayne was president in 1896. William Edlund is currently president of the Barristers Club; Quentin Kopp, a former associate of the

firm, is a past president.

There has been only one lapse in the firm's support of the Bar Association of San Francisco. At a time here left dateless the Association endorsed for re-election a judge who should not have been elected in the first place. E. S. Pillsbury thereupon seceded, taking most of the firm with him, and he remained unreconstructed even after others had returned to association membership.

The firm is represented in the American Law Institute and the American Judicature Society. It has three members in the American College of Trial Lawyers.

In other fields related to the law Bennett served by appointment of Chief Justice Warren as a member of the United States Commission on Judicial and Congressional Salaries (1953-1954). Madison is a charter member of the Board of Regents of the University of San Francisco. Prince has been a member since 1940 of the Board of Governors of Hastings College of the Law, and since 1949 a member of the Board of Trustees of the San Francisco Law Library. Both these boards are unusual in that they are statutory bodies with statutory authority of self-perpetuation.

Nearly all the firm's lawyers are active in the alumni associations of their law schools. Many of them have been law clerks for judges of the Supreme Court and other federal courts and of the Supreme Court of California.

Many years ago at the request of the Circuit Court of Appeals, Alfred Sutro and his well-known contemporary at the San Francisco bar, Oscar Cushing, defended three judges of that court against a crank damage suit for an alleged

improper decision. Prince was one of two counsel for a federal district judge sued many years later in a baseless action of similar character.

Alfred Sutro and Warren Olney, the latter a former justice of the Supreme Court of California and one of the all-time great San Francisco lawyers, defended Judge Frank Dunne at his request against an attempt to disqualify him in a bitterly contested estate and guardianship case. In this proceeding Olney and Sutro were successful.

Judge Dunne was another of San Francisco's outstanding legal figures. He was superior judge from 1896 to 1941. He presided over two of the most publicized and controversial cases in California history. One was the trial of Eugene E. Schmitz in the graft prosecutions following 1906, the charge being extortion by threats to close up French restaurants as resorts of "lewd women." A conviction was reversed on the ground that the extortion had not been linked to official power, great emphasis being laid on the failure of the indictment to state that Schmitz was mayor of San Francisco (7 Cal.App. 330, 366, 374), a fact probably known to everybody in California of legal age and competence. The second case was the trial of Warren K. Billings, who was convicted with Thomas Mooney for dynamiting the San Francisco Preparedness Parade of 1916 (34 Cal.App. 549; 177 Cal. 642). Judge Dunne later spent many years in the Probate Department, where he was succeeded by Judge T. I. Fitzpatrick, presently the dean of California superior judges, held in the highest respect and regard by the San Francisco bar.

Pillsbury, Madison & Sutro has done no great

amount of legal authorship in the form of books and articles. One real achievement in this field, however, is "Jurisdiction of the Supreme Court of the United States." This book, completed in 1936 by Francis Kirkham as coauthor with Reynolds Robertson, at once became a standard text, and in its second edition still is.

Kirkham had a good background for this piece of practical legal scholarship. He had been law clerk first for Justice Sutherland and then for Chief Justice Hughes from 1931 to 1935. During his tenure with the Chief Justice, Kirkham also acted as secretary for the Judicial Council of the United States. As such he had to deal with many problems now handled by the administrative office of the United States courts, which was not created until 1938.

In 1938, not long after his employment by the firm, Kirkham undertook, at the request of Chief Justice Hughes, the drafting of amendments to the General Orders in Bankruptcy which the Supreme Court promulgated in 1936 (298 U.S. 695) and the revision of the General Orders and Forms in Bankruptcy necessitated by passage of the Chandler Act of 1938 (305 U.S. 677). For more than twenty years the orders and forms as drafted or revised by Kirkham remained in force without substantial change.

Another important piece of draftsmanship was by James Wanvig. As special consultant to the Department of Natural Resources of Alaska, he drafted in 1959 the oil and gas regulations for leasing the lands owned by the new state.

Thus it appears that the conduct of a busy law practice does not exclude a fair amount of public service in many fields. That jealous mistress, the law,is not as

completely possessive as some of her human counterparts.

Chapter 9

A study in contrasts--now and then.

The extreme contrasts between now and then stem from matters of national and world history, from scientific and social developments, and from political changes which are far outside the scope of this narrative, but which suggest a few reflections upon differences particularly concerned with the law.

To what kind of practice could E. S. Pillsbury have looked forward when he started in Stockton in 1866 or in San Francisco in 1874? There was criminal practice; there were negligence cases, but without automobiles by the million to create lawsuits in fantastic volume; there were land-title problems, which were for lawyers only, since there were no title companies and few searchers of records, as abstracters were then called; there were business contracts, mining and water cases, and probate; there was corporation law which principally involved drafting corporate articles or minutes, and, after the Constitution of 1879, litigation about stockholders' liability.

The Uncle Sam of the 1870s and 80s was a benevolent old gentleman who operated the post office, gave away land and exercised wardship over Indians despite objections from Sitting Bull, Chief Joseph and Geronimo. In giving land, including that which belonged to the Indians, Uncle Sam was doubtless overgenerous at times and he was relentlessly efficient in capturing people who robbed post offices or trains or stages carrying mail. But from ordinary citizens he was comfortably remote. He did not compete with them in

business. His hand was neither on their shoulders nor in their pockets.

E. S. Pillsbury's early probate proceedings were untroubled by inheritance or estate taxes. Neither he nor his clients paid an income tax. Administrative law is an expression which he probably never heard until long after his admission to the bar. Even the Interstate Commerce Act was twenty years in the future when he started practice. Antitrust statutes were further away, and blue sky laws further still. Theoretically, at least, laws appeared only in the statute books. If judicial decisions and executive actions occasionally engaged in law making, there were few judges and no presidents who would then admit it.

The greatest changes from this legal state of Arcadia have resulted from governmental action--regulation, taxation and administrative law. The federal government alone, to say nothing of states and municipalities, has more than _____ alphabetic agencies, enforcing thousands upon thousands of pages of statutory and administrative commandments, the meaning, and even the authorship, of which are often not ascertainable. It is not possible to keep completely abreast of the Federal Register. And the FTC, SEC, FEPA, FCC, PUC and IRS, with all their tremendous power and importance, are only a half dozen of the contributors to the general complexity and confusion.

On the judicial side there were 47 volumes of California Reports on January 1, 1874. There are today over 600 volumes of California and California Appellate in the official sets alone. Reported judicial decisions the country over are numbered in the millions and their pages

increase by thousands every day. Most of this vast bulk adds nothing new to legal knowledge and is important only to particular litigants. Yet it threatens imminent destruction to the whole American system of precedents. That system loses all reason and purpose when applied to a mass of case law so enormous. Lawyers can neither find money enough to buy the books or lifetimes enough to examine them.

These tremendous changes in life, law and law books are part of the reason for the present size of Pillsbury, Madison & Sutro. The other and even more important part of the reason is that the firm has had the good fortune to hold its clients and has had to grow with them.

Standard Oil Company of California descends directly from Pacific Oil Company, incorporated by Wallace, Greathouse & Blanding in 1879. Pacific was from its beginning an integrated oil company, California's first, but there is a vast difference between it and the world-wide Standard of today. Pacific Oil in 1880 built a refinery in Alameda, the largest in the West, with an alleged capacity of 500 barrels daily. To supply this refinery, however, there were only a few barrels of daily production and these came from Moody's Gulch in Santa Clara County. The now dry and almost forgotten well sites lie beneath the Santa Cruz Highway not far south of Los Gatos. All California produced only 115 daily barrels of crude oil in 1880.

The Pacific Telephone and Telegraph Company is a gigantic concern, larger in terms of investment and

telephones in service than the whole Bell System of just a few years ago. Its beginnings were smaller than those of Pacific Oil Company. They go back, as recited in an earlier chapter, to 1877 when two rival companies, one operating under an Edison patent and the other under a Bell patent, offered a minuscule telephone service to San Francisco. In 1880 these concerns consolidated under the name of Pacific Bell Telephone Company, and through various changes of corporate name and structure became The Pacific Telephone and Telegraph Company of today.

By 1920when the present two senior members of the firm were employed on its staff, Standard and Pacific Telephone had become very large companies, well up among the leaders of Western business. Yet so late as 1920, Felix Smith, with no assistant, was able to do all of Standard's everyday work, and the Telephone Company required only part time from H. D. Pillsbury.

In the case of some clients economic tides have ebbed. Gold lodes and placers were worked out, pioneer railroads tore up their tracks, and lumber companies, operating before the days of sustained yield, saw their timber disappear. California Wine Association went out of business with prohibition, to be revived after repeal. Tubbs Cordage Company, a client of the firm for sixty years, is the leading cordage company of the West today, as it has been ever since it was founded in San Francisco in 1856, but fibre rope is less important now than in the days of sailing ships. Tubbs maintains its position by making plastic as well as fibre products and by functioning as an investment company as well as a cordage manufacturer.

Generally the firm's clients have grown, their growth stimulating that of the firm and bringing with it added problems of firm management. When the firm was small it was run by the senior partner or partners. More formal organization has become necessary, but the general policy has been and still is to avoid overmanagement and operate as informally as possible. Action by the firm as a whole is required only as to important matters of policy, but a weekly partners' meeting, from which there are few absences without good cause, keeps all apprised of what goes on. Policy recommendations are formulated by a management committee, which also co-ordinates the work of other committees to the extent necessary. A small executive committee oversees the management of the office and maintains contact with the heads of the nonlegal staff. An individual partner is in charge of the employment of young lawyers. Special committees advise about salaries and oversee the library and the filing systems.

In the distribution of legal work the first step is to charge one partner with responsibility for it. In the case of regular clients the process is almost automatic; with new clients or in cases out of the ordinary, responsibility for getting the matter forthwith into proper hands is on the partner to whom the matter first comes. With responsibility settled the partner in charge may distribute all or part of the work to his own assistants, or may call for specialized or other help if needed.

When a new piece of work, big or small, comes into the office, whether for a new client or old, a form is immediately circulated, to be read at once by each partner.

If any partner is absent his secretary refers the matter to his assistant or substitute pro tem. The form gives the name of the client, the attorney in charge and the nature of the problem, including the legal problem. This simple device--one of the few pieces of required paper work in the firm's administrative practice--together with the interchange of information at weekly staff and partners' meetings, has worked quite effectively to protect the firm against taking inconsistent positions with respect either to clients or legal questions. It has also reduced the duplication of work on similar matters and made it easier to marshal the results of prior research or experience.

The office could not function as it does today without its mechanical equipment. This is another amazing chapter of change. Originally there was no mechanical equipment. Pillsbury & Blanding, as described by Horace Pillsbury, had progressed to two typewriters. By 1923 the firm had acquired one manually operated adding machine. The making of copies was still an apparently insoluble problem. Even after carbon paper succeeded the letter press only five or six legible carbons could be made at a time.

The firm today has 93 typewriters completely electrified. Reproduction equipment has about solved the copy problem. The reproduction room contains two large reproduction machines, one multilith and one small photo-copier. Full-time operators run this equipment. Additionally there are photocopiers in each of the large stenographic rooms on the 19th and 20th and 21st floors. The library has a book copier which will reproduce pages without taking the book apart. An electric drill press makes holes for

stapling bulky documents without having to punch the pages one at a time.

There are small portable dictating machines which may be taken home or used in the office in peak periods when stenographic help is short. A "memory machine" will type routine material on the pressing of a button, leaving to the secretary only the typing in of material which departs from routine. This machine is particularly useful in work such as probate where forms contain much standardized material.

The office has eight adding machines and five electric calculators. The adding machines have a tape, and subtract as well as add. The calculators add, subtract, multiply and divide. They are fully automatic. This equipment facilitates accounting for cash receipts and disbursements and aids in the preparation of tax returns. Several individual attorneys or secretaries have small manually operated calculators. There is an electric check protector. The outer office has an electric mailing machine. In the 30 months following its purchase on November 20, 1958, it processed 150,529 pieces of mail and affixed postage of $15,187.77.

Mechanization has indeed established itself in the law. Let us hope that its use will be confined to matters of mechanics, and that legal research and ability to argue from legal principle are not to become matters of electronics.

The firm has not limited its modernization to mechanics. In 1952 it established, as a pioneer among law firms in so doing, a profit-sharing retirement plan for employees. To the retirement fund the firm contributes from

current earnings. Participants do not contribute. The firm's contributions are invested by an advisory committee and have grown to a substantial fund. Subject to specific provisions relative to death, disability or termination of employment, participation ends on the 1st anniversary date after the 62d birthday for women or 65th birthday for men, or the date of later actual retirement in the case of employees who, with the firm's approval, carry on after the normal retirement date, as some wish to do. Participation credits are based on length of employment and salary earned.

At the time the firm established the profit-sharing retirement plan certain employees were disqualified by age from participation. The firm, therefore, established and carries the cost of a past service plan for them to augment the social security benefits of employees retired under it.

Presently there are 10 living retired employees receiving benefits under the firm's two plans.

As to the partners themselves, a formalized plan like that provided for the employees has never been possible under the tax laws, which have shown no concern for problems of the self-employed. However, the firm has started as a matter of policy a plan which it believes will be successful. The purpose is to preserve for the firm the standing and experience of the older partners without blocking the younger men either from assuming responsibilities or receiving their fair share of the firm earnings.

The policy contemplates that at age 65 a partner's share of the earnings shall decrease over a three-year period to a minimum which, on the basis of actuarial computation

applied to actual firm ages and projected earnings, should be fair and practical. It contemplates also that when a partner reaches 65 primary responsibility for clients and cases should be carried by younger partners. This does not mean that the older partners retire unless they wish to do so. They remain partners with all the rights and obligations of partnership except the obligation to continue a full-time law practice. It is expected that a partner at 65 will have long served the firm and have achieved high professional standing; therefore, that he should perform such advisory and other legal services as he sees fit, retaining the time and opportunity to engage also in civic and charitable activities of his own selection.

* * * * *

We have followed the firm and its predecessors through more than ninety years of law practice--from E. S. Pillsbury's one-man office of 1866 in Stockton and of 1874 in San Francisco to the "large organization" of nine which was Pillsbury & Blanding in 1890; from the 14 persons who constituted partners and staff of Pillsbury, Madison & Sutro in 1905; from the 22 who moved across Bush Street in 1923 from the old to the new Standard Oil Building; from the 106, including 40 lawyers, at the start of World War II; thence to the firm of today.

Of the present members of the firm and legal staff the sun is now setting for only a few. The history of the others should lie, God willing, more in the future than in the past. A group well spaced as to age, with varied special and specialized talents, with experience in almost

all fields of the law, supported by a competent staff--the firm can face the future not only with hope but with reasonable confidence of worthwhile achievements yet to come.

APPENDIX 1

THE PARTNERS OF PILLSBURY, MADISON & SUTRO (FROM 1905-1962)

E. S. Pillsbury (1839-1934)
Frank D. Madison (1867-1940)
Alfred Sutro (1869-1945)
Horace D. Pillsbury (1873-1940)
Oscar Sutro (1874-1935)
Felix T. Smith (1887-1947)
Marshall P. Madison
Eugene M. Prince
Vincent K. Butler (1892-1935)
John A. Sutro
Eugene D. Bennett
Howard Marshall
Maurice D. L. Fuller
Francis R. Kirkham
Norbert Korte (1897-1947)
Sigvald Nielson
Alfred B. Tanner
Southall R. Pfund
Harry R. Horrow
Francis N. Marshall
Hugh T. Fullerton
Fredrick H. Hawkins
James E. O'Brien
Turner H. McBaine
Albert J. Brown
Wallace L. Kaapcke
Lawrence F. Kuechler
John B. Bates
Harold I. Boucher
James Michael
Charles F. Prael
Noel J. Dyer
Gerald S. Levin
Stanley J. Madden
Richard B. Daugherty
Whitcomb J. McFarland
Noble K. Gregory
Richard J. MacLaury
William E. Mussman
Frank H. Roberts
Harry C. Scott
E. Hugh Taylor
George H. Eckhardt, Jr.
John Richard Hofmann, Jr.
Claude H. Hogan
Carlisle B. Lane
Charles R. Purnell
George A. Sears
Thomas E. Haven
James L. Wanvig

APPENDIX 2

THE FIRM STAFF, _____, 1962

[To be supplied]

APPENDIX 3

PILLSBURY, MADISON & SUTRO LAWYERS IN FOUR WARS

(* Indicates overseas service;
° Indicates combat service)

Civil War

°1st Lt. Evans S. Pillsbury.

World War I (Army and Marines)

Captain Felix T. Smith.

*°Captain Marshall P. Madison (Marines).

*°Captain Vincent Butler

*°Captain H. H. Ashley (Served as Colonel in World War II).

*°1st Lt. Eugene D. Bennett (Served as Colonel in World War II).

*°1st Lt. Southall R. Pfund.

*°1st Lt. R. H. Morrison.

2nd Lt. Norbert Korte.

2nd Lt. Sigvald Nielson (Royal Canadian Air Force).

*°2nd Lt. Francis Gill (Lafayette Escadrille; also civilian flying instructor in World War II).

Sgt. Eugene M. Prince (Lt. Col. in World War II).

Pvt. M. D. L. Fuller.

World War I (Navy)

Lt. Frederick W. Dorr.

Ensign Bert F. Rabinowitz.

Ensign Wallace Sheehan (Served as Commander in World War II).

World War II (Army and Marines)

*°Col. Eugene D. Bennett.

Lt. Col. Eugene M. Prince.

*°Lt. Col. James E. O'Brien.

*Lt. Col. Hugh T. Fullerton.

Lt. Col. Richard B. Daugherty.

*°Major Richard J. MacLaury (Marines).

*Captain Richard G. Coggin (Marines).

*Captain John Richard Hofmann, Jr.

*°Captain Robert F. Miller.

Captain Robert W. Morrison.

*°Captain William E. Mussman.

*°Captain Charles R. Purnell (Also served in the Korean War).

*°1st Lt. Noble K. Gregory.

*°Private First Class Malcolm M. Barrett.

*Air Navigator Dudley A. Zinke (Air Transport Command).

World War II (Navy)

*Commander John A. Sutro.

*Commander Turner H. McBaine.

Lt. Commander Fredrick H. Hawkins.

*Lt. Commander Stanley J. Madden.

*°Lt. Commander Frank H. Roberts.

*°Lt. Commander Samuel L. Wright.

*°Lt. John B. Bates.

*°Lt. James Michael.

*Lt. Noel Dyer.

*°Lt. Claude H. Hogan.

*°Lt. Thomas E. Haven.

*°Lt. Alexander R. Imlay.

Lt. Felix T. Smith, Jr.

*°Lt. Donald G. McNeil.

*°Lt. Donald E. Peterson.

*°Lt. Hugh E. Taylor.

*°Lt. (jg) David P. Brown.

*Lt. (jg) James L. Wanvig.

*Ensign Sean Flavin (Served also as Lt. in the Korean War).

Chief Petty Officer Henry G. Hayes (Coast Guard).

Petty Officer Paul G. Burri.

Petty Officer Anthony P. Brown.

Petty Officer Harlan M. Richter.

Petty Officer George A. Sears.

Korean War (Army and Marines)

*°Captain Charles R. Purnell (Also served in World War II).

*°1st Lt. Paul L. Davies, Jr.

*°1st Lt. Edward E. Hale (Marines).

*°1st Lt. Charles B. Renfrew.

1st Lt. Charles M. Richardson, Jr.

Staff Sergeant Alan P. Vandevert.

Sergeant William C. Miller.

*Sergeant James B. Atkin.

Private First Class Richard W. Johnson.

Korean War (Navy)

Lt. Sean Flavin (Also served as ensign in World War II).

*Lt. Thomas N. McNamara.

Lt. John O. Mack.

*Lt. (jg) Donald G. Black

Lt. (jg) Willis D. Hannawalt.

*Petty Officer Maurice D. L. Fuller, Jr.

The above list for World War II and the Korean War does not include the following former associates of the firm who were in military or naval service as to whom the details of service are not easily available:

Homer Angelo, Franklin Bates, Fred C. Bold, Frank Bowen, William S. Boyd, Brent Bozell, William Brinton, Lewis Butler, Angell M. Dennis, David Dunford, Richard Doty, Cushman Dow, Douglas Erskine, John M. Evans, James Frolik, Murray Gartner, Roger Henselman, John A. Hooper, Robert Janssen, Byron Kabot, Robert L. Knauss, Frank Kockritz, Jack Laney, Noble McCartney, John D. McComish, James D. Malcomson, Randolph Marshall, Everett A. Mathews, Leigh Miller, Allan R. Moltzen, Lawrence L. Murphy, Phil Neal, Robert Patmont, Harold R. Rooks, Harlow Rothert, Guido Saveri, Joseph L. Seligman, Jr., Albert J. Shults, Laurence H. Smith, Marcus Stanton, Thomas Stanton, David T. Steffen, Harley C. Stevens, Bart Van Eck, Nicholas Zoller.