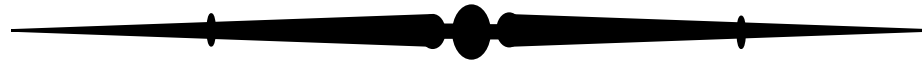


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THE JOURNAL OF  
THE HISTORICAL SOCIETY  
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DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MICHIGAN

# STEREOSCOPE



This issue of *Stereoscope* is dedicated to the memory of the Honorable Benjamin F. Gibson, who passed away on January 13, 2021, at the age of 89. Judge Gibson served as District Judge in the Western District during the 80s and most of the 90s. He is uniformly remembered as a judge who was kind, respectful and calm. He was a gentleman who was admired by those who appeared in his court.

Court Historian Hugh W. Brenneman, Jr. remembers the life and legacy of Judge Gibson.

David J. Gass, President  
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# “The Gentleman Judge”

## Remembering the Hon. Benjamin F. Gibson (1931-2021)

*By Hugh W. Brenneman, Jr.*

He was a Gentleman Judge.

The story of Benjamin Gibson is one of significant achievement, hurdles overcome, and expectations exceeded. While the journey of Ben Gibson first appears to be the story of a black auto worker's son, who rose to become not only an attorney and law professor but eventually Chief Judge of a federal district court, in a white man's world, the story is really much more than that. He will be remembered for the exemplary manner in which he carried out his judicial duties, as well as for overcoming racial barriers in becoming that judge. He was a true gentleman who happened to be a black judge.

Perhaps it was his demeanor. His law clerk Brian Beck called him “a gentleman's gentleman.” The current Chief Judge of the Western District of Michigan, the Hon. Robert J. Jonker, recalls Gibson's “grace and dignity.” Judges Gordon Quist and Janet Neff say that Judge Gibson “personified judicial temperament,” Judge Neff adding that he “was unfailingly calm, respectful of attorneys and litigants and kind,” and Judge Quist stressing his patience, thoughtfulness and respect for “lawyers and anyone who appeared before him.”

Those who appeared before him say the same. Attorney Gary P. Schenk remembers a complicated securities case that Judge Gibson tried shortly after taking the bench, saying that, apart from the skill with which the Judge handled the case, he presided with great patience, kindness and calm demeanor. Attorney Doug Van Essen uses these words: “[I]t is worth celebrating the fact that Judge Gibson personified a gentle person jurist.” Comments from his staff are summed up by his first secretary, Marilyn Dykstra: “He was a perfect gentleman,” and by his second, Diane Kettner: “He lived by the Golden Rule: The principle of ‘treating others as you want to be treated.’”

All of this high praise—a fraction of what has been written—is offered only to stress that such thoughts, sometimes seen as platitudes, are undeniable truth in this instance. The Judge enjoyed many achievements, as will be noted below, but it was his traits of gentle-

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ness, patience and dignity that have brought him such universal respect.

### **Benjamin Gibson Builds a Life**

Benjamin F. Gibson<sup>1</sup> was born on July 13, 1931, in Dallas County, Alabama, in the small village of Safford. He was the child of Eddie and Pearl Mae Gibson. He spent most of his life, before his retirement, in Michigan. After his father obtained a production job at Ford Motor Company, his family moved to Detroit, part of a great migration of people from the South to Detroit and the industrial North in the pre-World War II years. It was, unfortunately, also a period when many opportunities were closed to members of the black community. Jim Crow laws continued to exist, there was red-lining in home sales, and the Green Book was often needed to navigate travel. Any relief the Civil Rights Act of 1964 might offer was in the future. Regardless of these roadblocks, Ben was an achiever from an early age.

Ben attended Miller High School in Detroit, graduating in 1948 with honors at the age of 16. He then served his country with a two-year stint in the U.S. Army from 1948 to 1950. Returning home from military service, he enrolled at Wayne University.<sup>2</sup> He graduated in 1955 with a Bachelor of Science degree in business administration, majoring in accounting. To pay his way through school, he worked nights processing medical records at a local hospital.<sup>3</sup> On June 23, 1951, he married his sweetheart, Lucille Nelson of Memphis, Tennessee, whom he had met during his high school years.

Following graduation, Gibson promptly put his business degree to good use, taking a job as an accountant for the City of Detroit in 1955. He then became an accountant for the Detroit Edison Company from 1956 to 1960, and was the first African American hired in a professional capacity by that

company. This would be the first of many “firsts” that Gibson would achieve.

While employed at Detroit Edison, he also attended the Detroit College of Law<sup>4</sup> at night. Gibson chose DCL over other Detroit law schools because it was geared toward the practicing attorney, with many of its faculty being practitioners themselves. And this was Gibson’s ambition. The flexibility of the school’s scheduling (“an absolute necessity,” he said) also allowed him to juggle his job and his growing family. He thought the intellectual challenge of law school was wonderful. He said he loved it. But he nevertheless felt time constraints. “I sometimes didn’t have time for everything—homework, family, reading the law.”<sup>5</sup> And, of course, his employment. Gibson attended DCL on a full scholarship, and graduated with distinction in 1960 with his Juris Doctorate degree. He ranked fifth in a class of 100.

Gibson remained with Detroit Edison for nine more months. Then he decided that it was time to practice law. In 1961, he and Lucille moved to Lansing with their four children, where Gibson accepted a position as an assistant attorney general for the State of Michigan. He was assigned as a legal advisor to the Michigan Public Service Commission from 1961 to 1963, becoming involved with the regulation of public utilities. He also took this opportunity to do post-graduate work towards a Master of Laws degree in labor law at Wayne State University Law School, and later did more course work at Michigan State University. (He would eventually receive an honorary Doctor of Laws degree from the Detroit College of Law in 1982.)

In 1963, Gibson achieved another first, becoming the first African American assistant prosecutor for Ingham County. He really looked forward to the trial work this job promised, a necessary component for becoming a general practitioner - which was his goal.

But he knew that it took time to build a private practice and he needed to plunge in. Within two years, in 1964, Gibson entered private practice in Lansing, forming a partnership with Stuart J. Dunnings, Jr. The firm was known as Dunnings and Gibson. Dunnings had become the first black general practitioner in Lansing in 1950, and in this highly regarded attorney, Gibson found an excellent mentor. In 1974, the firm became Dunnings, Gibson & Canady.

Gibson maintained a general litigation practice doing personal injury, worker's compensation, administrative law, domestic relations, and criminal matters. He remained in private practice until 1978, the last four years as a sole practitioner. He said that he found this work enjoyable, "but working by yourself creates some problems in that it is sometimes difficult to make all the appointments and meet all the court dates, especially if you have a busy practice, as I had." Again, time pressure - the bane of the sole practitioner.

In 1979, Gibson decided to change course. He accepted an offer to become a full-time, and the first African American, professor of law at the Thomas M. Cooley Law School in Lansing. "I had always enjoyed the study of law, enjoyed the philosophical aspects of the law. In the practice of law, you have little time to study, to do the reading of law which I so love. I could have taught until I retired but for this judgeship."<sup>6</sup>

His background in both the private and public sectors, together with his experience as a law professor, prepared Gibson well for his next big step.<sup>7</sup>

### **Putting on the Black Robe**

Congress created two new federal judgeships for the Western District of Michigan in 1978, providing some long needed relief for the heavily overburdened judges already there, Noel P. Fox and Wendell A. Miles.<sup>8</sup>

On the recommendation of U.S. Senator Donald Riegle, following consideration by a merit selection panel of 43 applicants, President Jimmy Carter, on July 7, 1979, nominated Benjamin F. Gibson, along with Grand Rapids attorney Douglas W. Hillman, to fill these new seats.<sup>9</sup>

Both Judges were confirmed by the Senate on September 25, 1979, and received their commissions the following day. Judge Gibson chose to have his investiture at the Cooley Law School in Lansing on October 2, 1979. Judge Fox presided. Of course, it was lost on no one that Benjamin Gibson had achieved another first, becoming the first black judge on the federal district court in Western Michigan, a position he would hold for two decades.

He now had a lifetime seat on the U.S. District Court. But he literally had no seat to sit on. Congress had created over 150 new judgeships nationwide, but without enough courtrooms or chambers to house the new judges.

In the Grand Rapids courthouse, Judges Fox and Miles enjoyed large, handsome, wood-paneled courtrooms, each two stories high, with a half-dozen attached rooms comprising their chambers. These were situated at opposite ends of the fourth floor, facing each other. The General Services Administration (GSA), the courthouse landlord, now had to build two more identical courtroom complexes on the sixth floor of the same building. At the outset, this meant displacing most of the existing sixth floor tenants, as well as those tenants on the seventh floor who occupied the proposed airspace above the future sixth floor courtrooms, and finding them all new homes.

The GSA undertook the project with its usual alacrity.

In the meantime, Judge Gibson needed a chair and a desk. He could share a courtroom, as inconvenient as that could be for two judges, and he frequently used Judge Fox's courtroom when it was available. But he and his staff needed offices, a con-

ference room and library space. A lot of library space. It was an age before computers when Washington supplied new judges with boatloads of books.

Initially, Judge Gibson was given a small office, less than 300 square feet, in a corner of the fourth floor, and his secretary had an identical room next door.

Normally, these were spaces

reserved for law clerks. His law clerk, in turn, had a desk jammed between empty stacks in an unused library storage facility. Fortunately, larger temporary accommodations were soon built on the second floor, which included serviceable, if unattractive, industrial-strength pressed wood shelving for library books. The GSA continued to work on his new courtroom.<sup>10</sup>

Judge Gibson, outwardly at least, maintained the calm patience he is remembered for, as he awaited the eventual completion of his new chambers and courtroom. But when it came to his caseload, the work did not wait and neither did he. Grand Haven attorney Judy Bregman, one of his early law clerks, recalls some notable cases that made headlines right from the beginning. In the words of fellow law clerk Terry Smith, “He calmly shouldered the responsibility of difficult cases in-



*Portrait of Court in Judge Hillman's Chambers, 1987. L-R: Hon. Richard A. Enslen, Hon. Benjamin F. Gibson, Hon. Douglas W. Hillman, and Hon. Robert Holmes Bell*

volving controversial issues like reproductive rights of mature minors, and the limits of state support for church-sponsored schools.” Bregman observed, “He never enjoyed that spotlight. He just wanted to do what was right under the law.”

But when you are a federal judge, sometimes the spotlight finds you.

One high profile case involved a state court judge in Kalamazoo who refused to rule on whether a mentally impaired thirteen-year-old should have an abortion. No case in Western Michigan would attract more public interest than one involving abortion. Gibson quickly heard the matter. He said that the girl’s guardian had approved the procedure, and the attending doctor said it had to be performed that week: “But because of his own personal reasons, the [state] judge wouldn’t decide the case, so it was brought to federal court.” Gibson promptly entered an order directing the state court judge to rule on the matter. When the case was returned to the state court, the state judge denied the abortion and the teenager had the baby, which was later placed in a foster home.<sup>11</sup>

In 1982, a public outcry arose in Grand Rapids when a touring company brought the musical

comedy “Oh! Calcutta!” to the new DeVos Hall auditorium on Monroe Avenue. The show featured twenty-two minutes of eight actors performing in the nude. Objections were quickly raised by some citizens that such behavior violated the local obscenity law. This case also demanded Judge Gibson’s immediate attention. After considering the arguments of counsel, Gibson ruled that the police could not arrest the actors because the city’s obscenity law was not specific enough to bar the show. When the final curtain came down on this drama, long-time theater critic for the *Grand Rapids Press*, David Nicolette, wryly observed that the show “went off without a hitch, and much of the time without a stitch.”<sup>12</sup>

But a controversial decision that drew even more attention was Judge Gibson’s ruling that required that a picture of Jesus Christ, which had been hanging on the wall of a local public high school for 30 years, be removed. A senior at the high school, assisted by the ACLU, had brought a lawsuit maintaining that the two- by three-foot

framed portrait amounted to the school’s endorsement of Christianity, in violation of the First Amendment, which bars government establishment of religion. Judge Gibson agreed. “I caught a lot of flak on that,” he said.<sup>13</sup>

Some cases were less controversial, but big in other ways. In 1984, Judge Gibson heard one of the early large drug cases brought in the Western District. The U.S. Attorney’s Office prosecuted 29 people on a total of 368 counts pertaining to cocaine and marijuana. A half-million dollars was seized. The ring leader alone faced 118 counts, and went to prison for 18 years. Ten others were sent to prison as well, but only three of them for more than two years, and the Judge tossed out many of the charges. The head of the local DEA thought the Judge was too lenient. “It was handled with kid gloves.” The U.S. Attorney was unhappy that some of the charges were thrown out. Judge Gibson pointed out in response that he was not the handmaiden of the government, and that he expected the criticism and did not let it bother him. “If



*U.S. Senator Donald Riegle with his three nominees to the federal court. L-R: Benjamin F. Gibson, Senator Donald Riegle, Hon. Noel P. Fox, Douglas W. Hillman, and Richard A. Enslen, September 28, 1979*

you don't get criticism, you're not doing your job."<sup>14</sup>

Regardless of the issue or controversy, Judge Gibson always displayed a high regard for the counsel appearing before him. He was methodical, he was thorough, and he was open-minded and receptive to arguments of counsel. Attorneys frequently said that even when he ruled against them, they felt that he had given them their day in court.<sup>15</sup> One attorney was leading Grand Rapids defense lawyer Larry Willey, who made the rather striking observation: "He was evenhanded and fair. I had many clients who refused to file an appeal of their convictions because 'I was treated fairly' and there is nothing to appeal! That has never happened to me, before or after."<sup>16</sup>

But the Judge was willing to admonish members of the Bar when necessary. He always said that every lawyer should practice the "two Ps" – be punctual, be prepared. After having spent a decade on the bench, he said it was his opinion that lawyers were becoming too technical. They were "meshed in minute details and sometimes don't see the whole picture. They often make things more complicated than they need to be." He said, "Some lawyers need to be reminded they are officers of the Court and the Court relies on their representations."



*Benjamin F. Gibson and Senator Donald Riegle at the Gerald R. Ford Federal Courthouse in Grand Rapids, attending the investiture of Douglas W. Hillman*

"Today's attorneys," he concluded, "need to get back to being professionals."<sup>17</sup>

Professionalism and civility had long been the hallmarks of lawyers practicing in West Michigan, a matter of pride to both judges and attorneys throughout the region. If some lawyers might need an occasional reminder, Judge Gibson

probably reasoned: "What good was living in Grand Rapids, of *all* places, if you couldn't be a 'Dutch uncle'<sup>18</sup> once in a while!" And in those instances when he felt attorneys were not meeting his expectations, he would pay extra attention to make sure that the rights of their clients were being protected.<sup>19</sup>

Judge Gibson did take notice of the large increase in the number of female attorneys he was seeing, particularly as litigators. He proclaimed, "I believe this is for the better."<sup>20</sup> A safe observation for a man with a wife and five daughters.

### **The Judge Steps Into the Community**

Off the bench, Judge Gibson was, like his colleagues, active in the local community. He served on boards of the Thomas M. Cooley Law School, Butterworth Hospital, the YMCA, and the Grand Rapids Foundation, and he was president of the



*The Bells host the Gibsons and other members of the Court family at their home in Okemos, December 1, 1988.  
L-R: Hon. Timothy P. Greeley, Lucille Gibson, Hon. Robert Holmes Bell, Hon. Doyle A. Rowland, Hon. Benjamin F. Gibson,  
Hon. Hugh W. Brenneman Jr., and Pamela Enslin.*

*Photo courtesy of Rob and Helen Bell.*

United Way of Kent County. He joined his second Rotary Club.

And he garnered numerous, well-deserved awards, including the prestigious Champions of Justice Award from the State Bar of Michigan in 1993; an award for excellence in jurisprudence from Sigma Pi Phi; one for outstanding achievement as Chief Judge from the Alpha Kappa Alpha Sorority; and several distinguished community service awards.

Nevertheless, Gibson kept his achievements in perspective. “Never be too boastful about your accomplishments,” he told a law clerk, “as long as you’re alive there is still time to screw up.”<sup>21</sup>

Nor was Judge Gibson inclined to dwell on the fact that he was the first black person to achieve certain things. To the contrary, he said, “I hate these firsts. You always have a tendency to say, ‘this person is the first this or the first that.’ Sometimes, there may be a tendency to emphasize the

racial part, and I think the accomplishment gets lost in the shuffle.”<sup>22</sup>

But these achievements had not come without pain. Gibson pointed out that when he was hired by the Detroit Edison Company as an accountant, he was the first black person to be hired by that company as a professional; when he later tried to join the company’s legal department he was turned down. He said that he was told that race was the reason.<sup>23</sup> Thus, of particular concern to the first black judge on the court was opening doors to other black individuals who wanted to contribute to the greater Grand Rapids community. “In Lansing,” Gibson observed, “blacks were an integral part of the community.” But he said that when he came to Grand Rapids in 1979 to join the Court, the situation was not the same. “Blacks were the invisible man.”



He did something positive about it. In 1988, he began co-chairing with Fred Meijer, chairman of Meijer, Inc., a program called “Project Blueprint” to recruit and train minorities who wanted to serve on the boards of community agencies. “Here’s a group of people not on welfare, who are homeowners, who



*Bonding at Judge Hillman's Lake Michigan Cottage, August 22, 1987.  
L-R: Hon. Douglas W. Hillman, Hon. Richard A. Enslin,  
Hon. Benjamin F. Gibson, and Hon. Robert Holmes Bell.*

pay taxes. They’re saying, ‘We are here. We want to make a greater contribution,’” said Gibson. Many times, neither talented people who wanted to get involved, nor agencies receptive to increasing the representation of minorities on their boards, knew how to reach out to each other. Project Blueprint addressed that. Sponsored by United Way and the Kellogg Foundation, Project Blueprint offered courses, workshops and seminars for both potential volunteers and the agencies, with the goal of having local boards reflect the ethnic diversity of the community. In three years, 150 minorities were recruited and placed on the boards of seventy non-profit agencies and organizations. Gibson remarked at the time, “We’re not there yet, but we’re getting there.”<sup>24</sup> By 2010, the number of graduates of the program reached 750.

In 1987, a year before he helped found Project Blueprint, Judge Gibson, who was a member of the Sarah Allen Family Neighborhood Center advisory council, was instrumental in forming L.I.N.K., “Learning Involves Nurturance and Knowledge.” This was a tutorial and mentor program, sponsored by several local churches, Grand Valley State College and the Dyer-Ives Foundation, to increase

the educational achievements of minority youngsters. Said Gibson, “Minority children are not achieving in Grand Rapids schools and we’re concerned that they’re not achieving. There is a critical need for L.I.N.K. now because we’ve got situations where persons cannot go to college because their Scholastic

Aptitude Test scores aren’t high enough. We’ve got athletes who are very talented but cannot get into college because of their low SATs.” It was the Judge’s expectation that if the program was as effective as the advisory council hoped, the educational achievement of minority students could be expected to rise dramatically and the dropout rate for minority students decrease.<sup>25</sup>

“What’s going to be more important in the years to come is the way we prepare our young people.” This was a theme the Judge was to repeat over and over. In a well-received 1991 talk to a NAACP dinner in Benton Harbor, he maintained that the education provided to black youngsters was often inadequate for employment opportunities. “The schools have not prepared our young people to compete in a high-tech society. Too many of our children are involved in subjects that are not meaningful.” He pointed out to his large audience that “[i]t doesn’t matter who you are, where you come from, who your parents are,” you must have the will to succeed. “Blacks have the ability to control their own destiny.”

In the same vein, he cautioned that blacks must look more to themselves rather than to state

and federal governments for social programs and economic assistance. “The American public is not going to tax itself to pay for some of the programs that have been funded in the past, the African-American community is going to have to rely on its own resources,” he said.<sup>26</sup> Judge Gibson knew first-hand what it took to make it to the top, and he continued to reach out with his example, his message and his hand to help the next generation.

Not surprisingly, Judge Gibson’s sensitivity to the impact of race carried over into the courtroom. Attorney Larry Mulligan recalls a case he tried before Judge Gibson where Gibson foresaw the extension to civil trials of the rule in *Batson v. Kentucky*,<sup>27</sup> which requires a race-neutral explanation to peremptorily challenge a black person off a criminal jury. In Larry’s case, the parties were called into chambers to discuss the applicability of the rule after the only potential black juror, in a case with a black plaintiff, was peremptorily challenged off a civil jury by the defense. Judge Gibson, who didn’t hesitate to examine the government’s motives in peremptorily striking black jurors in criminal cases,<sup>28</sup> was of the opinion that the *Batson* rule ought to apply equally to civil trials, although the case law had not gone that far.

Gibson considered the justification for the challenge in the immediate case, and ultimately upheld it. Attorney Mulligan found Judge Gibson to be fair to all parties, then and thereafter. And the U.S. Supreme Court subsequently proved Gibson correct, holding in 1991 that a private litigant in a civil case may not use peremptory challenges to exclude jurors on account of race.<sup>29</sup>

But the Judge’s sensitivity to the litigants, and his well-known respect for attorneys generally in his courtroom, probably arose from more than just issues of race.

Yes, Gibson had risen to the heights of his profession by becoming a federal judge, and he had done it in a white man’s world, in an era where such an achievement, while not unknown, was not

widespread. He had indeed been a black pioneer by overcoming barriers. And he acknowledged that he might “be more sensitive to certain issues” because of his race. He understood “that everybody doesn’t walk the same walk, that there’s never only one right answer, never just one way of doing things.”<sup>30</sup>

But before he became a judge, Gibson had also labored in the trenches. Like so many other attorneys, he had seen the courtroom from a journeyman’s perspective: arguing mundane issues on a daily basis; appearing before judges with diverse personalities; balancing conflicting schedules; watching costs; dealing with problematic clients; and trying to earn a living while raising a large family (eventually he and Lucille had six children). So he knew firsthand the challenges that lawyers face every day, and he knew the courtroom should belong to them as well as to the judge, even if the judge presided.

### **A New Skipper Takes the Helm**

In mid-February 1991, Gibson assumed the duties of Chief Judge of the district, when his predecessor as Chief Judge, Doug Hillman, took senior status. In his new role as the administrative head of the federal court family in Western Michigan, Judge Gibson would be supervising approximately one hundred people spread across four cities and two peninsulas.<sup>31</sup>

He brought to this task, in addition to his legal qualifications, the self-assurance that a dozen years on the federal bench can give a judge. He enjoyed the well-earned reputation of having a judicial temperament and unfailing courtesy. He had not, as Chief Judge Robert Jonker pointed out, ever become infected with “black robe disease.” And his hair had turned white, giving him the very appearance of a chief judge! He was ready for his new job.

In an interview given several months after taking the Court’s helm, the Chief Judge said that he



### *The Gibson Court, 1991-1995*

*Front Row L-R: Hon. Wendell A. Miles, S.J., Hon. Douglas W. Hillman, S.J., Hon. Hugh W. Brenneman Jr., M.J., Hon. Benjamin F. Gibson, Chief Judge, Hon. Joseph G. Scoville, M.J., and Hon. David W. McKeague, D.J.\**

*Back Row L-R: Hon. Doyle A. Rowland, M.J., Hon. Gordon J. Quist, D.J.,\* Hon. Richard A. Enslin, D.J., Hon. Robert Holmes Bell, D.J., and Hon. Timothy P. Greeley, M.J.*

*Key: D.J. = District Judge, S.J. = Senior Judge, M.J. = Magistrate Judge, \*Joined the Court in 1992*

“tolerated the ceremonial functions” of the position, “but he relished the administrative role the most.” During the next few years he would be put to the test.

With the ascension of each new Chief Judge in the Western District over the years, the Court’s overall management had noticeably improved, as it needed to, to meet the onslaught of new programs and staff, and the need for better coordination and communication. Judge Gibson had already proven that he could manage his own docket by utiliz-

ing the business techniques he had learned as an accountant,<sup>32</sup> which had helped him to reduce the number of pending cases on his docket to the lowest of any of his colleagues.<sup>33</sup> He now intended to put that training to good use as Chief Judge. “I’m still a taxpayer,” he said, and he planned to run the Court like a business. He would be the chairman of the board. “I’m going to be more of a hands-on type of judge, a little more involved in details. I like to know how things work.” Then he added, “It’s probably my business background raising its ugly head.”

Notwithstanding that salaries and limited other expenses were paid by Washington, the Court still had to manage a decentralized budget. Gibson asserted that, "We'll be trying to operate as efficiently as any business or any law office. Do we get the most bang for the buck? Are dollars being spent excessively?"<sup>34</sup>

And, of course, he became the district's first black Chief Judge. Not surprisingly, this made headlines beyond Michigan. *Jet*, a national magazine, published an article about him along with his picture.<sup>35</sup> Prominent Grand Rapids Stephen Drew stressed the significance of the moment: "It's important for youngsters, especially with the pressures on African-American males these days, to see as many real positive role models as possible. This isn't TV, it's real. To be chief judge adds to what he already is."<sup>36</sup>

Gibson would need his business acumen. As he well knew, serving as chief judge of any federal court entailed more than ceremonial responsibilities. And that was particularly true for the Western District of Michigan during the first half of the 1990s. If any of the nation's other 93 federal district courts had more irons in the fire during this period, it would have been difficult to imagine.

First, there were two new federal judges to welcome to the Court! During the first half 1992, David W. McKeague, of Lansing, replaced Judge Hillman, who had taken senior status, and Grand Rapids attorney Gordon J. Quist filled a new seat that Congress had authorized for Western Michigan.<sup>37</sup> They were certainly welcome additions to the Court, and both new jurists appreciated the Chief going out of his way to make them feel at home. Of course this meant changes in space and personnel, but that was a good problem to have.

But at the same time there were problems that were not good. By mid-year the federal courts were facing the worse budget crunch since the mid-1980s; by the end of 1992, the Judicial Conference

indicated that nationwide the federal courts were facing a \$130 million shortfall. This translated into hiring and spending freezes. The courts were also told they needed to give up over one million square feet of court space.

As a final irritant, a freeze was put on staff parking.

As far as courthouse real estate belonging to the Western District was concerned, there were courthouses in four cities: Grand Rapids, Kalamazoo, Lansing, and Marquette,<sup>38</sup> each of which seemed to be in a constant and substantial state of renovation. And to accomplish any remodeling in the world of federal buildings and courthouses, the Judges, the GSA (or the Court's other landlord, the Post Office), existing tenants belonging to other federal agencies, the budget, and sometimes a Congressman, all had to be on the same page.

What could be hard about coordinating all of that? For the Chief Judge, it must have seemed like playing four chess matches simultaneously.

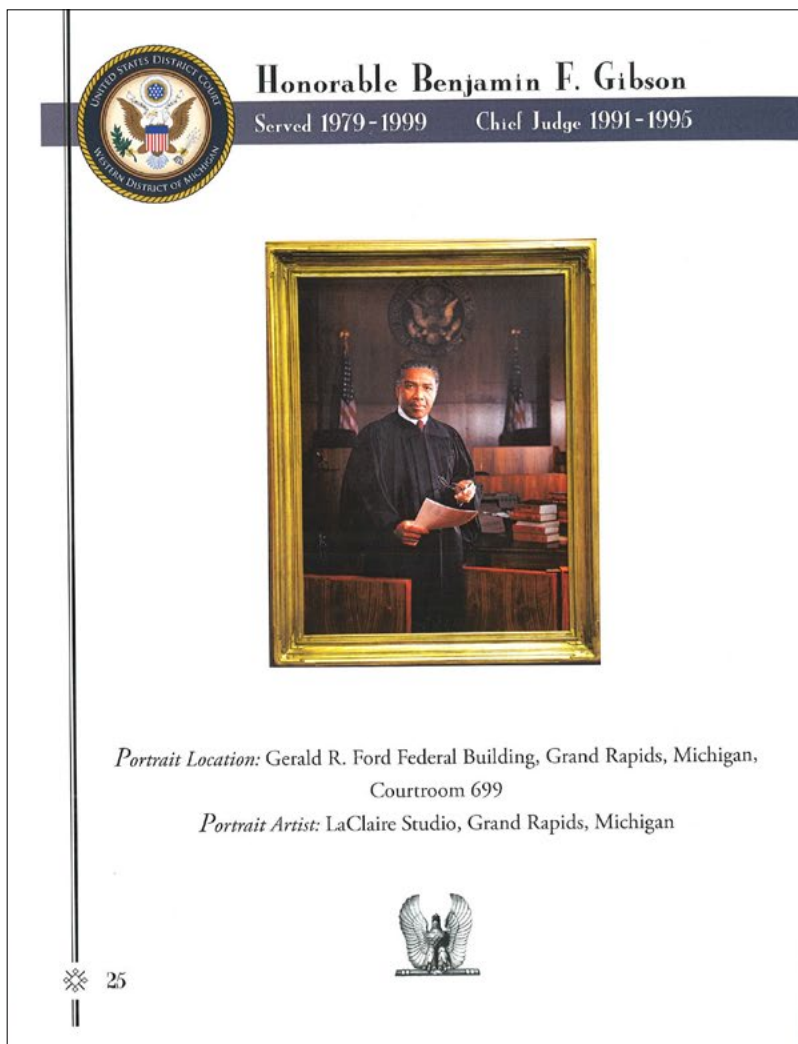
But those things were only the usual potholes in the road. The Computer Age was beginning to sweep the country, and the Western District was leading the way in becoming automated. Typewriters began gathering dust as staff members switched over to computers. This meant computer selection and installation, and training in word processing. Judges were issued cell phones and laptops. People kept hearing terms like PACER and CHASER and DCN and software. An online, and in-house, Opinion Database was instituted, and simultaneous translation explored. Electronic monitors were introduced for criminal defendants. And all of these new-age devices were evolving even as they were being installed. Sometimes it seemed more revolution than evolution.<sup>39</sup>

On another front the Court also decided by the end of 1993 to install a Federal Public Defender system. This revolutionized the appointment process of criminal attorneys for indigent defendants. But

space, staff and a public defender had to be found.<sup>40</sup>

Western Michigan was on the cutting edge of innovative corrections programs while Judge Gibson was Chief and, accordingly, was selected to be a pilot district for the location of a Comprehensive Sanctions Center (CSC). This facility expanded the role of the existing Project Rehab Community Alternatives Program, by providing a range of community-based sanctions for those offenders for whom neither prison nor probation was appropriate.<sup>41</sup>

For years, the Western District had also been a national leader in pioneering various types of Alternative Dispute Resolution (ADR). Were there other fast, inexpensive ways of resolving lawsuits, without trials? In the early 1980s many federal judges across the country believed it their job to try cases, and if parties wanted to settle a case between themselves, they could do it on their own time and outside of court. The Judges in the Western District were more innovative, and they had strong support from the federal bar. It was said, on more than one occasion, that the only type of alternative dispute resolution method not offered in the Western District was dueling.<sup>42</sup>



*From Portraits of Justice  
Judges of the United States District Court for the Western District of Michigan*

On Chief Judge Gibson's watch, the Court decided to adopt yet another type: "true" mediation. It was named Voluntary Facilitative Mediation or VFM. It was similar to the usual settlement conference held just before trial, but VFM was designed to be held earlier, and with a fully compensated attorney selected by the parties as a neutral rather than a Magistrate Judge. Aside from settlement conferences, this became the ADR of choice. (If VFM didn't work, the parties could often expect a settlement conference in any event, hosted by a Magistrate Judge.)

As with ADR predecessors, procedures needed to be devised, rules written, attorneys trained.

During the Gibson years, it seemed that one could hardly turn around without receiving another memo announcing the challenge of a new undertaking or the update of an existing one.<sup>43</sup> Notwithstanding Chief Judge Gibson's calm demeanor, he was presiding over a cauldron that was always bubbling.<sup>44</sup>

## “But wait, there’s more!”

At the end of 1990, Congress passed the Civil Justice Reform Act (CJRA), which required all 94 federal district courts to implement plans to reduce expense and delay in civil litigation.<sup>45</sup> The Western District of Michigan, however, was singled out to go above and beyond. It was designated as one of two differentiated case management (DCM) demonstration districts in the nation, and mandated to design and experiment with a DCM system that would assign all general civil cases in the district to appropriate processing tracks, depending on their type and complexity.<sup>46</sup> Hopefully, this would demonstrate whether cost and delay reduction were best served by more structured judicial management or less, or perhaps none at all. Would the quality of justice be enhanced?

And this, too, fell on Gibson’s watch. Naturally, it was too burdensome a task for the existing staff. There would need to be extensive research and analysis, comprehensive reports, and committee planning. Additional personnel were added, headed by a local university professor. A benchmark advisory group was created. Forms and procedures were standardized, and time goals established for each track.

A little over a year and a half later, DCM went operational.<sup>47</sup> By agreeing to the DCM plan, the Judges willingly set aside personal preferences in order to operate a uniform case management system throughout the entire district. Attorneys could now anticipate the same procedures in each courtroom. Three weeks after the differentiated case management system was launched, the FBA held a three-hour DCM workshop for attorneys.<sup>48</sup> Judge Gibson sent a letter to all attorneys stressing the importance of understanding the new procedures and inviting them to attend,<sup>49</sup> and the program sold out. It was a brave new world.<sup>50</sup>

Since this was a demonstration project it drew the expected attention. The Court received inquiries from courts around the country, and from outside. Judge Gibson even welcomed a visit from a Japa-

nese Judge, the Hon. Kotatsu Uchibori, from the Tokyo District Court.

And, as Chief Judge, Gibson regularly found himself hosting, and to some degree often orchestrating, the numerous seminars run by an active court and active FBA. These included, among others, seminars on criminal practice, negotiation, sentencing guidelines, Differentiated Case Management, and ADR, along with Western Michigan’s annual Trial Skills Workshops,<sup>51</sup> and, in late October 1993, a three-day Shanty Creek retreat for the Court and the members of the Federal Bar.<sup>52</sup> The following year he even invited a Supreme Court Justice who was passing through town to join the Court for breakfast.<sup>53</sup>

After four-and-a-half years, Gibson decided to step down as Chief Judge. Under his leadership, the Court had changed dramatically, and the case load was steadily declining.<sup>54</sup> It had been a successful run. He resigned the top spot on May 1, 1995, saying he was “winding down” toward semi-retirement. He needed time to make the transition. “It’s time to give new leadership to the court.” Judge Richard Enslen would become, by seniority, the new Chief Judge.

In looking back over the years of his leadership, which had seen significant steps taken toward the computerization of the Court and standardization of procedures used in processing cases, Gibson remarked, “I think lawyers will agree the court is much better run than five years ago because of these efficiencies we helped institute.” And as for having been the first black Chief Judge? He felt it had been an honor, even though the appointment was “an automatic sort of a thing. It’s been important, but I don’t emphasize that.” Breaking the race barrier, he said, is “something one can observe in passing.”<sup>55</sup>

Over the course of his years on the bench, Gibson had a real impact on the careers of many budding lawyers. He hired over two dozen law clerks, at least two of whom went on to become judges themselves. One of his law clerks, Judy Bregman, first

met him before he even became a judge. He was a sole practitioner in Lansing and she was a paralegal. Then, she says, she became his “law school groupie,” taking every class he taught at Cooley Law School, and telling him that she wanted a clerkship with him when he became a federal judge. This was about six months before his name even popped up on the radar for such a position. “He just laughed and laughed,” she said.<sup>56</sup> His hardy laugh and his sense of humor would become familiar throughout the courthouse in the years to come.<sup>57</sup>

Judge Gibson gave another student, this one a senior at Calvin College in Grand Rapids and not yet even in law school, the opportunity to sit in his chambers for three weeks to see the workings of the judiciary. Gibson’s well-chosen invitation reverberates to the present day. The student, Robert J. Jonker, has now himself become the Chief Judge of the Western District.

Judge Gibson would sometimes say to people, “One can’t plan to be a Federal Judge,”<sup>58</sup> but perhaps he didn’t mention this to young Bob.

Gibson remained as one of the Court’s active judges after handing over the reins to Enslin, but he had relinquished the chief judgeship in full anticipation of soon becoming a Senior Judge. In September 1995, he made it official.<sup>59</sup> On his 65<sup>th</sup> birthday<sup>60</sup> he took senior status and reduced his caseload by 75 percent, joining the other Senior Judges, Miles and Hillman.

### **The Song of Retirement!**

He and Lucille had decided to move to Las Vegas, where they owned a home, and he would continue to hear cases, both there and in Michigan. Judge Gibson had discovered that the warm weather was kinder to a continuing back problem than the Michigan winters. Indeed, it had not been unusual during lengthy proceedings to see the Judge, because of his back, rise and stand behind his chair while presiding.<sup>61</sup>

And since he was a computer buff, he could access work from home, from his office or from Las Vegas, pull it up, correct it and print it. A quarter-century ago, working from home was certainly not as commonplace as it is today. Gibson believed that while he had been Chief Judge he had set the climate for an automated court.<sup>62</sup>

Judge Gibson wanted to continue sitting on the bench, even at a reduced capacity, “for reasons of trying to help the court and for professional and personal satisfaction,” he said.<sup>63</sup> “To a large extent, it’s not work when you’re doing something you enjoy so much.” He intended to remain a Senior Judge indefinitely.<sup>64</sup> “I’ll still have contact with the law, . . . and I’ll also be able to do some of the things I haven’t been able to do in the past because of my commitment to my job. I’ll be able to spend more time with my family and travel.” Ben and Lucille had a recreational vehicle they enjoyed, and now they could travel more extensively. He could listen to more light jazz.

“It will be the best of both worlds.”

And on the agenda for the following Spring? A trip to China!

First, however, some more of that ceremonial stuff to tolerate. On October 11, 1996, the Western Michigan Chapter of the Federal Bar Association unveiled a beautiful, framed portrait of the Judge at a luncheon at Grand Valley State University’s Eberhard Center in Grand Rapids. The portrait now hangs in the Grand Rapids courtroom of the Chief Judge. Each day when Judge Jonker walks into his courtroom, Judge Gibson is there keeping an eye on him.<sup>65</sup>

Judge Gibson remained on senior status for three more years, before reluctantly stepping down altogether.<sup>66</sup> He had been living and working from his home in Nevada, and returning periodically to Michigan, for two weeks at a time, to preside over cases. For this, he received no greater salary than if he had been doing nothing at all. The only cost to the government, for his service to the Court in

maintaining a docket, was the price of a plane ticket and a per diem.

Then the rules changed. The Judicial Conference in Washington, the governing body of the federal courts, decided to place limitations on travel reimbursements for judges on senior status who lived outside their home district. In short, it was fine for Judge Gibson continue to hear cases at no cost to the judiciary, but it did not want to pay for his travel. He, of course, was not the only judge affected. He recognized that these new regulations were the government's attempt to economize, but said that if he was coming back to Michigan for the Court's business, it should not be at his own expense. He had served as a federal judge for 18 years.<sup>67</sup>

### From the Courtroom to the Ballroom

Ben and Lucille eventually moved to historic Gulfport, Mississippi, on the Gulf of Mexico, exchanging Ben's vocation for a new avocation. Ben and Lucille became part of the community and they formed a group of ballroom dancers, introducing some northern style dance moves from Detroit. They called themselves the South Mississippi Ballroom Dancers-Urban Style. "Urban style is a little different from traditional ballroom," Gibson pointed out. "Foxtrot, waltz, the salsa are some of the others. We dance to R&B music, soul music, a little jazz. We dance to music with a beat." Ben had a passion for dancing.

Lucille added that although urban-style appealed to both young adults and to seniors, many of the younger people complained that the senior citizens danced too long, sometimes up to two hours without a break!

The Gibsons offered dance sessions for up to two hours a day, four days a week. The size of the group grew to nearly 200 members, and performed all along the Gulf coast, dancing from New Orleans to Pensacola. They even had jackets with the name of the group embroidered on them.<sup>68</sup> One dancer

recalled "Mr. Ben's" smile as he taught her a new routine. Maybe he had always been a teacher at heart! There was life after being a federal judge, and Ben had found it.

And it was in Gulfport where Benjamin F. Gibson passed away on January 13, 2021, after 89 years of a fulfilling life.<sup>69</sup> The words that he had spoken years earlier upon becoming Chief Judge remained true throughout the rest of his life: "I enjoy making a contribution to society and to the legal profession, and I am so lucky in being able to do something worthwhile as well as what I like to do." Whether raising his family, lawyering, teaching, judging or dancing, Judge Gibson wove together a life that wonderfully served others and was satisfying to him as well.<sup>70</sup>

Ben Gibson did not fall victim to racial barriers. He repeatedly overcame them, and for this he will always be in the public's memory. And deservedly so. For those who had the privilege of knowing and working with him, he will also be fondly remembered as *the Gentleman Judge*.

### About the Author

*Hugh W. Brenneman, Jr. is a retired United States Magistrate Judge, and is the Court Historian for the Western District of Michigan.*

### Endnotes

- 1 For more information about Judge Gibson and his days on the Court, the reader is referred to *A Lincoln Legacy – The History of the U.S. District Court for the Western District of Michigan*, by David Gardner Char-davoyne with Hugh W. Brenneman, Jr., published by Wayne State University Press in 2020, from which some material in this article has been taken. Additional material, cited and uncited, has been obtained from the archives of the Historical Society of the U.S. District Court for the Western District of Michigan and from former Court employees.
- 2 Now Wayne State University.



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- 3 Ken Kolker, “New Order in the Court – Gibson Noted for Open Mind,” *Grand Rapids Press*, 3 February 1991.
- 4 Now the Michigan State University College of Law.
- 5 “The Road Best Traveled,” *Amicus* (Summer 1991): 19.
- 6 *Amicus*, 19. Even years after he had taken the Bench, Gibson would drive back to Lansing to teach evening classes at Cooley Law School. Letter to the Court Historian from former law clerk Joan P. Snyder, dated February 5, 2021.
- 7 *Amicus*, 19.
- 8 The Omnibus Judgeship Act of 1978 (Pub.L. 95-486, 92 Stat. 1629, enacted October 20, 1978) added 117 district judges and 35 circuit judges to the Federal Judiciary.
- 9 Senator Riegle designated the older Hillman to be the senior of the two. Attorney Richard A. Enslin of Kalamazoo also went through the same process, in anticipation of Judge Fox soon taking senior status and opening one of the two existing seats. All three candidates went through the same Senate Judiciary committee hearing in July, 1979. Chardavoyne, *A Lincoln Legacy*, 357 n.39.
- 10 A second Magistrate position had also been created, and the new Magistrate faced the same shortage of space. He and his secretary initially shared a windowless room on the first floor. He later moved into the temporary space Judge Gibson vacated on the second floor, before finally obtaining a permanent courtroom and chambers 8 years later. The GSA had other priorities. Since Magistrates had 8-year terms, perhaps the GSA was waiting to see if his appointment would be renewed.
- 11 Chardavoyne, *A Lincoln Legacy*, 157.
- 12 Sue Merrell, “Baring It All,” *Grand Rapids Press*, 24 March 2002; Chardavoyne, *A Lincoln Legacy*, 157.
- 13 “Judge Weighs Arguments on School’s Jesus Portrait,” *Grand Rapids Press*, 12 January 1993; “School Puts Jesus Under Wraps,” *Grand Rapids Press*, 1 March 1993; Arn Shackelford, “Calling A Recess,” *Grand Rapids Press*, 10 October 1996.
- 14 *Grand Rapids Press*, 3 February 1991.
- 15 Chardavoyne, *A Lincoln Legacy*, 157.
- 16 Memorial comment of Larry Willey, dated January 18, 2021. As a Magistrate (later Magistrate Judge) my office was paired with Judge Gibson’s for handling civil cases for many years, and we worked closely together. All of the accolades about him are true. He was very professional and fair to all. I recall when I was interviewing for the new Magistrate’s position in early 1980, I met with all five District Judges in Chief Judge Miles office as part of the merit selection process. This was as new a procedure for them as it was for me. One of the other judges, I don’t recall whom, asked me what political party I supported. Before I could answer this uncomfortable, no-win question, Judge Gibson intervened and said, “Oh, we can’t ask that type of question!” He was correct, of course, and the other judges demurred. I had dodged a bullet.
- 17 “On the Bench,” *Michigan Lawyers Weekly*, 29 November 1993.
- 18 Defined as a person giving firm but benevolent advice.
- 19 Letter from Joan P. Snyder, dated February 5, 2021.
- 20 *Michigan Lawyers Weekly*, 29 November 1993.
- 21 Letter to the Court Historian from former law clerk Terry Smith, dated January 21, 2021.
- 22 *Grand Rapids Press*, 3 February 1991.
- 23 Bob Novosad, “Gibson Would Be Region’s First Black Judge,” *Grand Rapids Press*, 17 April 1979.
- 24 Susan Collins Thoms, “Project Blueprint Has Raised Black Participation Here,” *Grand Rapids Press*, 8 February 1991; Chardavoyne, *A Lincoln Legacy*, 156.
- 25 Lisa Johnson, “L.I.N.K’s Tutors Assist Minority Kids,” *Grand Rapids Press*, 14 January 1987.
- 26 Bob Tita, “U.S. Blacks a Study in Contrasts,” *The Herald-Palladium*, 1991.
- 27 476 U.S. 79 (1986).
- 28 Letter to Court Historian from former law clerk Brian J. Beck dated January 22, 2021.

- 29 *Edmonson v. Leesville Concrete Co.*, 500 U.S. 614 (1991).
- 30 *Grand Rapids Press*, 10 October 1996.
- 31 Gibson was mindful that the court staff was scattered. Employees came from, and worked in, separate cities. Recognizing the benefit of a closely knit court staff, Gibson took steps to bring the Court closer together. He began by instituting an annual court holiday open house during his first year as Chief Judge, which later became a luncheon. The Court and the staff could put faces together with voices and names. The first year, the baking was done by Judge Gibson's staff.
- Similarly, when he could, Judge Gibson included his own staff in his travel. When he was assigned for a month as a visiting judge in Charlotte Amalie, on the island of St. Thomas in the U.S. Virgin Islands, he brought his staff along on a rotating basis. Letter to the Court Historian from Diane Kettner, dated February 5, 2021.
- 32 *Amicus*, 19.
- 33 On December 31, 1991, he had 330 pending cases. Even as Chief Judge, he never took less than his full share of cases as he might have. Indeed, when a new judge came on board early the following year and the caseload had to be redistributed, it might have been fair for each sitting judge to give up an equal number of files to the new judge. Instead, under Chief Judge Gibson's leadership there was, in effect, a reset so that going forward each judge began with the same number of cases, approximately 289. He thereby benefited the least from the redistribution.
- 34 *Grand Rapids Press*, 3 February 1991.
- 35 "U.S. Judge Gibson is 1st Black Chief Judge In West Michigan, Upper Peninsula," *Jet*, 4 March 1991. The magazine did not put his photo on the cover, however, preferring without explanation a picture of Mariah Carey.
- 36 *Grand Rapids Press*, 3 February 1991.
- 37 Chardavoyne, *A Lincoln Legacy*, 187-190.
- 38 In late 1991, Chief Judge Gibson received a Congressional inquiry about putting a Magistrate Judge in Sault Ste. Marie. Gibson replied there was neither space nor need. But the inquiry was not surprising. The Soo had been, and remains, designated as a place of holding federal court in Western Michigan, and for nearly a century a handsome old federal courthouse had been sitting on a picturesque site overlooking the Locks. But that building had not been used since Pearl Harbor. See, Chardavoyne, *A Lincoln Legacy*, 87-91. It had long since fallen into disrepair, and had been turned over to local authorities in the 1970s, when it became too dangerous to even climb the stairs to the second floor. Indeed, in those rare instances when the federal court held hearings at the Soo, the federal judges had to borrow a state courthouse. And as for needing another Magistrate Judge, the Hon. Timothy P. Greeley in Marquette had long been considered by his colleagues to be "All the Law North of the Bridge," at least most of the time, and well able to manage the Court's business for the entire Upper Peninsula, even if that peninsula spanned an area larger than nine other states in the Union.
- 39 Not surprisingly, Judge Gibson was selected by the Chief Justice of the United States to serve on the Automation and Technology Committee of the United States Judicial Conference.
- 40 Paul D. Borman, Chief Federal Defender in the Eastern District of Michigan, and later District Judge of that Court in 1994, was invited to provide some guidance. For better or worse, the selection of the individual to be the Federal Public Defender for the Western Michigan was the responsibility of the Sixth Circuit.
- 41 U.S. Probation Officer Carl Paganelli was the Community Liaison Officer for the CSC. Handling the difficult participants in this program may have prepared him for later refereeing four Super Bowls.
- 42 Chardavoyne, *A Lincoln Legacy*, 166-175. ADR in the Western District included Summary Jury Trials; Summary Bench Trials; Early Neutral Evaluation; Mini-hearings; Michigan three-person Mediation; and Western Michigan was one of ten districts in the country previously selected as a pilot district for Court Annexed Arbitration. These types of ADR were all in addition to court-hosted settlement conferences.

- 43 Due to budget constraints, these memos increasingly became two-sided. Then, with automation, some came by email.
- 44 Certainly Gibson was not without the active participation by the other Judges in developing and supervising the myriad programs in the Court during this period. From the beginning, Judge McKeague, who was the first judge to join the Court after Gibson became Chief, welcomed the inclusive management style of the Chief Judge, which permitted even new judges to assume substantial administrative responsibilities. Judge McKeague, for example, was promptly made chairman of the Court's Probation Committee and co-chairman of Space, Facilities and Long Range Planning. It was later a memo from Judge McKeague that kicked off development of VFM, one of many projects he helped shepherd. Fortunately for the district, all the judges brought experience and enthusiasm to the table, without which the extensive extracurricular work the Court undertook could not have been accomplished. In the end, however, ultimate responsibility for the Court's activities fell to the Chief Judge; a ship only has one captain.
- 45 28 U.S.C. section 471 et seq., 1 December 1990.
- 46 Ten percent of the cases were placed on a non-DCM track to provide a control group.
- 47 September 1, 1992. "Your Day in Court," (U.S. District Court for the Western District of Michigan, 30 September 1994): 15-16.
- 48 September 21, 1992, 1-4 PM.
- 49 Letter from the Chief Judge dated August 10, 1992.
- 50 As with the Court's automation, ADR programs, and budget decentralization, staff members were occasionally sent to other federal courts to assist them in implementing DCM.
- 51 This Workshop is now known as the Hillman Advocacy Program.
- 52 This is a district-wide triennial conference patterned after the annual Sixth Circuit Judicial Conference. The time and place were chosen to keep attendees at a place far away from their homes, offices and telephones, at a time when it was too cold to play golf and too soon to ski. One highlight of the Shanty Creek retreat during Chief Judge Gibson's tenure was a performance by the Capitol Steps, a troupe of talented Congressional aides famous for their musical parodies satirizing Washington, D.C. politics ("We put the MOCK in Democracy"). After four decades they recently closed down, before they could be scheduled for the next "Shanty Creek." It couldn't have been for a lack of material.
- 53 On May 6, 1994, U.S. Supreme Court Justice Clarence Thomas and his wife joined the Court for breakfast in the Thornapple Room at the Amway Grand Plaza. The Justice was in town on unrelated business. Breakfast commenced at the civilized hour of 9 AM. Chief Judge Gibson presented the Justice with a personalized book about Grand Rapids.
- 54 A DCM progress report dated April 29, 1994, showed that the number of pending civil cases had declined from 1472 on January 1, 1991, to 1313 on April 15, 1994. An April 8, 1994, memo from Judge Enslen said that over the preceding decade, 1983 to 1993, civil filings in the district dropped 31%. Somewhat surprisingly, the number of criminal defendants in the district had remained static over the same period despite an increase in the number of federal prosecutors from single digits to more than 30. By comparison, the number of criminal defendants nationally had increased by 30%. Although the Court was slated to receive a judge to replace Gibson when he took senior status, all of the Judges had already told Congress that four active judgeships were sufficient, and asked that no appointment be made. Chardavoyne, *"A Lincoln Legacy,"* 190, 357 n.32.
- 55 Ed Golder, "Gibson Quits as Chief Federal District Judge," *Grand Rapids Press*, 2 May 1995.
- 56 Memorial comments of former law clerk Judy Bregman.
- 57 Memorial comments of former law clerk Paul Nelson.
- 58 *Amicus*, 19.
- 59 Letter to the President dated September 6, 1995, stating that he was stepping down from active service on July 13, 1996, but would "continue to render substantial judicial service to the Court as a

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senior judge.” To reduce his caseload, he stopped taking new civil cases on May 1, 1996 and new criminal cases on June 1, 1996. But as a practical matter he had nearly a full load the remainder of that year. Memo from Chief Judge Enslin to Court dated May 1, 1996.

60 July 13, 1996.

61 He was not the first. Michigan’s first District Judge, Ross Wilkins, a restless listener, had been known to “rise and, going to the back of the courtroom, fill and light his pipe and smoke as he walked around, always paying the keenest attention to the proceeding.” Chardavoyne, *A Lincoln Legacy*, 29.

62 *Grand Rapids Press*, 10 October 1996.

63 *Grand Rapids Press*, 2 May 1995.

64 *Grand Rapids Press*, 10 October 1996.

65 *Ibid.*

66 Letter to the President, dated December 15, 1998, announcing his intent to retire on January 31, 1999.

67 Arn Shackelford, “Judges’ Travel Pay Cut; Gibson to Retire,” *Grand Rapids Press*, 7 October 1997.

68 G. Tremain Merrell, “Coast Seniors Have Many Ways to Have Fun,” *Sun Herald*, Gulfport, MS, 16 March 2015.

69 Judge Gibson was survived by his wife Lucille, and their six children, Charlotte, Linda, Gail, Carol, Laura and Gerald, and 13 grandchildren.

70 *Amicus*, 19.