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More than Honorable: Robert K. Puglia, Jurist, Gentleman, and Giant

Roy G. Shannon*

Once in a great while you encounter a person who makes an indelible mark in your memory and on his profession. Occasionally, character, temperament, and intelligence meld in a rare combination of gifted excellence one's peers cannot fail to notice. More rarely still do you see those gifts exist in firm tandem with a sincere humility and commitment to principled ethics. In this late epoch of failing civility and eroded morals, the example of Justice Puglia demonstrates it is still yet possible to achieve great things and be an even greater human being. Precious few of us will be privileged to leave the *Law*, and its practice, better than we found it. The more than Honorable Robert K. Puglia is one of those few.

Justice Puglia's life sojourn began in Westerville, Ohio on October 16, 1929. Inauspiciously, perhaps, he came into the world a scant two weeks before the stock market Crash of '29, on the ides of the Great Depression. Of resolute and sturdy Midwestern stock, Bob, as he was known to family and friends, exemplified core Pioneer values of determination, candid honesty, and an indefatigable work ethic. The economic upheavals of the '30's formed the backdrop of his upbringing. The tears, trials, and ultimate triumphs of World War II and his experiences fighting in Korea framed his youth and forged his unashamed patriotism, as well as his passion for the *rule of law* grounded in our Constitutional model as the best hope for a stable, peaceful, and free society. As he said in a riveting speech to the San Joaquin County Bar Association:

More than anything else, the rule of law is what sets us apart from the rest of the world. It has played a significant part in all that is good about America, in all our successes as a nation, and in the creation of a way of life that is the envy of the world. And, I would argue, it bears no responsibility for the undeniable dark side of our less than perfect national life. In fact, some of our national shortcomings can reasonably be ascribed to our sometime inability to abide by the rule of law. But it cannot be gainsaid that America under the rule of law is a beacon to troubled, suffering humanity the world over, encouraging, where possible, the emulation of our form of government, and even beckoning many to our shores.

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The rule of law relies on a fragile consensus which remarkably has endured and allowed us uniquely among the nations of the world, to have lived as free people for more than 200 years. It is the guarantor of our freedoms. It emits the glow that illuminates the shining city on the hill, the glow that is never so brilliant as when contrasted to the ominous shadows cast by the brutal tyrannies which have threatened our national existence in this century. More than anything else, the rule of law is at the heart of American exceptionalism, that is, the unique place that America occupies among the community of nations.

The hard times he lived through shaped Bob's lifelong belief that only a persistent pursuit of worthy goals would lead to success. While the times, and his lot, were tough, Bob exuded a positive outlook and an engaging sense of humor. Convinced things would get better, he was buoyed by a secret love: Big Band Music. Though few were aware of it, he was devoted to this unique form of American music from childhood and it remained a personal joy for him all his life. After seeing Glenn Miller on a family trip to Chicago in 1940 at age ten, he would attend concerts and collect recordings from then on. The special value of this music to Bob, and the nation, in those dark years was its upbeat message of encouragement. Patriotism was deep and abiding, and in contrast to today, the nation's entertainment and popular culture showed it. Bob's love of this music was natural. The music itself seemed a reflection of the inner soul of the man. His own values could all be found in those beloved melodies. His favorite tunes acknowledged sacrifices and leaving loves behind, but they promised a better day was coming. Bob internalized this hope and he would endure in the face of uncertainty.

Bereft of anything like a silver spoon, Bob fixed his eyes on a personal prize—achieving an education. The problem was how to realize his dream. Balanced against his personal desire to better himself was his awareness of the importance and necessity of personal service to his community and his country. As would be typical throughout his life, Bob found a way to accommodate and manage these seemingly divergent forces.

Even though the war was over, Bob went into the Army right out of high school. Amid the Spartan bleakness of Fort Dix, N.J. he made it through twelve weeks of boot camp. Hoping for GI Bill education benefits, he suffered a setback in his dream when Congress cut the program. However, it was quickly reinstated, and now a degree seemed possible. In the wake of post-war demobilization, Bob was mustered out of the service. He turned his gaze westward and set out for California. To survive, he worked in construction, drove a milk truck, and even fought fires with the California Department of Forestry. His real goal remained clear. He got into UC Berkeley, attending class and studying when he could, washing dishes at a restaurant the rest of the time to pay for the privilege. After two years of out-of-state tuition he was broke and had to go home to Ohio. Still,

he had two years down and there was nothing wrong with being an Ohio State Buckeye. It was 1950. Storm clouds of a new war were gathering in a place few Americans had heard of. That place was Korea. When his country called, Bob would be ready.

Drafted, Bob got a deferment until he could finish his degree. The two years in Columbus at Ohio State went quickly. Busy studying, he listened to Big Band music on his budding collection of 78's. There wasn't much time to go to live performances, and the era of the Big Bands was waning anyway. When he needed a diversion beyond his music, there was always baseball, another lifelong passion, or Ohio State Buckeye football on the radio. Jerry Healey would call the football play-by-play, and a lifetime later, when some of Bob's closest friends and colleagues joined for a commentary and musical tribute to Bob by introducing his favorite songs on KCTC 1320 AM, the same Jerry Healey would host the broadcast tribute. Before he knew it, graduation day was upon him. The first part of his dream was realized, the rest would have to wait. Clutching his hard won B.A. degree, Bob strode off to do his duty to his country.

Off to Pennsylvania this time, Bob made it through another sixteen weeks of basic training. He would joke that with his two boot camps and twenty-eight weeks of training, he was one of the better trained infantrymen around. He shipped off with the 3rd Infantry Division, finding himself in a shooting war. As anyone who has been in combat can attest, it generally consists of brief spasms of stark terror followed by interminable interludes of boredom. To cope, Bob consoled himself with the music of Armed Forces Radio. The long days lumbered by, more than occasionally punctuated by bullets and bombs. He knew this too would pass, and he would go home, and the future would be there to welcome him with open arms.

Bob was still there when the longest day of the conflict dawned. Frustratingly protracted negotiations finally wrought a truce. The cease-fire would begin at 10:00 p.m., war-theater time, on July 27, 1953. This revelation was of small solace to troops in the field. Far from a relaxed denouement to the struggle's end, it was to be a last furious assault from a vexatious enemy. An incessant fusillade of artillery rained down on American and UN positions in the hateful hours ticking away to the deadline. How ridiculous to survive all the way to now, only to be killed on the last day. But it didn't last forever, however long it seemed. Suddenly there was an eerie silence. Bob looked at his watch. It was 9:55 p.m. Five minutes 'til the future. He climbed out of his hole in the barren, lunar ground. He looked up at the clearest sky and brightest stars he had ever seen. There was something else—a feeling—it was elation, he reckoned at last, at having lived through the war.

Bob returned stateside. He finished his Army commitment amid the humid pines and plains of Fort Benning, GA. He saved his money, splurging only on a '54 Ford, his first new car. Somewhere along the way, the thought struck him that he might like to practice law. Before mustering out of the Army, he took a three-day pass and drove up to Atlanta to old Emory and took the LSAT. He

received his score shortly. Now, where should he apply? He would fill out only one application. Once again, he would wend west, this time to accept his admission into Boalt Hall on the familiar Berkeley campus. The future was beginning at last.

Bob settled into the law school grind with his usual aplomb and purpose. He got his first job before graduation working for Attorney General Pat Brown in his San Francisco office in 1958. Brown was running for governor in those days, like the Browns often do, and Bob studied for the Bar. Once successfully over the Bar hurdle, Bob came to work in the Sacramento attorney general's office, then located on the top floor of the Stanley Mosk Library & Courts Building. Once again, the future was looming. The young lawyer with his fresh ticket was a rookie in the attorney general's office in the very building where, fourteen years later, Ronald Reagan would summon him to take a seat on the Third Appellate District Court of Appeal. The move to Sacramento was fortuitous for another reason. For it was there he met and married the great love of his life, Ingrid. They would be devoted and inseparable thereafter, bringing four children into the world, Peter, Susan, David, and Thomas.

Bob moved on to the district attorney's office in Sacramento. There, he began to hone the skills that would presage his later development into a formidable judicial force of nature. Blazing his way through the ranks, he ended up as chief deputy district attorney in 1969. Along the way he continued to demonstrate his passion for service to others through excellence in the law. An active scholar, he began to teach law as an adjunct professor at McGeorge in 1961. He lectured at a host of legal conferences and symposia from Cambridge, England, to New York University. He was either the chair or a member of many significant committees on reform in both legislative and judicial arenas. He was active in professional organizations from the ABA to the State Judicial Council. One of his proudest achievements was helping to establish the Anthony M. Kennedy American Inn of Court. He later served as its President.

After leaving the district attorney's office, Bob became a partner, albeit briefly, at McDonough, Holland, Schwartz, Allen & Wahrhaftig. Governor Reagan beckoned, and Bob took a seat on the Sacramento County Superior Court bench in 1971. When a seat on the Third District Appellate Court of Appeal opened up in 1974, Reagan's natural choice was Bob Puglia. Six more months went by, and the ebullient Governor appointed Bob as Presiding Justice. The future had fully arrived, and Bob was ready. A prolific writer, and masterful wordsmith, Bob authored some 4,000 opinions. More than 450 are published. Perspicacious, cogent, and immaculately reasoned, Bob routinely produced clear and elegant opinions in the highest traditions of the judicial art. Nothing in his approach to the law was perfunctory or cursory. No matter how seemingly mundane, the matters pending before him got his full attention and rulings issued forth only after his full consideration and treatment.

Imposing in his intellect and his obvious gifts, Bob was formidable, intimidating more than a few who came before him. He was unapologetically

conservative, a registered Republican, but as J. Coleman Blease has said, he was a democrat with a small “d.” Firm in his views, Bob was direct in the main, and devastatingly subtle when necessary. He held and delivered strong opinions on the law, life, and politics. Even so, he was never presumptuous, condescending, or disingenuous. Vigorous and confident, he was never combative or deleterious. When he was critical, you could rest assured it was well deserved. Fair and open debate was the lifeblood of his *law*, the law he knew and loved. While he had his own well defined beliefs, and while he would challenge others to justify their views and assertions, he had the great and rare qualities of being able to listen to and learn from others. He encouraged and respected dissent. In a beautiful turn of phrase, Professor Jed Scully expressed it this way: “Differences of opinion were never a point of difference with Bob. They were the point; as was collegiality, inclusiveness, professional respect, and kindness.” Justice Blease remembered him as “a model of collegiality: fair, yet firm; dignified and civil in all his dealings.” Existing as we do in a time of poor manners, both personal and professional, Bob’s uncommon courtesy stands as a model even the best of us could do well to emulate.

Bob’s drive and fervor were normal extensions of who he was. They sprang from the forces that shaped him. Rising Alger-like from modest beginnings, he was unfailingly cheerful and positive. He set high standards for himself and for others. He just expected the most from, and the best out of people. He knew that most of us are capable of delivering our best, as he did on a daily basis. While what we do—in *practicing* the law—may seem like a business to some, Bob saw it always as a profession, if not more, as we all should. We must never become complacent or forget the effect of the tremendous power lawyers and judges wield over the lives of ordinary people caught up in the system. For most people—not lawyers—an encounter with the law will be the most singularly significant moment in their lives, good or bad. Bob never forgot this and acknowledged his own responsibility for wielding the power and demanded others do so as well. Even more than a profession, perhaps, he saw the practice of law as a calling and those who are called must act in a measured, reasoned, and moral way for the betterment of society.

Retiring from the bench in 1998, Bob returned to his old firm, now styled McDonough, Holland & Allen. He continued to remain active in the community, and in causes he believed in, right up to the end of his time with us. Surprising some, Bob, with “friends outside,” became very supportive of an organization devoted to aiding the children of prison inmates. In December of 2004, just before his terrible diagnosis, he was working to establish a panel of owners, players, and fans to address the lack of civility and sportsmanship in professional and amateur sports by both fans and players. As he had all his life, he was bringing together people from a variety of backgrounds and views in a common endeavor for the betterment of an institution in which he believed. As he had all his life, he saw something that needed doing, and he stepped forward to do it, inviting others to join him. This is how leaders lead. He was also instrumental in

preparing the celebrations for the centennial anniversary of the court he presided over for 24 of those first 100 years.

Vigilant and visionary to the end, Bob's body gave out before his spirit did. He gave out, but he never gave in. Having known him, you cannot help but better understand the word "honorable." By knowing him, and interacting with him, you were *yourself* made a better person. As a jurist, he had those qualities of insight, perception, and brilliance entitling him to sit in that rare pantheon of truly great judges. As a man, he had the virtues of effortless decency and grounded morality that led him to relate to all people with sincere respect, patience, and humility, all while displaying his own inner strength and conviction. He had all the hallmarks of a *Gentleman*, for that is what he was. Seventy-five years hardly seems enough to contain all that he accomplished—to account for all the lives he touched—but it was still too short for those who loved him or worked with him. Bob was somehow something more, something larger than his surroundings, larger than most all of us, and larger than life. He inspired others to larger and greater things. All this makes him a giant. Bob's song has ended now, but the melody will forever echo in the minds of all who knew him.