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JUDGE PHYLLIS S. NESBIT: A Woman of Courage

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Every lawyer in Alabama can
be encouraged and inspired

by the life and accomplishments of the late Judge Phyllis S. Nesbit. She endured poverty as a child, discrimination as one of the state's early female lawyers and judicial candidates, personal tragedies and health problems throughout her life. With her true grit and faith in God, she established a successful law practice in Baldwin County and, eventually, became the first woman popularly elected as an Alabama trial judge. She died in Mobile in October 2005, but her inspirational career remains a model for lawyers and judges throughout the state.

Judge Nesbit was born Phyllis Lorain Schneider in Newkirk, Oklahoma on September 21, 1919. Her father was a bookkeeper who died when she was an infant, and her mother died of diabetes when her daughter was two years old. She was raised by her grandparents.

After graduating from Newkirk High School, she attended business college in Ponca City, Oklahoma in order to "learn to make a living."

In Judge Nesbit's own words, "You were considered a spinster if you did not get married before you were 20 years old, and I got married seven days before I turned 20." Her husband of more than 50 years was Pete Nesbit, whom she met on the way home from a Methodist church revival. They drank Coca-Colas and

danced to the Beer Barrel Polka on their first date. They soon eloped by hitching a ride from a candy salesman in his candy truck. They were married in the Methodist church in Nowata, Oklahoma, which had been decorated for a wedding later that night. The candy truck driver served as Pete's best man, and the preacher's wife served as the maid of honor.



a contact provided by Janie Shores, she finally secured employment on July 28, 1958 in the Robertsedale branch office of attorneys Harry J. Wilters, Jr. and Tolbert Brantley. Her salary was \$100 per month, plus 20 percent of profits derived from the Robertsedale office.

She began as both a secretary and a lawyer, and remembers many clients

responding, "I don't want no woman for a lawyer—I want a 'real' lawyer!"

Judge Nesbit had a good sense of humor and recalled one instance during her private practice in which a woman came to see her about her "wills." The woman had eight children and eight different wills. She told Judge Nesbit that a justice of the peace had prepared the wills in accordance with his advice to her that "she needed a different will for each child."

While establishing her law practice in Baldwin County, she also cared lovingly for those in her charge. She raised as her own beloved daughter Pat, who is deaf and who was Pete's daughter by his first marriage. Pete's son by his first marriage, who had a seizure disorder, also visited often.

She understood her own motherhood broadly, as part and parcel of her professional work: "Pete and I also always wanted to have our own child. The only child I bore was a son who died when he was nine hours old. I believe that, had he lived, I would have devoted so much attention to him I never would have served as juvenile judge or been able to help the number of children I did during my tenure on the bench." From the bench, she helped at-risk children throughout Alabama.

Early in her career, she turned her attention—and her tenacity—toward the political sphere. She ran for four other political offices before her

Newly-married and in search of employment, the Nesbits moved to Kansas, then hitchhiked to Oklahoma and eventually landed in Orange, Texas in 1941, where Pete worked as a journeyman pipefitter on destroyers and she studied drafting. Two years later, both transferred to the Alabama Dry Docks in Mobile, where Pete served as a superintendent and Phyllis was a draftswoman.


The Nesbits next moved to Tuscaloosa, where both enrolled at the University of Alabama. Judge Nesbit received a degree in chemistry, but found it "impossible to get such work as a female." She temporarily settled for a job at B.F. Goodrich, where they gave her the job title of secretary but allowed her to do some engineering work.

In 1955, she began law school at the University of Alabama as one of five women in her class. Another of the five was Justice Janie Shores, whom Judge Nesbit remembered as "a brilliant student, excellent in every respect and better at drafting pleadings than the law professors."

According to Judge Nesbit, around the time of her graduation, a law school faculty member told her there was no place for women in the law.

"I'll find my own place," she replied.

And, although it was an uphill battle, she did. She interviewed with numerous Mobile law firms, none of whom would hire her. Thanks to



persistence paid off and she was elected to the office of district judge. She described her march to the bench:

"In 1959, I ran for mayor of Daphne and came in third. In 1968, I ran for Daphne City Council and was defeated by nine votes. In 1970, I ran for circuit judge and got 42 percent of the vote despite being a woman, but lost to the incumbent. In 1974, I ran for judge of the inferior court and lost to a justice of the peace from Fairhope. In 1976, I ran for district judge of Baldwin County and became the first woman in Alabama elected as a trial judge by popular election."

In fact, she won by such a significant margin that T. H. Smallwood, Jr., president of the Alabama Municipal Judges Association, wrote her a congratulatory letter informing her that henceforth he would be calling her "Landslide" Nesbit.

"Landslide" Nesbit was re-elected six years later without opposition.

Following in her footsteps, six of the next 10 lawyers who served as district judges of Baldwin County were women.

With her characteristic wit, Judge Nesbit recalled one young woman who appeared before her with a pet white mouse on her shoulder. Judge Nesbit signed an order to board the mouse at the veterinarian's office while the woman was in jail. The vet kept the mouse in a shoebox until the woman was released. Judge Nesbit included the expense of boarding the mouse as part of the court costs to be paid by the young woman.²

During her career, Judge Nesbit also served as municipal judge for Daphne and Silverhill and as city attorney for Loxley. She was president of the Municipal Judges Association, secretary-treasurer of the Juvenile Court Judges Association and the first woman ever selected

to serve as president of the Baldwin County Bar Association, holding office from 1966-1967.

Judge Nesbit's Christian faith was at the heart of her service: "My faith has carried me through the important events in my life, and I have seen God's hand at work in my life. My grandparents took me to Sunday School, and I have always prayed about major events in my life."

As she courageously served Alabama and cared for her husband Pete, who had developed severe Parkinson's disease, her own health was declining due to diabetes. She retired from the bench on January 16, 1989. She and Pete celebrated their 50th wedding anniversary approximately eight months later.

Judge Nesbit's pastor, Michael Hudson, said she told him that she wanted to live long enough to receive the Maud McLure Kelly Award. The award is presented by the Women's Section of the Alabama State Bar in honor of the accomplishments of women lawyers who have excelled in their field and paved the way to success for other women lawyers. Judge Nesbit received it three months before her death in October 2005.

Judge Nesbit will be remembered as a woman of courage, compassion and faith, and as a determined trailblazer for women lawyers and judges in Alabama. | AL

The author thanks the Gulf Coast Newspapers for information contained in the April 29, 1992 article, "The Law of the Land," and to the Alabama Law Foundation for stories appearing in *The Sleeping Juror*, copyright 2002.

Endnotes

1. *Sleeping Juror* 85.
2. *Sleeping Juror* 86.