

**IN MEMORIAM**



**CHARLES M. MERRILL**

# IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF A MEMORIAL TO THE  
HONORABLE CHARLES M. MERRILL.

## ORDER

As an expression of the esteem and respect held by the Bench and Bar of the State of Nevada for the late Honorable Charles M. Merrill, who passed away in San Francisco on March 29, 1996,

IT IS HEREBY ORDERED that the following memorial be printed in the next published volume of the Nevada Reports.

Dated this 23rd day of May, 2003.

## BY THE COURT

DEBORAH A. AGOSTI, *Chief Justice*

MIRIAM SHEARING  
*Associate Justice*

ROBERT E. ROSE  
*Associate Justice*

MYRON E. LEAVITT  
*Associate Justice*

NANCY A. BECKER  
*Associate Justice*

A. WILLIAM MAUPIN  
*Associate Justice*

MARK GIBBONS  
*Associate Justice*

## MEMORIAL

Charles M. Merrill was born in Honolulu, Hawaii, on December 11, 1907, the son of Arthur Merton and Grace Graydon Dickey Merrill. In 1911, he moved to California when his father acquired a wheat ranch north of Suisun Bay and a home in Collinsville, California, a small town perched on stilts. He began his schooling in a one-room, one-teacher school in a nearby town. The Merrill family later moved to Piedmont, California, where he graduated from high school. He continued his education at the University of California at Berkeley where he was involved in many extracurricular activities. He worked on the student newspaper, played the cello, sang with the Brick Morse glee club, and served as senior varsity yell leader. He graduated in 1928 with a degree in political science.

After receiving his undergraduate degree, Judge Merrill moved east to begin his legal education. He graduated from Harvard Law School in 1931. That same year, he returned to the Bay Area and became a member of the State Bar of California. On August 28, 1931, he married Mary Luita Sherman. They would later have two children, Julia and Charles.

Given the economic conditions in 1931, Judge Merrill was unable to secure a job in San Francisco. However, an acquaintance put him in contact with Robert M. Price, an attorney in Reno, Nevada, who was looking for an associate.

The Merrills moved to Reno in 1932. Judge Merrill became a member of the Nevada Bar on December 6, 1932. Just two years later, he and Robert Price became partners. After Mr. Price passed away in 1940, Judge Merrill continued in private practice as a solo practitioner until he formed the firm of Merrill, Robinson & Gray with John E. Robinson and Leslie B. Gray in 1945. The primary focus of his legal practice was water law.

Judge Merrill quickly rose to prominence in Nevada's legal community. He chaired the Board of Bar Examiners from 1942 to 1946 and served as a member of the Board of Governors from 1947 to 1950.

He also continued his extracurricular involvement in singing. He joined the Society for the Preservation and Encouragement of Barbershop Quartet Singing in America, and became the youngest International President of the Society in 1947. His involvement in the Society continued for many years.

In 1951, Judge Merrill turned his sights to public office. Running against an incumbent for a seat on the Nevada Supreme Court—then a three-justice court—he campaigned in every county in the state and carried all but two of them in the election. He served on the court from 1951 to 1959. He twice served as chief justice.

On October 1, 1959, he resigned from the Nevada Supreme Court after President Dwight D. Eisenhower nominated him to fill a vacancy on the United States Court of Appeals for the Ninth Circuit. As a judicial nominee, he received the American Bar Association's "exceptionally well qualified" rating—a rating received by only nine of more than one hundred judges appointed by President Eisenhower. Judge Merrill was the second Nevada resident appointed to the Ninth Circuit, which at the time had only nine active judges. On Judge Merrill's departure from the Nevada Supreme Court, Justice Milton B. Badt commented: "I think I can say without any hesitation at all that I have never encountered and worked with a keener mind, a more analytical mind, a mind more attuned to not only the abstract justice of the case but to the logic of the arguments of counsel, cutting through many of the issues that have been raised and going unerringly to the meat of the case."

Judge Merrill took the oath of office for the Ninth Circuit on October 8, 1959. The occasion marked the first session of the Ninth Circuit Court of Appeals ever held in Nevada. He became a senior judge on that court on October 8, 1974. When his law clerks presented his portrait to the Ninth Circuit on December 14,

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1984, Senior Justice Ben C. Duniway said of Judge Merrill: “He is a delightful associate, courteous to everyone, considerate, hard working, and efficient. He gets his work done, and promptly. His opinions are models of clarity and conciseness. He is much more than an associate. He is in the eyes of his brothers and sisters, first and foremost a friend—one who is not only admired, but greatly beloved.”

Judge Merrill died March 29, 1996, at his home in San Francisco. He was 88.