



James H. Gorbey

Born: July 30, 1920, in Chester, Pennsylvania

Died: October 24, 1977, in Upland, Pennsylvania

**Federal Judicial Service:**

Judge, U.S. District Court for the Eastern District of Pennsylvania

Nominated by Richard M. Nixon on November 30, 1970, to a new seat authorized by 84 Stat. 294.

Confirmed by the Senate on December 19, 1970, and received commission on December 21, 1970.

Service terminated on October 24, 1977, due to death.

**Education:**

Bowling Green State University, B.A., 1945

Temple University School of Law (now James E. Beasley School of Law), LL.B., 1949

**Professional Career:**

U.S. Marine Corps Lieutenant: 1942-1945

Investigator/Appraiser, Inheritance Tax Department, Commonwealth of Pennsylvania: 1950

Editor, Delaware County [Pennsylvania] Legal Journal: 1951-1952

Private Practice, Chester, Pennsylvania: 1949-1967

City Councilman, Chester, Pennsylvania: 1956-1963

Mayor, Chester, Pennsylvania: 1964-1967

Judge, Court of Common Pleas of Delaware County, Pennsylvania: 1968-1970

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## Judicial Biography

\*In December 1970, James H. Gorbey, of Delaware County, was named by President Richard M. Nixon to the bench. Previously, Gorbey had served as the Mayor of the City of Chester and as a judge of the Court of Common Pleas of Delaware County. He died of cancer only six years after his confirmation.

A selective service lawsuit filed in the Eastern District in 1972 had potentially widespread consequences. It dealt with the issue of gender discrimination. Robert Goldberg challenged the constitutionality of the Military Selective Service Act on the ground that only males were subject to registration and conscription. A three-judge court consisting of District Judges James Gorbey and Joseph Lord and Circuit Judge Max Rosenn was convened. Shortly thereafter, the draft ended and the case lay dormant for a number of years. Ultimately, the matter was reactivated, and Judge Cahn replaced the late Judge Gorbey on the three-judge panel.

Judge Gorbey passed away due to cancer on October 24, 1977 in Upland, Delaware County, at the age of 57, after having served only six years with the Court.

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## Biographical Materials

1. Tribute to James H. Gorbey by Honorable Joseph S. Lord, III, Chief Judge.
2. Tribute to James H. Gorbey by Honorable John B. Hannum, District Judge.
3. Tribute to James H. Gorbey by Dr. Clarence R. Moll, President of Widener College (now known as Widener University).

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\* The following material is excerpted from JUDGE HARVEY BARTLE, III, MORTALS WITH TREMENDOUS RESPONSIBILITIES, A HISTORY OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA, 3-12 (Saint Joseph's University Press, 2011). Reproduced with the permission of the author, Judge Harvey Bartle, III, and the publisher, Saint Joseph's University Press.

## A TRIBUTE TO JAMES H. GORBEY

By JOSEPH S. LORD, III\*

This is not a biography or a curriculum vitae of Jim Gorbey. It is simply the expression of a friend, a colleague, and one who was the Chief Judge of Jim Gorbey during his tenure on the Federal Bench. To me, Jim's most outstanding characteristic was his realness. There was nothing sham and there was no pretense about him. There was never any doubt in anyone's mind as to where he stood with Jim Gorbey, because Jim would let you know. If you were his friend, you knew it. If for some reason or other, and this was rare, you were not, you knew that too.

The primary objective of a trial court is to dispose of litigation as rapidly, as expeditiously and as fairly as possible. In this primary objective, Jim was invaluable as far as we were concerned. He was industrious in the trial of cases and never shirked for a moment his courtroom duties. On the other hand, he was such a warm, understanding and down to earth human being that counsel fell under his spell when they came into conference. As a result, Jim was able to dispose of a great many cases by settlement, where other judges could not have done so. Needless to say this is a tremendous advantage to a court because cases are going off its calendar with a minimum of input of judicial time and manpower, and with a maximum of fairness and efficiency to the litigants. It would be impossible for any chief judge to ask for anything more in one of the judges of his court, and this Jim gave fully.

On a large multi-judge court the factor of collegiality is of extreme importance. Unhappy judges can easily become inefficient judges, and Jim, whether consciously or not, promoted happiness and good feeling among his brethren. He could have a good time and he could make the people around him have a good time with him. The result was a deep affection for him among all of his brothers on the court. In Jim's presence at a social gathering, one was never bored nor was the atmosphere ever dull. We would wish that there were more judges like Jim because he had in abundance the two qualities that are indispensable in the make-up of a great judge — compassion and a feeling for people. It is obvious that the loss of such a personality will leave a gaping hole in our court's structure. We will miss him sadly.

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\* Chief Judge, United States District Court for the Eastern District of Pennsylvania.

## HONORABLE JAMES H. GORBey

JOHN B. HANNUM\*

The Delaware Corporate Law Journal invitation to comment for the tribute issue in remembrance of Hon. James Henry Gorbey is gratefully accepted. There are many of us who loved and remember him. It was accorded me the high distinction to present him for honorary degree at the Widener College/Fall Convocation on October 22, 1977, just two days before his death, the remarks there made follow:

Mr. President:

It is a high distinction to present the Honorable James H. Gorbey, Judge of the United States District Court for the Eastern District of Pennsylvania, for the honorary degree, Doctor of Laws.

Judge of the Court of Common Pleas of Delaware County in his time; since 1970, United States District Judge in the abiding tradition of splendid judges from the great county of Delaware, ably and manfully, he would, as sworn, bring to his appointed work a mighty heart.

Throughout his distinguished career he has combined the clear vision and stalwart strength to apply true leverage to many social problems.

Graduate of Bowling Green State University and of the Temple University School of Law — where he was associate editor of the Temple Law Quarterly, he became a partner of Catania, Gorbey, Reilly and Nolan, conducting a large and diversified private practice, serving as solicitor of the Chester Township Sewer Authority, the Parkside School District, the Boroughs of Folcroft, Prospect Park and Eddystone, Chester Township, the Chester Township Housing Authority and numerous civic organizations.

Judge Gorbey is the past president of both the Lawyers' Club and Junior Bar Association of Delaware County — was one-time editor of the Delaware County Legal Journal.

Native of Chester, he has served his hometown with dedication and skill. He has served as Chester's Director of Public Safety, Director of Finance, Director of Public Affairs and, from 1963 to 1968, as the Mayor of the City of Chester. His conduct of the office of mayor, during the most tumultuous years in the history of Chester, was then and is still today heralded for the toil and level-headed leadership so necessary for the times. Indeed, he was reelected to the office of mayor by the largest majority vote in the city's history, serving that term until his judicial appointment to the Court of Common Pleas of Delaware County.

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\* District Judge, United States District Court for the Eastern District of Pennsylvania.

During his years of public service to the City of Chester, he rendered considerable assistance to this college, then in its most formidable period of physical growth. His efforts were instrumental in the acquisition of additional land for the Widener campus and his interest in the college led the Alumni Association to bestow upon him its highest award in the spring of 1970, the year his daughter, Donna, entered the college. He has been equally as supportive in the current development of the Delaware Law School of Widener College.

On August 5, 1942, he enlisted as a private in the United States Marine Corps. Commissioned a Second Lieutenant in May, 1943 — seasoned in combat, was severely wounded in Iwo Jima — a name that rings like a bugle call for the free and the brave — discharged December 1945 as a First Lieutenant. Recipient of the Purple Heart and the Presidential Unit Citation.

His military achievements are consecrated in the history of his country and in the hearts of his countrymen, particularly in the hearts of those of Delaware County.

Articulated and committed to the principles of his beloved country, contributing to its greatness; countless of us guide on his courage and have been delighted in his wit and wisdom.

One of those rare ones whose example serves to enrich and dignify the lives of those who love him, I rejoice by the designation and honour of this presentation — The Honorable James H. Gorbey for the degree of Doctor of Laws, Honoris Causa.

## DISTRICT JUDGE JAMES H. GORBHEY

DR. CLARENCE R. MOLL\*

I am honored to be asked to pay tribute to one whose association and friendship meant so much to me both personally and professionally.

Any person whose public career crosses the lives of so many people becomes highly visible — Judge Gorbey, former city councilman, and mayor, Common Pleas Judge, and finally United States District Judge, was that kind of *person* — and more.

Unlike the usual public figure who is both praised and damned, Judge Gorbey collected only friends and *admirers*. He was a man of compassion, yet one who knew how to make the hard decision; a man who put love of family, friends, and community above self. James H. Gorbey was a positive force on the lives of all who knew him.

While mayor of the City of Chester, he was one of the first to recognize that the presence of an expanding and growing college could work positively for the city. He gave his all to helping Widener achieve its present state of prestige in higher educational circles. This he did despite criticism and opposition from others less visionary than he. We at Widener are deeply indebted to Judge Gorbey for his part in making today's Widener possible. I know he was proud of his role in its development.

Recently it was my pleasure to bestow on Judge Gorbey the honorary degree of Doctor of Laws and although it represents the highest honor this college can bestow, it is also something more, much more. It's a long earned and deserved recognition of one who rose from humble beginnings to a position of eminence in society while never forgetting a friend or losing his humility — or his love for God and man. *What more can one say of a man.*

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\* President, Widener College.