THE CALIFORNIA SUPREME COURT

Historical Society

NEWSLETTER · SPRING/SUMMER 2010





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LEFT TO RIGHT, TOP: *Hon. Betty Barry Deal* (P. 3), *Colton Hall in Monterey* (P. 11), *Hon. John G. Gabbert* (P. 3); BOTTOM: *Hon. James Hastings and Hon. J. Gary Hastings* (P. 3), *Old Solano County Courthouse* (P. 6).

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Appellate Court Legacy Project — An Introduction and Preview

PAULA R. BOCCIARDI*

The late California Court of Appeal Justice James Hastings being interviewed in 2007 by his son, Justice J. Gary Hastings (Ret.) — both of the 2nd District Court of Appeal in Los Angeles — for the California Appellate Court Legacy Project.

Retired California Court of Appeal Justice John G. Gabbert noted not long ago that had he been born four years earlier, he would have been able to celebrate his own centennial in conjunction with that of the Courts of Appeal. He becomes 101 in June 2010.

Justice Gabbert is one of more than 80 retired and active justices who have been interviewed for the California Appellate Court Legacy Project, an oral history endeavor that evolved from statewide efforts undertaken to commemorate the 100th anniversary of the California Courts of Appeal. (The first nine appellate justices were appointed to the newly created California Courts of Appeal in April 1905.)

Overseeing this ambitious effort is the Appellate Court Legacy Project Committee, chaired by Associate Justice Judith L. Haller of the Fourth District Court of Appeal and comprising a justice from each of the six state appellate districts, as well as the Judicial Center Law Librarian. The committee is staffed by the Administrative Office of the Courts (AOC).

During their long history, the state Courts of Appeal have set volumes of precedent and produced a body of law that protects the rights of all Californians while advancing the administration of justice. But beyond the bench and the black robes, the justices are women and men from diverse ethnic, cultural, and economic backgrounds who have led extraordinary lives, witnessed extraordinary events, and overcome extraordinary challenges. The objective of the Legacy Project has been to build a historical record of both the personal experiences of individual justices and the changes that have emerged over the years in the California judicial system.

To accomplish this goal, Legacy Project Committee members set out to secure interviews with all retired state Court of Appeal justices as well as active senior justices who may be nearing retirement. (The committee will not be interviewing retired Supreme Court justices as the California Supreme Court Historical Society has undertaken that project.)

To date, nearly all available retired justices have been interviewed, and the committee will continue its work of ensuring that interviews are conducted with justices soon after they retire from the bench. The interviews — averaging from one to two hours in length — are typically conducted by active or retired justices from the same court as the interview subject and are videotaped by AOC Education Division staff. Questions are tailored to the interviewee but generally cover a number of suggested areas: the justice's childhood, education, military service, children, career as a lawyer and judge, notable decisions, colleagues, influences and mentors, judicial philosophy, community activities, and life in retirement. The footage is transferred directly to DVD format and stored along with a transcript and a binder of biographical materials in the California Judicial Center Law Library (CJCL) in San Francisco. Costs of the project have been minimal because the bulk of the work has been accomplished by AOC staff and members of the appellate court community.

The interviews weave a rich tapestry of events large and small that have shaped the lives of the justices in the context of the evolution of the California judicial branch. The personal stories of individuals as law students, lawyers, judges, and justices make the ideals they represent real. The interviews cover topics such as civil rights, judicial independence, and the role of the law in a democracy, often reaching back in time to moments when California hardly resembled the place it is today. Retired Justice John G. Gabbert talks about his involvement, as a young D.A., with a death penalty case that resulted in one of the last hangings in California. Retired Justice Arleigh Woods, the first female African-American appellate court justice in California, recalls that when she was appointed to the trial court, she was greeted with the newspaper headline: "Black Woman to Sit in Glendale-Burbank Courts."

*Staff to the Appellate Court Legacy Project Committee, Administrative Office of the Courts

Access to the DVDs and transcripts is provided to CJCL users in accordance with library policy. Remote users are able to request electronic versions of the transcripts via e-mail through the CJCL website (http://library.courtinfo.ca.gov). Those who wish to purchase copies of the DVDs through a third-party vendor may contact staff through the Legacy Project page on the public California Courts website. Each appellate district library also houses a collection of the DVDs.

To ensure that the Legacy Project continues to meet its fundamental objectives — to facilitate research and educate the community about the history of the appellate courts and their role in California's development — the committee is currently evaluating ways of expanding direct public access to the Legacy Project materials.

The remarkable result of this comprehensive oral history project is that it fills in the gaps in the written record and reveals attitudes and perspectives missing from traditional documentary sources. The hope is that it will ensure continuing awareness of the courts' essential role in California society — past, present and future.

"I am delighted to honor the justices who have served our state," Chief Justice Ronald M. George has said, "and am grateful that they are willing to share their wisdom, their experiences, and their memories so that they may be preserved for generations to come."

The members of the Legacy Project Committee are: Hon. Judith L. Haller (Fourth Appellate District, Division One), chair; Hon. Timothy A. Reardon (First District); Hon. Laurence D. Rubin (Second District); Hon. George W. Nicholson (Third District); Hon. Rebecca A. Wiseman (Fifth District) [as of June 1; current committee member Hon.. Steven M. Vartabedian retired May 31]; Hon. Richard J. McAdams (Sixth District); and Frances M. Jones, Judicial Center Law Librarian.

For more information, or to see compilation videos of interview clips, visit the Legacy Project page on the California Courts public Web site at http://www.courtinfo.ca.gov/courts/courtsofappeal/. ✯

Project Documents the Lives of Retired Appellate Judges

LAURA ERNDE

Editor's Note: This article appeared in the *San Francisco Daily Journal* on March 28, 2008. It is reprinted here by permission as it appeared on that date. Minor updates appear in the Introduction by Paula R. Bocciardi.

SAN FRANCISCO - John Gabbert decided on a legal career in high school after watching an attorney rescue his newspaper-editor father from a libel charge.

James Hastings befriended Joseph A. Wapner of People's Court fame at the University of Southern California in 1938, when both considered themselves "big men on campus."

Betty Barry Deal grew up during the Depression in a small pioneer town, but didn't encounter sexism until she came to the San Francisco Bay Area and no law firm would hire her in 1955.

Those are just a few of the interesting tidbits squirreled away on videotaped interviews with retired justices of the California Court of Appeal.

The DVDs will soon be available to legal history buffs and members of the public as part of a project by the Judicial Council, the policymaking body of the state courts.

"Our goal was to interview everyone, so that we could record and document historically who these people were and what their backgrounds were and how the courts have evolved," said 4th District Court of Appeal Justice Judith L. Haller, who chaired the project.

So far, 68 of 86 retired justices have sat for interviews. Eight were unable to participate for various reasons.

The idea grew out of the Court of Appeal's 100th anniversary celebration in 2005 and the desire to create a more lasting tribute to the court's rich history, Haller said.

Justice John G. Gabbert (Ret.) was interviewed in 2008 at the age of 98.

PHOTO COURTESY MICHAEL J. ELDERMAN

Most of the interviews took place in the courthouses where the judges used to work. Some were done at the justices' homes or offices.

Current and former justices, along with several staff attorneys, volunteered to conduct the interviews. They spent 90 minutes to two hours with each justice, asking questions to elicit the events and people that shaped their lives.

Father and son justices — the late James Hastings and J. Gary Hastings (Ret.).

Hastings was interviewed by his son, J. Gary Hastings, both of whom are retired from the 2nd District Court of Appeal in Los Angeles.

On tape, the elder Hastings reminisced about his college days at USC. He talked about how his water polo team trained for the Olympics, only to have the games canceled because of World War II.

Hastings was a U.S. Navy veteran who was married and raising a son when he applied to USC Law School. And who happened to be standing next to him in the line to apply that day but his college buddy, Wapner.

Hastings might not have gone to law school without the help of the GI bill.

World War II figured prominently in many of the retired justices' lives.

After the Japanese attacked Pearl Harbor, the Red Cross recruited Betty Deal and some of her classmates at Munson's business school in San Francisco to help set up emergency field operations at the Presidio to help the returning soldiers.

"I'll never forget these young guys coming in with burns in a sort of a zombie state," Deal said. "It was quite a shock for me."

Another event that impacted Deal's life tremendously was the unexpected death of her husband as the result of a heart attack, which left her to raise a 3-year-old and a 5-year-old by herself.

Deal was able to finish her law degree at Boalt Hall while raising her children and renting an apartment from famed legal scholar Bernie Witkin.

Justice Betty Barry Deal (Ret.), photographed (ca. 1985) during her tenure on the California Court of Appeal, was interviewed in 2007.

But when she finally passed the bar at age 34, she found herself frozen out of the all-male law firm scene. She volunteered at the Alameda Public Defender's Office and then took what she considered a second-rate law job editing books for Continuing Legal Education.

When her children were older, she started her own firm at her home in Alameda and became a respected family lawyer before she was appointed to the Alameda County Superior Court bench and then the 1st District Court of Appeal in San Francisco, where she served from 1980 to 1990.

Gabbert, who retired from the 4th District Court of Appeal in 1974, was the oldest justice to be interviewed for the project.

The 98-year-old sat down at his former courthouse in Riverside with 4th District Court of Appeal Justice Betty Ann Richli and talked about his decision to become a lawyer like it was yesterday.

The seeds for Gabbert's legal career were planted on the high school debate team.

Gabbert didn't want to join, but his father insisted and helped prepare him for his first contest. Gabbert said he wore two pairs of garters to make sure he wouldn't be caught with his socks falling down.

The debate went well.

"From then on, the only thing I wanted to do was debate," he said.

Gabbert's other nudge toward the law occurred around the same time.

His father, the editor of the local newspaper, stood up for Chinese immigrant farm workers whose homes were set ablaze by the Ku Klux Klan.

Riverside's mayor, who was head of the KKK, sued the newspaper for libel.

A judge from Los Angeles heard the case at the local Elks Club and promptly threw it out.

At dinner that evening, his father revealed that he had paid the attorney $1,000 for his services.

"The attorney appeared for 20 minutes," Gabbert said. "I said, 'My god, $1,000 for 20 minutes? That sounds like a pretty good deal.' I also thought all a lawyer had to do was talk."

The subjects seemed to enjoy retelling their lives.

Several interviewers said it was fascinating for them as well.

"What these people have in their memory banks is something to be treasured," said Bob Wolfe, a staff attorney at the 4th District Court of Appeal.

Justice Steven Vardabedian of the 5th District Court of Appeal interviewed eight different justices, one of whom has died since making the tape.

Justice Robert F. Kane had so many rich stories about serving on the 1st District Court of Appeal and later as ambassador to Ireland for President Reagan that his interview lasted more than three hours, Verdabedian said.

Kane died in December at age 81.

The DVDs will probably become available to the public later this year, said Paula Bocciardi, a management and program analyst for the Judicial Council who staffed the project.

The courts are in the process of transcribing all the interviews. Once that is finished, the plan is to place the transcripts, the DVDs and a binder of biographical material about each judge at the Judicial Center Law Library, on Golden Gate Avenue in San Francisco.

A copy will also go to the Court of Appeal district from which the justice retired. ✯

In August 2009, Justice Gabbert returned to the bench, at the age of 100, for the inaugural event of the annual Justice John G. Gabbert Oral Argument Series, a reenactment of the Korematsu v. United States oral argument of 1944.

PHOTO COURTESY MICHAEL J. ELDERMAN

Death Penalty for Larceny

CONTINUED FROM PAGE 14

Mr. George Congdon, of San Francisco, has informed the editor of this History that he was present in a concourse of three thousand people in the outskirts of Stockton, in the year 1852, and saw three men hanged at the same time for the crime of grand larceny (stealing cattle), whereof they had been regularly indicted and convicted by a jury in a legal court of justice. The sheriff of San Joaquin county, who officiated on the occasion, was the late Colonel R. P. Ashe, who left a large family and a valuable estate, and who is well remembered all over California. He was the father of Hon. R. Porter Ashe, of our own day.

The law of this State which first prescribed punishment for robbery and grand larceny, was passed, of course, at the first session of the legislature, in 1850. The penalty was alike for both offenses, namely, imprisonment for from one to ten years. It was at the second session, 1851, the draconian provision, authorizing juries in their discretion, to impose the death penalty for both robbery and grand larceny was passed, and approved by Governor John McDougal. This law remained in effect full five years. On April 19, 1856, it was amended, and at the same time a distinction made between the two crimes, so that robbery was punished by imprisonment for not less than one year, which might be extended to life, while the penalty for grand larceny was made from one to fourteen years' imprisonment, the court in all instances, and not the jury, being the sole arbiter as to the length of the term. This law of 1856 was enacted by our only Know-Nothing legislature, and approved by J. Neely Johnson, our only Know-Nothing Governor. The degree of penalty for these crimes has fluctuated, but at present, it is for robbery, imprisonment from one year to life; for grand larceny, imprisonment from one to ten years, so that the present penalty for the latter crime is just the same as was prescribed by the original statute of the State.

Many cases similar to the above might be given. Three men were hanged in Sacramento in 1851 for a not very aggravated case of highway robbery. We had occasion many years ago to make allusion to these early trials, and thereupon a well-known editor of the time made these observations:

"No doubt at this distance the infliction of capital punishment for felonies other than murder must seem to have been draconian to an extent almost inconceivable. But at the time there could hardly be said to be organized society in California. The sternest measures were necessary to keep the vicious in subjection. The condition of things was as primitive as when the death penalty was prescribed in England for robbery. But when society in California became strong enough to deal with criminals of all grades and had jails to keep them in, our code became more mild — perhaps in some cases now, too mild." ✯

Solano County Oral Histories Ready for Legal History Museum

R. MICHAEL SMITH,
JUDGE OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, SOLANO COUNTY, RETIRED

In January 1986, I, along with Solano County Superior Court Judge Richard M. "Mack" Harris, had the opportunity to interview Solano County Superior Court Judge Ellis R. Randall. At age 81 Judge Randall was nearing retirement having served on the bench since 1966. He had been a member of the California bar since 1934. This interview was to be the first of many oral histories to be collected by us as part of a fledgling effort to document the history of the Solano County legal community.

Old Solano County Courthouse

Judge Randall regaled us for almost two hours with stories of what it was like to practice law in the 1930s, 1940s and 1950s. He not only told us what the judges of that era were like on the bench but also who they were off the bench. He related their eating and drinking habits and even did impersonations of them. At the conclusion of the interview Judge Randall shared with us the names of others who could assist us with our history project. Our research was up and running.

Unfortunately for our project, although fortunately for me, one month later I was appointed to the bench. My focus then shifted from what had happened in the Solano County courts 50 years earlier to what was on my calendar the next day. To say the project was "put on the back burner" would be an understatement. Very little was done for years.

Fast forward to January 2009. Having retired and now a member of the Assigned Judges Program, I had the opportunity to sit on assignment in the new Placer County Justice Center in Roseville. At the end of a busy day handling a criminal calendar, one of the attorneys who had appeared before me that day asked to approach the bench. He wondered if I might have known his late grandfather who had been a judge in Solano County. Who might that be, I asked. Judge Ellis Randall, he replied. Well, of course I knew him. And I shared with him that I had an audio tape recording of his grandfather's interview from 23 years earlier. Amazingly, that night I found the tape which I had placed in a file folder decades earlier.

The next day as I drove back to the Placer County court I listened to the tape for the first time since it was recorded. It was both delightful and dismaying. Delightful to hear Judge Randall's recollections again. Dismaying in that I had not contacted the others Judge Randall believed could help our project — they were all now deceased.

That experience prompted me to renew my efforts to chronicle and preserve the history of the Solano County legal community. This time however, it was placed on the "front burner" where it remains today.

I have had the opportunity and pleasure over the last year to conduct videotaped interviews of numerous judges and attorneys whose combined legal experience exceeds 600 years. Among those interviewed were First District Court of Appeal Justice J. Clinton Peterson, Solano County Superior Court Judges William E. Jensen, Dwight C. Ely, Michael L. McInnis, William C. Harrison, F. Paul Dacey and Franklin R. Taft. Also interviewed were numerous attorneys including Lewis F. Brown, the first African-American attorney in Solano County. Each of these interviews revealed events, both serious and humorous, which otherwise would have been lost to history.

In addition to these interviews I have researched, among other topics, the history of judicial elections and significant trials in Solano County primarily through contemporary newspaper accounts and case files.

But what to do with all this information? Solano County has a courthouse built in 1911 which has sat vacant for the last six years since the county offices moved into a new government center. It sits empty to this day. The good news is that it is scheduled to be renovated and returned to court use as one of the statewide renovation projects funded by SB 1407. Coincidentally, next year is the centennial anniversary of the original opening of the courthouse. What better place to house and display the memorabilia and history of the Solano County legal community?

At this point no commitment has been made by the various "stakeholders" on the renovation team as to what space, if any, will be made available for the history project. But I and others continue to lobby, as members of the Old Courthouse Advisory Group, for adequate space to share with the community the rich and sometimes forgotten history of the Solano County legal profession. ✯

At the Intersection of Law and Scholarship:

RECENT APPROACHES TO CALIFORNIA LEGAL HISTORY

One of the rewards of studying California legal history is that the field may be entered from nearly any perspective and pursued in nearly any area of interest. This is so because California legal history is not merely a microcosm of American legal history. It is a special case. California's eventful legal history and its position as a legal innovator have allowed it to be among the few states whose legal history is recognized as a field of study. Unlike the study of American legal history in general, it is exceptional because it has not as yet crystallized into a self-contained academic field.

This circumstance gives rise to both its weaknesses and its strengths. Among the obvious weaknesses are that few university courses are devoted specifically to California legal history, and it is not recognized as a field of publishing apart from the Society's own journal, *California Legal History*. It would be difficult to name a scholar whose career has been devoted entirely to its study. And yet this circumstance also leads to one of the field's less-obvious strengths, its unique diversity of perspectives and subject matter.

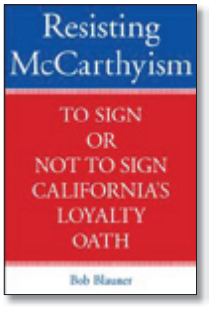
The most recent books in California legal history represent, therefore, the seemingly random inquiries of a variety of scholars whose primary "conversations" are with scholars in other disciplines. The books to be mentioned here all stem from recognized traditions of historical scholarship that are independent of California. They also focus on topics that have arisen in many locations. It is the good fortune of readers interested in the legal history of California that such scholars' academic traditions and areas of interest occasionally intersect to illuminate an aspect of California legal history.

It is expected that each of the books mentioned here will be the subject of an individual review by a leading legal historian in the forthcoming 2010 volume of *California Legal History*. The present article provides an opportunity to place these books in their wider context.

If the most recently published books suggest a trend, it is that current research has turned largely to controversies of the present or recent past. Most of these books concentrate on the events of modern times, commencing with the Great Depression or World War II. Whether this is a momentary coincidence or a shift from the formerly prevailing mix of 19th and 20th century studies remains a question to be answered. It is possible that a survey of the latest periodical literature would reveal a still more recent shift, but it is customary for reviewers to address only the final stage of a scholar's work, the published book

The most recent of the books to be discussed here (published May 30, 2010) derives from the oldest tradition of legal history writing, that of the "Great Man" — or more accurately, the "Great Justice" — perspective that focuses on the judicial philosophy of a single justice. Rarely has a California justice been the subject of a monographic work in the tradition of those devoted to justices of the U.S. Supreme Court. (An exception is the 2003 book, *Activism in Pursuit of the Public Interest: The Jurisprudence of Justice Roger J. Traynor*, by Ben Field, and published by the Society.)

Now, a welcome California corollary to the Great Justice tradition, and also a local version of the Great Dissenter line of research, is found in *The Great Dissents of the "Lone Dissenter": Justice Jesse W. Carter's Tumultuous Twenty Years on the California Supreme Court*, edited by David B. Oppenheimer and Allan Brotsky. This collection of essays focuses the biographic approach to legal history on Carter's prescient dissents, many of which were upheld by the U.S. Supreme Court. During Carter's tenure on the California Supreme Court (1939-1959), his dissents shared the unifying theme of safeguarding individual rights, ranging from privacy to due process to non-discrimination.

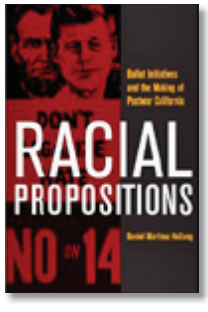


Carter was also well known for his refusal to sign the state anti-communist loyalty oath during the McCarthy era on the ground that the state Constitution allowed only a single oath to be required of state officials. (Carter's oral history, including his full statement on refusing to sign, appears in the 2009 volume of *California Legal History*.) A similar refusal by professors at the University of California, and their eventual vindication by the California Supreme Court, is the subject of Bob Blauner's new book, *Resisting McCarthyism: To Sign or Not to Sign California's Loyalty Oath* (2009). Here, the topic of individual rights is approached from the tradition of social history,

with a narrative style enlivened by interviews of participants and their families, and draws an otherwise broadly American, or specifically "Hollywood," story into the field of California legal history.

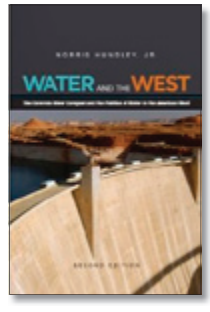
Illustrating the process by which differing historical traditions may help to distinguish between superficially similar phenomena in California legal history are two new books, both devoted to the practice of direct democracy through the California initiative process. One examines the property tax limitation initiative, Proposition 13 of 1978, and the other examines the postwar ballot initiatives that have curtailed immigrant and minority group rights in recent decades.

If approached from the traditional, social-history perspective, both topics might be discussed in terms of conflicting social classes or interests. A traditional approach to Proposition 13 would place it within the long context of American tax revolt and anti-government movements. *After the Tax Revolt: California's Proposition 13 Turns Thirty*, edited by Jack Citrin and Isaac William Martin (2009), instead takes a multidisciplinary approach. This collection of conference papers analyzes not the causes of the tax revolt, but rather its ongoing social, political, and economic consequences.

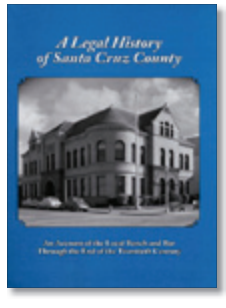


Similarly, the traditional approach to the history of race relations in California would present this topic as an ongoing conservative-liberal conflict between movements agitating for the status quo or equality. Another perspective is taken by Daniel Martinez HoSang in his forthcoming *Racial Propositions: Ballot Initiatives and the Making of Postwar California*, due to appear in October 2010. This work by a young scholar (it is the published version of his dissertation) proposes instead a reexamination of the meaning of race and racism, the creation of racial identity, and the effects of inequality and authority. Contrary to most works of legal history, his approach places the law and its evolution not at the focal point of the study, but as the background against which social and cultural attitudes are observed.

A branch of social history that has evolved from tabloid coverage into a search for larger meaning in historical events is that of the "True Crime" narrative. Its emergence into the field of California legal history is exemplified by *Women Who Kill Men: California Courts, Gender and the Press* (2009) by Gordon Morris Bakken and Brenda Farrington. In this work, the authors discuss eighteen sensational murder trials of women defendants as indications of the changing role of women. It enters into the field of legal history through its focus on the perceptions of that role held by the lawyers, judges, and juries, who are the protagonists in the legal process. (One such trial is the subject of *The Enigma Woman: The Death Sentence of Nellie May Madison* by Kathleen Cairns, reviewed in the 2008 volume of *California Legal History*.)

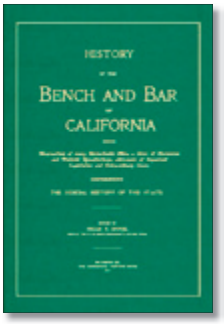


A significant, but less frequent, path by which a topic enters into the field is the instance in which the state itself becomes a protagonist in the story. A now-classic study of such an instance is Norris Hundley's *Water and the West: The Colorado River Compact and the Politics of Water in the American West*, first published in 1975 and available in an updated second edition (2009). Using the traditional tools of American political and economic history, the first edition analyzed the continuing attempts from 1922 to 1963 to settle, and then litigate, the conflicting water claims of seven states, Mexico, and the American Indians. Consistent with the trope that much current research focuses on recent legal history, the second edition presents a comprehensive epilogue that explores a broader range of actual and potential causes of discontent that continue to foster this conflict.



Another approach to the writing of legal history, and one of the oldest, comes from the school of local or regional history that arose in the mid-19th century. As the writing of history has become increasingly professionalized (all of the books mentioned so far are the work of university professors) one of the few areas of research remaining for the dedicated lay historian is that of local history. An example in the field of law is the collaborative work, *A Legal History of Santa Cruz County: An Account of the Local Bench and Bar Through the End of the Twentieth Century* (2007), edited by Alyce E. Prudden. The virtue of such a work is that it brings together information on a region's legal personalities and significant trials, both for their own sake and as the building blocks by which their place in larger trends may be analyzed. This is the most recent California work in the respected

but lately less common genre of local legal histories, and it may serve to stimulate similar studies in other locations.



The professionalizing of California legal history is a modern development, but the field itself has a long tradition of noteworthy scholarship. Access to that scholarship has been facilitated by the recent phenomenon of reprinting earlier works, both by publishing houses and on-demand presses. Many reprints are poorly produced character scans that insert random errors into the text. Others are faithful visual reproductions of the original works. One such reproduction is the 1901 compendium, *History of the Bench and Bar in California: . . . The Judicial History of the State* (reprint, 2007), which was edited by Oscar T. Shuck, a lawyer, journalist, and veteran author of California legal histories. (Several of his earlier, shorter volumes of 1887 to 1889 are now available in on-demand formats and as e-books, but the 1901 volume is his definitive work.)

This volume of 1152 pages, with three dozen articles by the editor and other authors, is valuable not only for the information it conveys on specific topics, which is considerable, but also for the constancy it demonstrates in the areas of research that have animated the field from his time to the present. Readers of recent works, including the books noted above as well as the various volumes of *California Legal History*, will find themselves among familiar and enduring topics.

The subject of civil rights appears in the article, "Citizenship of Chinamen" — water conflict appears in "Our First Water Rights Decision" — miners' vigilante justice in "Lynch Law in California" — and local legal history in "The Early Bench and Bar of San Jose." Articles on notable civil and criminal matters range from the seemingly quaint ("Historic Duels") to those ever-present in the writing of California legal history ("The Death Penalty for Larceny" and "Treaty of Guadalupe Hidalgo and Private Land Claims"). A fifty-year review of "The State Supreme Court From its Organization" may be seen as an early precursor of the comprehensive history of the California Supreme Court currently in preparation for the Society by Harry S. Scheiber of UC Berkeley School of Law.

The diversity of perspectives and of research topics that has characterized the writing of California legal history is inherent in the field and has not diminished. This diversity has been augmented by the range of disciplines from which its researchers have come, and by the breadth of events that constitute California history.

As a companion to this survey of recent books, and as a reminder that the field is growing but not new, the following pages present two articles of historical interest from Shuck's 1901 *History of the Bench and Bar in California*. As a reminder that reviews of such works are also not a new occurrence, a 1902 review of Shuck's book appears in the box on this page. ✯

The following review of Oscar T. Shuck's History of the Bench and Bar of California *(1901) is presented as it appeared in* The Green Bag, *14:2 (Boston, Feb. 1902), p. 97.*

A History of any State bench and bar is apt to be dull reading to the lawyer outside of that particular jurisdiction; but if that is the general rule, exception must be made in favor of the recently published *History of the Bench and Bar of California*. Without detracting from the cleverness of the contributors and the ability of the editor, it is fair to say that the elements which make the legal history of California interesting to the outside reader, are the romance and adventure which form so essential a part of all the early life of that State. What other State can furnish such exciting tales as some of those in the present volume — the history of lynch law, particularly that form of it practised by the Committee of Vigilance of San Francisco; an account of celebrated meetings on the field of honor, — for the duel seems to have been an important factor in the early annals of California law and politics; and the tragic tale of the Sharon cases?

But if articles such as these will find readers both in and out of the profession, there are other articles, of a more serious character, which are of professional interest in that they show the growth and development of California law. Some of these treat of special branches of the law, such as the law of Irrigation and of Mining, subjects which are of especial interest to the student of law, because they show well the strength and the weakness of our system of law in adapting itself to new facts; while others, of a historic nature, starting from the old Spanish and Mexican systems of jurisprudence, trace the progress of California law down through the military-civil government, the birth of the Commonwealth and the adoption of the Common Law to the present Code.

Roughly speaking, one third of this large volume is devoted to special articles on the above-mentioned and kindred subjects; the rest of the volume is given over to reminiscences and biographical sketches, of past and present members of the California Bench and Bar, where, sandwiched in between the more or less prosy dates and facts, are many good stories. ✯

A Future Supreme Court Justice Looks Back

JOHN E. RICHARDS

Editor's Note: The author was an associate justice of the California Supreme Court from 1924 to 1932, and previously of the Court of Appeal, First District, from 1913 to 1924. The following article appeared in Shuck's 1901 *History of the Bench and Bar in California* under the title, "The Early Bench and Bar of San Jose." Portions have been omitted here for reasons of space but it is otherwise unaltered.

I have undertaken to prepare a sketch of the Bench and Bar of San Jose from the era of the American Alcaldes inclusive down to a time when well-established institutions and forms of legal procedure supplanted the ruder and freer methods of pioneer days. The purpose which moves me to this congenial task is the preservation of those traditions, reminiscences, anecdotes and incidents which now rest mainly in the memories of the members, and especially the pioneers, of the profession; and which, as time and fate affect their number, are in danger of being lost. This fund of personal recollection is too rich in humor and in wisdom to go down into forgetfulness. If the product of my leisure can but preserve a modicum of this wealth with somewhat of its original luster, I shall deem the time spent in its collection not entirely thrown away.

The American Alcaldes

Old John Burton, *Capitan Viejo*, the natives called him, was appointed to office by Captain Montgomery, military commander of the Northern District of California, on October 19, 1846, about three months after Captain Thomas Fallon had hoisted the Stars and Stripes in front of the Juzgado. The old alcalde was a pioneer of the pioneers. He had deserted from a New England merchantman away back in 1830, and, coming to the pueblo of San Jose, had married a Mexican woman, assumed the title of captain and lived an easy existence among the natives until disturbed by the American occupation. He was a native of Massachusetts, but he seems to have neglected those opportunities for book learning which that home of culture afforded. He was a man, however, of considerable common sense, is reputed to have been very honest and to have had the esteem and confidence of the native population. The office of alcalde required these qualities in an eminent degree just at that time when the loose garments of Mexican rule were being replaced with the close-fitting fabric of American institutions. The alcalde's courts of California had, prior to the change in government, possessed a very wide and quite undetermined jurisdiction and been conducted with a freedom from the formalities of jurisprudence which was primitive in the extreme. Alcalde Burton continued to exercise the jurisdiction of his predecessors with much the same laxity in forms. No fusty lawyers ever profaned the sacred precincts of Alcalde Burton's Juzgado to either hinder or hasten his judgments with pleas or writs sustained by musty precedents. There was a patriarchal simplicity about the administration of justice in Alcalde Burton's court. The old Juzgado stood in the center of what is now known as Market Street, at its intersection with El Dorado. It was a low adobe building, divided into three compartments — the alcalde's rooms and court, the smaller rooms for the clerk of the court, and the calaboose. A picture of this structure is to be found in Hall's "History of San Jose." There old Captain Burton sat and administered justice in his own original way, following somewhat loosely the forms of the Mexican law relating to alcaldes' courts. The method of procedure was as interesting as it was unique. Every grievance which a complainant had against a person for which he had, or hoped to have, a legal remedy, he carried to the alcalde and orally stated his case. Thereupon Alcalde Burton called his *aquazil*, or constable, and delivering to him his silver-headed cane, as the symbol of his authority, directed him to bring the person against whom the complaint was urged before the alcalde. The cane was an important part of the judicial system. It was the *vara de justicia*, or "staff of justice," and in the hands of the *aquazil* symbolized the State. Bearing the alcalde's silver-headed cane before him, the *aquazil* sought out the defendant and holding up the staff delivered his oral

The Mexican Juzgado of San Jose, from Frederic Hall's History of San Jose (1871)

summons to appear immediately at the Juzgado. The defendant never disobeyed the command of the alcalde, but at once came before him. When he arrived, the complainant was sent for and the parties met in the presence of the alcalde. What was technically called, what in fact was, an "altercation" then ensued between the parties. The alcalde sat and heard their dispute and endeavored to adjust their differences and strike a balance of justice between them upon their own statement of facts. Very frequently he was successful and a sort of compromise judgment was rendered at once. When, however, the parties were too widely apart for compromise the cause proceeded as follows: Each party chose an arbitrator, and these two *buenos hombres*, as they were termed, sat with the alcalde and heard the evidence in the case. If, then, they and the alcalde could agree upon a judgment, it was rendered accordingly, but if not, the alcalde dismissed the *buenos hombres*, and decided the case himself. So ran the wheels of justice in Alcalde Burton's Juzgado.

The patriarchal simplicity with which old Captain Burton administered justice within the undefined but unquestioned jurisdiction of his Alcalde's Court, it was not permitted his successors to enjoy or exercise. The influx of strangers following the westward course of Empire, disturbed all of the Mexican institutions which had survived the American occupation, and before the close of the year 1848 disorder ruled in quaint old Pueblo of San Jose. The passive vices of Mexican society, such as gambling, bull fighting, horse stealing and loose domestic morals, became active social sores as the two civilizations met and mingled under the new regime. Cases multiplied before the alcaldes involving serious offenses against society beyond the reach of the simple legal remedies of Captain Burton's day. Not only did these causes put to test the efficiency of the alcaldes courts, but another state of facts tugged at their anchorage in the old Mexican forms and modified the manner of conducting cases before them. The American jurisprudence forced itself into the Juzgado and insisted upon recognition in the trial of causes involving the rights of American citizens. We find, for example, indications of trials by jury, even in Captain Burton's time, and these became common in cases before the later alcaldes. The common law pleading and process also began to supplant the old oral complaint and the *vara de Justicia*. The reverence which the natives were wont to pay to the alcalde was not felt by the strangers from many lands, and both his staff and his judgments were frequently set at naught. It was this evil condition of society in 1848-9 which caused the alcaldes who succeeded Burton to resign after brief attempts to administer justice at the Juzgado. It was this which called into existence the "Courts of First Instance" in California.

Courts of First Instance

The conditions of change and of disorder which caused the alcaldes' courts to be insufficient agencies of justice in our early society were not confined to San Jose. All over California the need of a better judicial system was felt with increasing force. The alcaldes themselves in various sections gave increase to the discontent by the inefficiency, or worse, with which they conducted their offices. In 1849 J. S. Ruekle, writing to Governor Mason on the condition of things in San Jose, said: "Matters which were originally bad are growing worse; large portions of the population, lazy and addicted to gambling, have no visible means of support, and, of course, must support themselves by stealing cattle or horses. Wanted, an alcalde who is not afraid to do his duty and who knows what his duty is." In Monterey, Walter Colton, who was alcalde, gained the enmity of the large gambling class in the following way: Colton concluded that the town of Monterey needed a public hall and took this novel way of raising the revenue to build it. Whenever he would be informed of a faro game of any size in progress, he would take his staff of justice and repair to the scene of the game. When he thought the pile of gold on the table large enough to suit, he would lay his *vara de Justicia* across the pile and then gather it in. Out of the proceeds of this novel form of judicial tribute, Colton Hall, which still stands in Monterey, was built, but Alcalde Colton lost caste with the gamblers of Monterey, and with a lustiness worthy of our modern days, they clamored for a change. It is to San Francisco, however, that the credit is due for having precipitated the formation of "Courts of First Instance" throughout California, and the tale of how this came about forms an interesting story which until now has not been told in print. I have it from one who received it from the lips of old Governor Riley himself, and it is too good to go untold. Soon after the change from Mexican to American rule, the town and harbor of San Francisco began to assume importance as a commercial center. In the latter part of 1848 it was made a port of entry and a custom-house was established there which became quite an important affair. A good deal of litigation arose, and a strong demand for a better form of government than California then enjoyed. The special grievance of San Francisco was the loose administration of the law in the Alcalde's Court. Early in 1849 the people of San

Colton Hall, site of the Constitutional Convention of 1849

PHOTO COURTESY WAYNE HSIEH

Francisco importuned Congress urgently to establish a territorial government here, but Washington was a long way off and Congress failed to respond. So the people of San Francisco, thinking California ripe and ready for Statehood, undertook to organize a State and to that end sent out invitations to the people to send delegates to a convention to meet in San Francisco. It seems that the idea of a State was not yet ripe in the popular mind, and hence only a few of the districts outside of San Francisco responded to the call. When the convention met it proceeded to form a sort of State, which was called the State of San Francisco and comprised a territory which included the young city, and extended down the peninsula to somewhere in San Mateo county. They formed a legislative body, elected three justices, abolished the office of alcalde, and of the *Ayuntamiento*, and ordered the officials to turn over their books to the officers of the new State. The alcalde at that time was T. M. Leavenworth and he refused to be abolished or to give up his books, whereupon one of the new justices, assisted by a number of volunteer deputy sheriffs, went over to the alcalde's office and *vi et armis* took his records away. In the meantime Governor Mason had been relieved of his office as Military Governor of California, and General Bennet Riley, his successor, arrived in Monterey while the "State of San Francisco" was organizing itself within his jurisdiction. To him hied hastily Alcalde Leavenworth on a mule, and related his tale of woe. Governor Riley, according to contemporary accounts, was "a grim old fellow" who had an impediment in his speech. He is, nevertheless, also described as "a fine free swearer." This is not the first instance I have heard of that satanic quality which enables a man who stutters badly to swear with ease. He concluded, from the alcalde's story, that the "State of San Francisco" was a revolutionary body, and accordingly he issued a proclamation so declaring and commanding them to disorganize. The testy old Governor took his proclamation to San Francisco himself, resolved to reinstate Alcalde Leavenworth and assert his authority there at all hazards. [Gov. Riley then threatened to bring a warship to San Francisco.] This threat struck terror to their commercial hearts, and they disbanded forthwith, and Leavenworth was alcalde once more.

General Bennet Riley, oil painting by Lars Sellstedt (1863)

When Governor Riley returned to Monterey after this brilliant *coup d'etat* he proceeded to investigate the many complaints against the existing judicial system of Alcaldes' Courts. He found that an urgent necessity existed for a better judicial system and cast about him for the way to its establishment. He examined the only law book which he could find in Monterey, which was an old Mexican statute passed in 1837, providing a system of government for California. It had never been carried into effect in the territory beyond the organization of the alcaldes' courts. Governor Riley proceeded to organize the remainder of the judicial system this old statute called for, by the creation of Courts of First Instance throughout the territory, and by the formation of a Superior Tribunal, which was a sort of Appellate Court, and sat at Monterey.

With this Superior Tribunal we shall have little to do, for it occupied a very short space in the history of California jurisprudence. The Courts of First Instance, on the contrary, were quite important factors in the judicial history. Their jurisdiction was both civil and criminal. They superseded the alcaldes' courts in all but petty cases. A copy of the Mexican statute of 1837 showing in detail the jurisdiction and rules of practice of Courts of First Instance is to be found in the appendix to Hall's History of San Jose.

It may be interesting to notice one peculiar feature of the practice before these courts. Article X of the Mexican law above cited provides that "No complaint, either civil or criminal, involving simply personal injuries, can be admitted without proving with a competent certificate that conciliatory measures have been attempted by means of arbiters (*buenos hombres*);" and in Article XI it is provided that should a formal complaint have to be made which would cause a litigious process, then "conciliacion" ought first to be attempted. This effort at a settlement by "conciliacion" was a curious proceeding, unlike anything in our American law. I am informed that a similar plan for the settlement of disputes is in vogue in Switzerland, but with that exception I have not elsewhere discovered the duplicate of this proceeding. The "conciliacion" was conducted before the alcalde. The parties appeared at the Juzgado, each with his *buenos hombre* and the alcalde, and the arbiters endeavored to effect a compromise. If they succeeded the matter ended there, but if they failed the alcalde gave to the complainant a certificate showing a vain attempt at a "conciliacion," as required by the law. He then was entitled to carry his cause into the Court of First Instance.

The Court of First Instance was established in San Jose in the spring of 1849. R. M. May was the first occupant of the bench as judge of the court. He was shortly succeeded by Judge Kincaid, who remained on the bench until the court was abolished by the formation of the State.

With the creation of these Courts of First Instance, the "genus lawyer" began to be heard and seen in the land, and litigation multiplied. One of the earliest cases

tried before Judge Kincaid was the famous "mule" case, entitled Caldwell vs. Godey. The plaintiff sued the defendant for the possession of a mule, which he averred was his property. The defendant denied the allegation, and the case came on. Caldwell produced a dozen or more reputable witnesses who swore that they had known the plaintiff in Missouri, where he had owned the mule; that they had crossed the plains with him when he brought the mule to California; that there was no doubt as to the identity of Caldwell's mule. On the other hand, the defendant produced as many witnesses equally reputable, who swore they had known the defendant Godey and his mule in Texas, and that they had come to California with the mule, and there was no earthly doubt that this was Godey's mule. They also swore that the mule was branded with a diamond on its hip. The court was sitting in the old Juzgado, and was in a quandary indeed. At this point John Yontz, the sheriff, came into court and asked his honor if he should bring in the witness. The Judge, all innocent, told the sheriff to "bring him in." The sheriff brought "him" in and the witness was the mule. He filled the courtroom with his presence, and the court with righteous indignation. "Mr. Yontz," said his honor, sternly, "take that mule out of here, sir." "But your honor ordered me to bring him in," responded Yontz, "and I obeyed the order." The scene was ludicrous in the extreme; the sober face of the facetious sheriff; the still more sober aspect of the innocent mule; the Judge's withered face pale with indignation, and the countenances of the spectators red with mirth. The witness was taken out, but his introduction won the case for the defendant, for there upon his newly-shaven hip appeared the diamond brand to which the other witnesses had sworn.

The Old Third District Court

The first legislature of California, which met in the fall of 1849 in San Jose, provided the State with a judicial system, consisting of a Supreme Court and nine District Courts, which met in as many judicial districts throughout the State. The counties of Santa Clara, Contra Costa, Santa Cruz and Monterey constituted the Third Judicial District under this statute, and John H. Watson was appointed its Judge. Judge Watson was a man of considerable ability, but of not a very vast fund of legal knowledge. He it was who delivered the famous and humorous charge to the jury at Monterey in the case of Dean vs. McKinley, and which has heretofore been recorded. One day while the Judge was traveling from San Jose to Santa Cruz (to hold court there) in company with several members of the bar of his district, among whom was R. F. Peckham, the latter began to poke fun at Judge Watson for his charge to the jury in the McKinley case. "Now, Peckham," said the Judge, "don't you think I do about as well as anyone else would who don't know any more law than I do?" "Before I can answer that question, Judge," answered Peckham, "I would have to ascertain just how much law you do know."

Judge John H. Watson
COURTESY PAJARO VALLEY HISTORICAL ASSOCIATION ©

"Well, to tell you the truth, Peckham," said the Judge, "I don't know any, for I never read a law book in my life." "Well," laughed Peckham, "I must say that for a judge who never read a law book you do remarkably well, but how do you manage to get along with your cases?" "I'll tell you the secret, Peckham," said Judge Watson; "I make use of two presumptions in the trial of my cases. When I have heard the evidence I first presume what the law ought to be to do justice between the parties, and after I have settled that presumption I next presume that the law is what it ought to be, and give judgment accordingly."

This method of administering presumptive law was well enough in an era when law libraries were few and far between and when lawyers were even less learned in the law than was the court. But the great tide of population into California during the early fifties brought with it as good lawyers as the older states could produce, and their law books soon followed them. The result was that the Supreme Court found very frequent cause for reversal of the Judges of the District Court. In this connection a good story must be told on the Fourth District Court, which was one of those most frequently reversed. One day Delos Lake, Esq., arose in the Supreme Court to argue an appeal. "May it please the Court," he said, "this is an action in which we have appealed from a judgment of the Fourth District Court; but your Honors, *we have other grounds of error.*"

The year 1872 marks the opening of a new era in the history of the bench and bar of California. The codes were in that year adopted and more settled forms of procedure began to prevail. The twenty-six years which intervened between the American occupation and that date belong to one epoch; the twenty-eight years which have passed since the adoption of the codes, form another. With the latter it is not the scope or purpose of this article to deal. The writer of this anecdotal sketch of the Early Bench and Bar has felt himself reasonably secure behind the mists of tradition, and he deems it the part of wisdom to remain so and not tempt contradiction by entering upon the recital of veracious tales of existing courts or of many living members of the profession to which he has the honor to belong. ✯

Death Penalty for Larceny

OSCAR T. SHUCK

Editor's Note: The following article is reprinted, without alteration, from Shuck's 1901 *History of the Bench and Bar in California*.

George Tanner was tried in Marysville in April, 1852, in the then Court of Sessions, upon an indictment regularly presented, for grand larceny, by stealing fifteen hundred pounds of flour, six sacks of potatoes, five kegs of syrup, two and one-half barrels of meal, one keg of powder, and one-half barrel of mackerel, the property of Lowe & Brothers, of the value of $400. While impaneling the jury the district attorney asked one of the panel if he had any conscientious scruples against the infliction of capital punishment. The answer was: "I would hang a man found guilty of murder, but I would not hang a man for stealing." The district attorney challenged the proposed juror, the court allowed it, the man was "excused," and an exception to the ruling of the court was taken by the prisoner's counsel. The jury being formed, the case was tried, and a verdict was returned,—"Guilty of grand larceny, punishable with death." The prisoner was sentenced to be hanged. He appealed to the District Court, which affirmed the judgment, and a further appeal was had to the Supreme Court. The latter tribunal was then composed of Chief Justice Hugh C. Murray, and Associate Justices Alexander Wells and Alexander Anderson. The case of Tanner was taken before them while they were holding the April term, A. D., 1852, at San Francisco, under an act of the legislature authorizing it so to do. The cause was argued before the Supreme Court on behalf of the prisoner by no less a light than General William Walker, the "grey-eyed man of destiny," who became famous alike in law, medicine and wild adventure, and whose pursuit of the vision of empire ended in his violent death. The attorney-general, S. C. Hastings, represented the people.

The Supreme Court affirmed the judgment of death. A petition for a rehearing was filed, and an order was made commanding the sheriff of Yuba county to stay the execution of the sentence until the 23d day of July, 1852, in order that an application for rehearing might be heard by the court. The application was heard by Justices Wells and Anderson, and was overruled July 16, 1852. It was ordered that Tanner be executed on the 23d day of July in the manner prescribed by the original sentence, and he was executed accordingly.

At that day our law provided that any person found guilty of grand larceny should be punished by imprisonment in the State prison for a term of not less than one, nor more than ten years, or by death, in the discretion of the jury. In referring to this enactment, the Supreme Court said, in the case of Tanner: "We regret that our legislature have considered it necessary to thus retrograde, and in the face of the wisdom and experience of the present day, resort to a punishment for less crimes than murder which is alike disgusting and abhorrent to the common sense of every enlightened people."

Chief Justice Hugh C. Murray
COURTESY CALIFORNIA JUDICIAL CENTER LIBRARY

General William Walker

But the question of the constitutionality of the law, or its invalidity for any reason, seems not to have been discussed before, or considered by the Supreme Court. The arguments of counsel were not preserved or written, but the Supreme Court opinion (by Murray), is found in the second volume of the reports of that court, at page 257. The appeal turned on the question whether the Court of Sessions erred in excluding from the jury the man who declared he would not hang another for stealing. It was held that the man, William Jackson, of Marysville, was properly excluded from the jury; the validity of the act, under which Tanner was hanged, was not attacked.

It is curious to note that while the old criminal law referred to did not permit a man to be imprisoned for grand larceny for a longer term than ten years, it yet authorized the jury to decree his death on the scaffold. The jump was a long one — from ten years' imprisonment to death!

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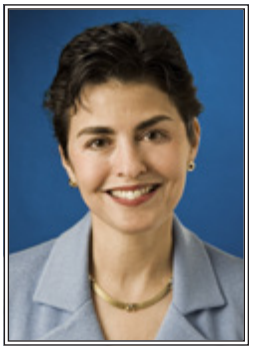

Ophelia Basgal has been named Regional Director for the Western Region of the U.S. Department of Housing and Urban Development. She was appointed on April 5, 2010 by HUD Secretary Shaun Donovan, and has resigned her position as vice president and board member of the CSCHS.

She is a nationally recognized expert on housing and community development issues, having served for 27 years as executive director of the Housing Authority of the County of Alameda, California. She also served on the Congressional Millennial Housing Commission and was a member of several national housing organizations.

"Ophelia Basgal is a seasoned veteran who brings an in-depth understanding of housing and experience in building partnerships with community and civic groups," said Secretary Donovan. "During this time of transformation and outreach at HUD, Ophelia's skill set makes her a tremendous fit for this role."

In her new position, Basgal will serve as HUD's liaison to mayors, city managers, elected representatives, state and local officials, congressional delegations, stakeholders and customers. She will also be responsible for overseeing the delivery of HUD programs and services to communities, and evaluating their efficiency and effectiveness.

Until her appointment, Basgal served as Vice President, Community Relations, for Pacific Gas and Electric Company where she was responsible for managing the company's $19.3 million charitable contributions program, employee volunteerism by PG&E's 20,000 employees, and community engagement programs.

Eric H. Joss, partner with Paul, Hastings, Janofsky & Walker LLP, was reelected as an officer and to a position on the Executive Committee of Town Hall LA. He also was a panelist at the 30th Annual Labor and Employment Law Symposium of the Los Angeles County Bar Association, appearing on a panel with the General Counsel of the National Labor Relations Board. And, Joss was accepted to serve as a Child Ambassador for World Vision, in which capacity he has already facilitated life-changing sponsorships for some 60 children around the world. He is a board member of the CSCHS.

Selma Moidel Smith, who is both a lawyer and composer, celebrated the performance of her suite for orchestra, *Espressivo,* at the May 3 concert of the Los Angeles Lawyers Philharmonic. The concert, which also included works by Bach, Rimsky-Korsakov, and Bernstein, took place at the Los Angeles County Law Library and was co-sponsored by the Los Angeles County Bar Association as part of their Law Week events. The orchestra consists of 65 members who are lawyers or judges.

Pictured above at the concert reception are CSCHS President David McFadden and Smith, a board member of the Society.

Conductor Gary S. Greene, Esq., introduced Smith from the podium, and noted both her legal and musical activities: "In the field of law, she is a past president of the Women Lawyers Association of Los Angeles, a Fellow of the American Bar Foundation, the honoree of the annual Selma Moidel Smith Law Student Writing Competition of the National Association of Women Lawyers, and is also editor-in-chief of *California Legal History,* the annual journal of the California Supreme Court Historical Society. In the area of music, she is a composer whose works have been performed locally and nationally, and she is listed in the *International Encyclopedia of Women Composers.*"

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