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The Los Angeles County Bar Association cordially invites you to join us in celebrating the Association’s 125th birthday at a very special event at the beautiful Orpheum Theatre in Downtown Los Angeles.

- **KEYNOTE SPEAKERS:**
  - Hon. Dennis Archer, President-elect of the American Bar Association
  - Hon. Carlos Moreno, Associate Justice, Supreme Court of California

- **SHATTUCK-PRICE OUTSTANDING LAWYER AWARD:**
  - The Los Angeles County Bar Association will present its highest honor, the Shattuck-Price Outstanding Lawyer Award, to Walter L. Gordon Jr., a trail-blazing criminal defense attorney who has been actively practicing law since 1937.

- **ENTERTAINMENT:**
  - The Coasters and The Drifters accompanied by Danny and the Corvettes. Plus: our own Mike Yamamoto and his band Use a Guitar, Go to Prison.

- **DINNER:**
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Reservations: $125. Judges and Government Employees: $90.00; Barristers who have practiced 5 years or less $90.00; Public Interest Attorneys/Employees: $90.00; Seat Blocks (10 seats per block): $1,250.00.

Registration by phone with Visa, Mastercard, or American Express: call (213) 896-6560 Monday-Friday 9 a.m.- 4:30 p.m. or to register online, please visit www.lacba.org/125th.
10 President's Page
Celebrating 125 years of public service
By Miriam Krinsky

16 Barristers Tips
Celebrating 75 years of the Barristers
By Margaret P. Stevens

80 Closing Argument
Our commitment to public service
By Gerald L. Chaleff

77 Index to Advertisers

78 Classifieds

79 CLE Preview

18 Where the Law Was Made in L.A.
The course of Los Angeles's legal history is preserved in legal landmarks from Olvera Street to the Inland Empire

By Robert S. Wolfe

33 Meeting Challenges: The Association’s History of Accomplishment
We can be proud of the steps the Association has taken to meet the challenges that President Jimmy Carter posed for us in 1978

By Patricia Phillips

40 A Landmark in Diversity
Passage of the Civil Rights Act of 1964 provided the foundation for nurturing diversity in both the legal profession and in society at large

By Edwin Guthman

49 The Dirty Half-Dozen
A group of pioneering female Loyola Law School grads look back on the changes in the role of women in their profession

By Genevieve Wong

54 The Quest to Desegregate Los Angeles Schools
_Crawford v. Board of Education of the City of Los Angeles_ was a milestone in the recognition of the city’s diversity

By David S. Ettinger

68 Spectacular Los Angeles Trials
In Los Angeles’s legal history, every era seems to have its trial of the century

By Megan A. Wagner
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Mr. Coviello has been actively practicing in Orange County for over 22 years. He has personally tried over 50 jury trials and has been lead counsel in several hundred arbitrations and mediations in employment related matters. He is an Arbitrator on the Employment Panel of AAA and the most recent past Chair of the O.C. Bar’s Labor and Employment Law Section.

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Our Los Angeles County Bar Association was established in 1878, a year that feels amazingly familiar—these 125 years later—to 2003. In 1878, Britain and Russia were involved in a protracted series of wars in Afghanistan. Rutherford Hayes, the U.S. president, had been elected by only one electoral vote, with the hotly contested election resolved only by a special congressional commission. Thomas Edison was beginning his research on the electric light, and Alexander Graham Bell was suing Western Union for violating Bell’s patent for the telephone. And the first motion picture was made here in California.

But the similarity of the bracket-years 1878 and 2003 belies the changes and growth that mark the intervening years. The world sank into two horrific world wars; at the end of each, an international body was created with the hope that nations could resolve conflict without war and in the context of international treaties and laws. The Hague Convention was established to enhance the legal and commercial relationships among nations.

In our own nation, women were granted the right to vote after a struggle that began in 1878 and successfully concluded in 1920. Schools were integrated when the U.S. Supreme Court acknowledged, at the midpoint of the twentieth century, that separate is inherently unequal. The Civil Rights Act of 1964 protected the voting rights of all people and finally eliminated tests and requirements designed to exclude African Americans from voting. We were faced with an attack on our country that revealed our vulnerability and challenged us to secure our physical safety without compromising our civil liberties.

Edison’s electric light bulb became so ubiquitous that people now must leave the cities to see the stars. And through all these changes, to meet the needs of our increasingly complex society, our courts looked both backward and forward to maintain and develop a body of law that continues to protect us and guide us. We lawyers are partners in that effort. As Daniel Webster cautioned in 1847, “The Law: It has honored us; may we honor it.”

And the next 125 years?
That is six generations from now. Of those who will celebrate the Association’s 250th anniversary, what will they say about us? What will they say about themselves? And how will they say it?

Words are the currency of our profession. On occasions such as the Association’s anniversary, it is fair to ask whether the vocabulary of today will even make sense tomorrow. “Ethnic bar association.” “Minority partner.” “Affirmative action.” Will these expressions still be needed 125 years from now? Will the charged idioms so passionately invoked today—“glass ceiling,” “race card”—pack the same wallop in 2128? If so, chalk one up for the pessimists.

But we optimists are restless. We know that democracy thrives on differences. The challenge, though, in the never-ending debate is to discuss differences with discernment, not discrimination—and to be understood in that way. Too often, the words we use prevent that understanding. We have instead a cowboy culture stocked with lethal phrases indiscriminately fired like bullets: “Racist!” “Sexist!” “Baby killer!” When speech like this is hurled at us, we retreat to the comfort of insipid phrases, resulting in the giddiness of can-we-all-get-along-ness or the divisiveness of you-just-don’t-get-it-ness. We deplore both as poor substitutes for the hard work, self-searching, and self-sacrifice that democracy demands. We know we can do better. We have done better. Take a look at the past 125 years.

Honey Kessler Amado and Richard Nakamura Jr. are former chairs of the Los Angeles Lawyer Editorial Board. Amado is a certified appellate law specialist practicing in Beverly Hills. Nakamura is an appellate attorney in the Los Angeles office of Morris, Polich & Purdy, LLP.
We are proud to honor both the Los Angeles County Bar Association for its significant contribution over 125 years to our profession and community, and the lawyers of Gibson Dunn who have provided extraordinary leadership to that organization.
Celebrating 125 Years of Public Service

From its inception in 1878, the Association has led the battle for equal justice for all

One hundred twenty-five years is a period that stretches beyond any individual lifetime and spans numerous generations, yet in stellar time represents little more than an instant. A century and a quarter can encompass great changes but also may present recurring challenges and concerns. And so it has been in the life of the Los Angeles legal community over the past 125 years, proving again the old adage that the more things change, the more they remain the same.

Los Angeles in the late 1870s was just beginning to expand beyond its Olvera Street roots. Daily life offered the city’s inhabitants countless new opportunities and horizons. Yet even as a new age dawned, Angelenos remained wedded to many of the violent traditions of the Old West. Accused criminals were as likely to be lynched as afforded any civilized system of justice, and racial prejudice and divisiveness were rampant. In the legal profession, however, the city found leaders who struggled to ensure social change and fight for justice, epitomized by the valiant but unsuccessful efforts of attorney Henry Hazard to avert the Chinese Massacre—a tragedy that resulted in the brutal killing of 20 Asians.

In the midst of those uncertain times, Hazard, Harvey O’Melveny, and 20 other lawyers joined together in 1878 to form the Los Angeles County Bar Association. While we do not know the complete history or identity of our founders, of one thing we are certain: They were all white men—the norm for lawyers of the day.

As we turn the clocks forward and commemorate our 125th Anniversary, we have a unique opportunity not simply to celebrate our successes but also to cast a critical eye on our entire history. That history, as well as the opportunities afforded by the integral role we continue to play in our legal and local community, provide the backdrop for a future that we ourselves will shape.

Things We Have Changed

Throughout our history, the Association has effectively represented our profession, ensuring professionalism and a voice for lawyers. We have supported legislation, helped frame regulations, and filed amicus briefs that have increased funding for legal services for the poor, increased judicial resources, and promoted the highest standards of professional conduct. We have made our views known on countless issues during our 125-year history.

Lawyer discipline. Concerned from its inception with maintaining appropriate standards of professional conduct, the Association undertook to hear complaints about lawyers until the State Bar assumed responsibility for attorney discipline in 1927. By issuing hundreds of ethics opinions we have promoted the highest of professional standards. The civility guidelines crafted by the Association were embraced and eventually adopted by both the state and federal courts in Los Angeles.

Public education. We have successfully sponsored legislation and constitutional amendments to reduce the politicization of the judiciary in the election process, publicly defended judges when they have been subject to unjust attack, and sought to ensure that the governor and the public are informed of the qualifications of prospective jurists.

Administration of justice. Through our close and supportive relationship with our local courts, we have worked to resolve issues of concern to lawyers and thereby improve the effective administration of justice.

Legal education. The Association and its sections have long been the most prolific producers of quality continuing legal education programs and published articles in Southern California. And now, through the Internet, we provide members with daily case law summaries, hundreds of Web pages, and other practical information about judges and parties to litigation that are not otherwise available.

Yet for all our achievements over the years on behalf of our profession, we can be even more proud of our efforts as an organization to help the poor and disadvantaged in our community who might otherwise be denied access to our justice system. Those efforts are not new, not a recent fad. They have, in fact, spanned our entire 125-year history.

1910s/1920s

Pro bono projects. During World War I, the Association created its first documented pro bono project by providing free legal aid to servicemen, draftees, and their families. Between 1914 and 1928, our records indicate that more than 20,000 matters were referred to members of the Association.

Investigations of the LAPD. In the late 1920s, the Association mounted one of the community’s first offensives against police brutality by initiating investigations of the LAPD.

1930s

Legal aid. The Association promoted the creation of the Legal Aid Foundation of Los Angeles and played a critical role in securing its first sources of funding.

Lawyer referral service. The nation’s first Lawyer Referral and Information Service was created by the Los
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1940s

**Federal indigent defense.** The Association created a Federal Criminal Court Defense Committee to ensure that no indigent defendant in the federal courts went without legal representation. The Association handled all federal indigent cases until the creation of the government-funded Federal Public Defender in 1963.

**Police brutality.** The Association again undertook investigations of police brutality, this time precipitating the removal of the city’s police chief.

1950s

**New courthouse.** The Association filed an action to force the building of a new courthouse for Los Angeles County because, in the words of then-President Herman Selvin, our community had “suffered far too long the handicap and disgrace of obsolete, inadequate and dilapidated court housing.”

**Mental health advocacy.** Junior Barristers began staffing the Psychiatric Department of the Los Angeles County Superior Court to serve as counsel for indigent persons—a forerunner to our mental health advocacy project that today provides assistance to 3,200 individuals annually.

1960s

**Federal public defender.** The Association successfully supported a bill in Congress to provide government funding for the creation of the Federal Public Defender.

**Bar Foundation.** The Los Angeles County Bar Foundation was established to fund programs that improve the administration of justice and the delivery of legal services, enhance public confidence in the legal profession, and increase understanding of and respect for the rule of law. Today, the foundation provides grants that help to fund approximately 20 programs annually.

**Housing project.** The Association created a special committee to sponsor legislation directed at improving access by the poor and disadvantaged to public services and relieving low and moderate income housing problems in Los Angeles. This effort, later known as the Association’s Lawyers for Housing project, sought to involve more lawyers (particularly from minority groups) in the growing field of housing law.

1970s

**Marriage counseling services.** The Family Law Section, in cooperation with the Los Angeles Legal Aid Foundation, arranged...
In recognition of O’Melveny & Myers LLP’s past Los Angeles County Bar Presidents, and on behalf of all of the attorneys at O’Melveny & Myers, we congratulate the Los Angeles County Bar Association’s

125 years of distinguished service.
Neutral observers. At the urging of several community agencies and representatives of minority groups, the Association began providing neutral observers at the site of political demonstrations and at subsequent police bookings and jailings. One of this effort’s broader goals was to establish lines of communication between law enforcement and minority communities.

Parole aid program. The Association’s Barristers created the Parole Aid Program—later known as Volunteers in Parole—to assist parolees in their reintegration into the community through one-to-one counseling and guidance relationships with volunteers.

Dispute resolution. The Association developed the nation’s first Neighborhood Justice Center (NJC) to provide mediation services for neighborhood and consumer disputes. NJC’s successor organization, Dispute Resolution Services, contributes to the easing of crowded court calendars and the improvement of the quality of life in Los Angeles County by preventing and defusing conflicts and teaching conflict resolution and violence prevention. DRS annually provides services to approximately 15,000 people throughout the greater Los Angeles area.

Public Counsel. The Association joined the Beverly Hills Bar Association as a cosponsor and financial supporter of Public Counsel, a nationally recognized organization that now provides free legal assistance to more than 2,500 individuals annually.

Domestic violence. The Barristers created the Domestic Violence Program, an effort that comes to the assistance of the ever-growing number of victims of domestic violence. Each year the program helps more than 7,800 individuals and their dependents.

1980s

AIDS project. The Barristers AIDS Project was formed and later merged with the HIV/AIDS Legal Services Alliance. Through HALSA, the Association helps more than 4,500 individuals each year obtain the legal services they need when they or members of their families suffer from AIDS or are HIV-infected.

ICDA. The Indigent Criminal Defense Appointments Program, which today provides attorneys for 6,500 indigent criminal defendants, opened its doors.

County courts funding. Our Association filed a lawsuit to secure additional resources for Los Angeles County courts and, in the process, established the constitutional right to meaningful access to civil courts under
the U.S. Constitution.

**Pro bono policy.** The Board of Trustees adopted a pro bono policy that calls upon each Association member to devote at least 35 hours annually to pro bono representation of the poor and disadvantaged.

**Juvenile justice.** The Association reestablished its Juvenile Justice Committee to address two issues of critical importance to the juvenile justice system: 1) The need for a child-sensitive Children’s Court Building to reduce the trauma of the court process on abused and neglected children, and 2) the need to oppose proposed budget cuts likely to force the closure of 14 county juvenile camps and the termination of certain diversion and intensive home supervision programs.

**1990s**

**Juvenile courts.** The Association created a Juvenile Courts Task Force to play a major role in addressing a variety of legislative and other issues facing our dependency and delinquency courts.

**Superior court improvement.** The Blue Ribbon Commission for Superior Court Improvement, a project cosponsored by the Association and the Los Angeles County Superior Court, promoted reforms designed to ensure a more user-friendly court for both lawyers and litigants, the elimination of “local local” rules, and the random reassignment of cases after the exercise of a peremptory challenge.

**Today**

**Criminal justice.** The Task Force on the State Criminal Justice System, a knowledgeable and respected group of legal community leaders, have assembled to address justice system issues in the post-Rampart era and possible reforms to the state criminal justice system.

**Dialogues on Freedom.** On the first anniversary of the September 11 tragedy, approximately 150 lawyers and judges assembled with more than 1,000 high school students in over a dozen Los Angeles-area public and private schools in a series of Dialogues on Freedom.

**Things That Remain the Same**

While many aspects of our legal community have changed over time, the enduring need for volunteerism and support of legal services remains constant. The California Commission on Access to Justice recently reported that more than four million Californians live in poverty—an increase of 30 percent in the past decade—and lack access to a lawyer. The commission found that in meeting the legal needs of the poor California lags behind not only most states but also many foreign countries. These figures present the unacceptable reality that of the more than four million Californians who live in poverty, nearly three-quarters of those who need a lawyer have no access to one.

The legal community in Los Angeles has historically made an immense contribution by providing pro bono legal services and funding and by supporting numerous legal service efforts and reforms. Our Association’s 125-year history is living evidence of the positive and important difference that our legal community can make.

Much more, however, remains to be done. I call on all of us to maintain the proud traditions established by lawyers and leaders in our community over the years and to do what we can to ensure that no member of our community is deprived access to our legal system. Our continued efforts will enable us to fulfill the dream of Martin Luther King Jr., the inspired leader whose words were selected to mark this anniversary year: “Injustice anywhere is a threat to justice everywhere.” Together, we can ensure that justice for all remains the norm in our community.
Celebrating 75 Years of the Barristers

On the 125th birthday of the Association, the Barristers also reaches an important milestone

The Barristers Section has two reasons to celebrate this year: the Association’s 125th anniversary as well as the 75th anniversary of the Barristers. Recently, I had an opportunity to review the Barristers archives in preparation for this 75th year. What struck me was the incredible vision and energy of previous Barristers presidents, officers, and committee members who accomplished so much for newer attorneys in Los Angeles—and continued on to careers as prominent attorneys and as members of the federal and state judiciary.

The Barristers—or the Junior Barristers, as it was called initially—was first formed in 1928. Charles E. Beardsley chaired the inaugural year and Edward S. Shattuck the second year. Beardsley went on to become one of the leaders of the Los Angeles legal community, and the Beardsley firm, as it was once known (now Morrison & Foerster) has many famous alumni, including Seth and Shirley Hufstedler. Shattuck is remembered today by the Shattuck-Price Award, which is given to an attorney in the Los Angeles area who has contributed to the profession to the benefit of the public, clients, and members of the bar. This was just the beginning of the long line of extraordinary leaders—including current Association President Miriam Krinsky, who is a former member of the Barristers Executive Committee—who helped shape the Barristers into what it is today.

Although the 1920s and 1930s came long before the current vogue of mission statements, the founding era archives reveal a strong commitment to assist newer attorneys. These efforts included appearances by famous (and infamous) attorneys as guest speakers, interaction between Barristers and leaders of the profession, and social gatherings that, according to former chair Robert M. Barton, “brought a spirit of lasting camaraderie.” This commitment to act as a resource for members has remained a theme of the Barristers, and in the 1960s was expanded to provide legal assistance to those in need.

One of the original Barristers pro bono projects, the staffing of attorneys for the U.S. District Court indigent defense counsel, began in 1960, a time when there was no federal public defender. As the 1963-64 chair of the Barristers, for example, Charles G. Bakaly Jr. was on call to take assignments from particular district judges. This was to supplement the panel of four or five Barristers who appeared every Monday morning at the U.S. District Court for assignment to criminal matters. In light of the billing and caseload demands on newer attorneys, this volunteer spirit is highly commendable.

The Barristers has remained committed to this spirit. So it is not surprising to find Ronald L. Olson’s statement as a Barristers former president (1976-77) in the archives, in which he recalled “advocating mandatory pro bono service, [which] was not an idea whose time had come in 1976-1977.” Perhaps in this century the profession will realize Olson’s vision to contribute to our community.

In 1967, when the Barristers changed its male-only membership rule, the leaders of the new and young attorneys in Los Angeles expanded in diversity to include Margaret Morrow (the first female president, 1978-79), Lee Smalley Edmon (president 1988-89), and recently Laura Farber (1996-97), a past chair of the ABA Young Lawyers Division and a recipient of an ABA Spirit of Excellence Award, honoring contributions to racial and ethnic diversity in the law.

Our vision for the Barristers in the twenty-first century continues to build on past accomplishments, with a few additions for our 75th year. This year, the Barristers is expanding its community outreach efforts. In preparation for Community Law Day 2003, the Barristers teamed with the Association’s 125th Committee to enlist members from each of the Association’s sections to volunteer on Saturday, May 3, 2003, at locations throughout the city. These volunteers will provide general information and answers to basic legal questions to the public at no charge. In addition, the Barristers joined forces with Public Counsel to reinstitute its legal assistance program for the homeless and at-risk families and created the Guardian Ad Litem Project for minors in dependency court.

Acknowledging the growing need to provide support in career development, the Barristers Professional Development Task Force currently cosponsors career panels with the Association on a monthly basis, and the Networking Committee has also planned monthly events with various bar affiliates throughout the Los Angeles area, a listing of which can be found at www.lacba.org/barristers.

Our 75th year could not pass without a celebration. This summer, we will revisit our history and honor those former presidents, chairs, officers, and committee members who devoted their energy and time toward improving the profession for the new and young attorneys in Los Angeles. This 75th anniversary event will also herald the inauguration of the first Barristers Award, which will be presented to an outstanding member of the bar who has significantly contributed to our profession. We hope that you can join us and share memories and stories on this very special evening. On behalf of the officers and committee members of the Barristers, we salute the Association’s 125 years of history and look forward to continued success on behalf of our members.

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See the light.
The history of Los Angeles is perhaps best characterized by the myth that the city has no history. Throughout its 221 years, Los Angeles has imagined itself as a place of new beginnings and the new city of the coming century, whichever century that happens to be. The 125th anniversary of the Los Angeles County Bar Association is a good time to set the record straight. Los Angeles does have a history, even if it lacks a memory of it. The legal history of Los Angeles involves multiple cultures, racism ascendant, prejudice transcended, and people of all sorts—hucksters, do-gooders, idealists, ideologues, and eccentrics—crossing paths in a city that provides the gift of a second chance. While traveling through case law and taking a few detours along the way, Los Angeles lawyers can take a comprehensive tour of some of their city’s legal landmarks and learn more about the people who gave rise to them.

**FIRST STOP: DOWNTOWN**

- **Biddy Mason Park, 300 block of Spring.** Next to the parking structure for state court employees stands the state’s only memorial to a habeas corpus proceeding. Its protagonist, Biddy Mason, was the subject of a three-day courtroom battle in January 1856 that resembled the *Dred Scott* case with a better ending. Born a slave in Georgia in August 1818, Biddy Mason was acquired as a wedding gift by Robert and Rebecca Smith. They later brought Mason, her children, and her sister to California, where they were automatically emancipated under the 1850 constitution. The Smiths planned to take them to Texas, a slave state, where they would lose their freedom.

A group of 10 African American cowboys, made aware of the Smith family’s plan, located Smith in Santa Monica Canyon and served him with a writ of habeas corpus for “seducing persons of color to go out of the state of California.” The hearing began on January 19, 1856, before Benjamin Hayes, a state district judge. Smith said the move was voluntary. Since Mason was not permitted to testify, Judge Hayes questioned her in chambers. She said she had been told that she would

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remain free, but she added: “I always feared this trip to Texas, since I first heard of it.”

The next day, Mason’s appointed counsel offered to drop the case. A suspicious Judge Hayes put him under oath and discovered he had been bribed $100. Hayes ordered that “[a]ll of the said persons of color are entitled to their freedom and are free forever.” Mason went to work as a midwife for Dr. John Griffin, who was engaged to the judge’s sister. From her earnings, she bought two lots on Spring Street for $250. In 1872, her house was the first meeting site of the African Methodist Episcopal church. Following Mason’s death in 1891, the California Supreme Court had to resolve a family squabble regarding tax payments on the property.1

**Olvera Street.** Originally named Wine Street, what is now a tourist site was renamed in 1877 for Judge Agustin Olvera, who had died the year before. In 1847, Olvera was one of the signatories—for the Mexicans—of the treaty of Cahuenga, which ended the war in California. In 1850, Olvera was elected as Los Angeles County’s first judge. Along with Judge Hayes, Olvera was a member, during the lawless 1850s, of the Rangers, a quasi- vigilante group. Another celebrated Ranger was Stephen Foster, Los Angeles’s mayor from 1854 to 1856. After gambler Dave Brown murdered another Angeleno, Foster calmed a lynching mob. Although Brown was sentenced to hang, the California Supreme Court stayed execution. Foster resigned as mayor in order to lead another lynching mob that made further judicial review moot, and a grateful electorate returned him to office.

In 1929, Henry O’Malveny was one of six prominent Angelenos who donated private funds to improve Olvera Street as part of the campaign of civic leader Christine Sterling to create a romanticized version of the city’s Mexican past. “Volunteer” prison labor was used to reduce costs. Sterling wrote in her diary, “Every day I pray they will arrest a bricklayer or a plumber.” The renovation was halted when an appellate court held that the city’s police powers did not include civic beautification. The city prevailed, however, at the supreme court.2

**Clara Shortridge Foltz Criminal Courts Building, 210 West Temple.** Clara Foltz began studying law in a lawyer’s office at the age of 25 after bearing five children and being abandoned by her husband. At the time, the profession was restricted to “white male citizens,” but she lobbied the legislature to change this. In September 1878, she became the first woman lawyer in California and the third woman lawyer in the nation. Four months later, Foltz decided to go to Hastings Law School but was denied admission because of her sex. Undaunted, in February 1879 she filed a writ petition and argued her own case. By the time the supreme court granted relief, it was too late. Her economic situation compelled her to practice law, not study it. Foltz moved to Los Angeles in 1906, following the San Francisco earthquake. In 1911, at age 61, she was appointed the first woman deputy district attorney. She helped found the nation’s first public defender’s office three years later.

**Ronald Reagan State Building, Third and Main.** This city’s first trial of the century began in 1911. An explosion the previous year at the printing plant of the *Los Angeles Times* had killed 20 and injured 17. Clarence Darrow headed the defense for brothers Jim and J. J. McNamara. Assisting him was lawyer Job Harriman, favored to win as the Socialist mayoral candidate in the December 1911 runoff. The union-organizing McNamara’s were widely believed to have been framed by antiabor forces, but the prosecution’s evidence was daunting.

In November 1911, District Attorney John Frederick learned of a bombshell—juror George Lockwood had been offered $5,000 by defense investigator Bert Franklin to vote not guilty. With Lockwood’s cooperation, the prosecutors set up a sting. On November 28, both Lockwood and Franklin appeared at the drop point. But as police swooped in, none other than Clarence Darrow also showed up. He explained it as a coincidence and continued walking.

Three days later, the brothers pleaded guilty, and the town went into an uproar. Jim received a life sentence, and J. J. got 15 years. The labor movement was demoralized, and Harriman lost the runoff in a landslide. In January 1912, Darrow was indicted for attempted bribery. His defense was assisted by famed lawyer Earl Rogers. Darrow gave his own closing argument, which is considered one of the greatest of all time. He argued: “I have committed one crime: I have stood for progress or intellectual development beyond a certain point.” With no trace of irony, the court was concerned with allowing such disfavored races to introduce “their prejudices and national feuds” into California.7

**Metropolitan Building, 457 South Broadway.** In 1926, Lela Hutson, an African American, went to the soda fountain at the Owl Drug Store to have a cup of coffee. The waiter ignored her. When someone else helped her after 20 minutes, the waiter shouted, “What did you serve the nigger for?” and threw coffee at Hutson. She sued Owl Drug, recovering $500 for emotional distress.8

Bigotry remained endemic. Decades later—in 1948—the Los Angeles County Counsel filed a brief with the California Supreme Court seeking to uphold the laws against interracial marriage, to prevent “the Caucasian race from being contaminated by races whose members are by nature physically and mentally inferior to Caucasians.” By a 4-3 vote, the supreme court decreed such arguments for their “ignorance, prejudice and intolerance…”9 During the late 1940s, the Los Angeles County Bar Association twice rejected resolutions to admit African Americans. Not until January 1950 did the Association, by a vote of 1,018 to 593, agree to integrate.10

**Clifton’s Cafeteria, 648 South Broadway.** During the 1930s, restaurateur Clifford Clinton wanted to serve Los Angeles
Corruption fighter Clifford Clifton shown in court, 1938

in other ways besides the 16,000 daily meals at his cafeteria. Stunned by the corruption in the administration of Mayor Frank Shaw, he founded CIVIC, a reform-minded coalition, and was appointed to the grand jury by Superior Court Judge Fletcher Bowron. He petitioned the California Court of Appeal when other grand jurors stymied investigation but was rebuffed.12 Clinton’s minority report accused Mayor Shaw of running a protection ring for bookies and prostitutes. In October 1937, Clinton’s Los Feliz home was firebombed. Police suggested it was a publicity stunt.

On January 14, 1938, Harry Raymond, CIVIC’s chief investigator, was seriously injured during a car bombing. Captain Earl Kynette, LAPD’s intelligence chief, was heard to say, “That’s too bad. Next time, we’ll do a better job.” Unused portions of the car bomb were found in Kynette’s home. He was convicted of attempted murder. Later, the supreme court expressed that it was appalled at the audacity of his threats.13 The public was also outraged. Clinton gathered 120,000 petition signatures to recall Shaw, leading one of the first recalls in American history. Judge Bowron was elected mayor in a landslide.

- **Pantages Theater, Seventh and Hill.** This building twice figured in key legal decisions. A 1931 opinion reversed the rape conviction of theater impresario Alexander Pantages, permitting him to introduce evidence of the teenage victim’s sexual history.14 (See “Spectacular Los Angeles Trials,” page 68.) Sixty years later, following the theater’s conversion to a jewelry mart, federal prosecutors used hidden cameras to reveal a money laundry operation for Columbian narcotics traffickers. The case involved more than $300 million. An en banc Ninth Circuit decision set parameters for secret video surveillance.15

- **Skid Row.** The Sundance litigation, named for lead plaintiff Robert Sundance, significantly changed the operation of Los Angeles’s drunk tanks. Inebriates had been routinely jailed and released without trial. Sundance put up a halt to this revolving-door policy by getting courts to impose requirements for prompt arraignments and probable cause hearings.16

- **Judge John Aiso Street, Little Tokyo.** This is the only city street named for an appellate justice. Aiso became a superior court judge in 1952 and retired from the court of appeal 30 years later. Aiso was drafted into the U.S. Army in early 1941. The following year, 60,000 of his fellow Japanese American countrymen were forcibly evacuated, first to horse stables at Hollywood Park and Santa Anita and then to permanent internment facilities. But Aiso remained in the army, becoming its highest-ranking Japanese American officer, serving in military intelligence, and helping found the Defense Language Institute in Monterey, California. He died in December 1987 from injuries that he received during a gas station robbery.

- **Stanley Mosk Courthouse, 111 North Hill.** This building’s imposing architecture (often described as Mussolini Moderne) figured prominently in a recent premises liability case. In September 1995, a woman was shot by her former husband outside a family law courtroom. The supreme court rejected the efforts of her heirs to find a dangerous condition of public property out of the multi-level “labyrinthine structure,” with its “seemingly endless” hallways and “virtually unrestricted” access.17

The maze of hallways may be less challenging than the maze of the courthouse’s internal politics, as illustrated in another appellate opinion that is now decertified. In July 1992, the Metropolitan News published a phony memo parodying Presiding Judge Ricardo A. Torres, who was said to have conducted “gestapo-like” searches of other courtrooms and engaged in “amorous escapades and megalomania.” The judge’s defamation suit against the newspaper was tossed out because reasonable people would discern “the difference between satire and sincerity.”18 But, as dissenting Justice Tom Crosby pointed out, the difference between satiric excess and certifiable fact may not always be so clear when dealing with the Los Angeles bench. After recounting some true courthouse tales, including the pistol-packing judge who kept a live dog with her on the bench and the judge who prodded an attorney with a dildo, Crosby concluded, “[T]he majority has rose-colored glasses on…[S]tranger, much stranger things have come from Los Angeles.” Although the opinion was depublished, Crosby’s dissent was reprinted in Harper’s magazine.

Ordinary citizens have also engaged in provocative behavior at the courthouse. On
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April 26, 1968, Paul Cohen walked down the hallway outside Division 20 wearing a jacket emblazoned with the words “F*** the Draft.” His conviction for disturbing the peace was overturned because, as Justice John Harlan noted, “[O]ne man’s vulgarity is another’s lyric.”

Even the judge after which the courthouse is named experienced a share of controversy. Justice Stanley Mosk was first appointed to the superior court in 1943. In 1958, Mosk was criticized by the Los Angeles County Bar Association for failing to resign before campaigning for attorney general. He won by a million-vote margin.

SECOND STOP: CENTRAL LOS ANGELES

• **Third and Alvarado.** At this ordinary street corner, the complete defense of contributory negligence became the victim of a routine automobile accident. On November 21, 1968, driver Nga Li cut across the south-bound lanes of Alvarado Street and was hit by a speeding taxicab. The resulting lawsuit, *Li v. Yellow Cab*, revolutionized California tort law by introducing principles of comparative fault.

• **Charlie Chaplin Studios, 1416 North La Brea.** After actor Charlie Chaplin was named in a paternity suit, both sides struck a deal—if the blood tests were negative, the lawsuit would be dropped, but Chaplin would still pay the child’s expenses. The blood test was performed, and the doctors were unanimous: Chaplin was not the father. So the mother did what litigants who hear bad news often do—she changed lawyers. Her new attorney was famed trial lawyer Joseph Scott. In March 1944, Superior Court Judge Stanley Mosk denied Chaplin’s motion to dismiss the paternity action. Mosk ruled that neither the mother’s stipulation nor the blood tests were binding on the child. The jury should consider all the evidence.

The trial was nasty. Chaplin was required to stand in front of the jury next to the mother and the child so that jurors could compare their facial features—an exercise likened by Chaplin’s attorney to a “compassionate visualization of the ancient masterpieces of the madonna and child.” The court of appeal, however, saw this action as fixing the jurors’ attention on the parties’ “unspiritual and ter-
restrial affairs...”21 Perhaps Chaplin was not the only person involved in the suit who was capable of deadpan humor. The appellate court also agreed that the plaintiff’s story seemed improbable, but “[t]he performances of desirous and adventurous persons cannot always be rationalized.”22 In the end, the plaintiff won, but she did not break the bank—thus garnering a result reminiscent of the originally proposed deal. The court of appeal affirmed an order requiring Chaplin, despite his great wealth, to pay a mere $75 a week in child support.23

- **Jake Zeitlin’s Bookstore, 815 North La Cienega.** In the early 1960s, Los Angeles City Attorney Robert Arnebergh warned that he would bring criminal obscenity charges against anyone who sold Henry Miller’s semi-autobiographical novel *Tropic of Cancer.* Bookseller Jake Zeitlin bypassed Arnebergh and secured a unanimous ruling from the California Supreme Court that the state’s obscenity laws only applied to hardcore pornography, which the *Tropic of Cancer* decidedly is not.24

- **Glassell Park.** This northeast Los Angeles neighborhood is named for attorney Andrew Glassell, who served as the first president of the Los Angeles County Bar Association when it met on December 3, 1878.

- **Angelus Temple, 1100 Glendale, Echo Park.** In 1926, faith healer Aimee Semple McPherson was at the height of her popularity. Dressed in a white gown, she preached “illustrated sermons” (using elaborate backdrops and props) from a red velvet throne to the more than 30,000 members of her church. On May 18, she disappeared. She was last seen wading into the surf at Venice Beach, and the worst was feared. Five weeks later, she appeared in northern Mexico. She claimed to have been kidnapped, escaping by walking for 13 hours to freedom. Her popularity soared. But there were holes in her story—and no holes in her shoes. Investigative reporters found compelling proof that she had secreted herself in a cottage in Carmel with Kenneth Ormiston, a
married man who was employed at her radio station.

In mid-September, District Attorney Asa Keyes charged her with filing a false police report. She stuck to her story, and in January 1927, Keyes dropped all charges midway through the lurid trial. McPherson promptly went on what she called a Vindication Tour throughout the United States. But rumors of foul play abounded, including charges that the district attorney had received some $30,000 to dismiss the case.  

THIRD STOP: THE VALLEYS

• **Roscoe Boulevard.** During the late 1800s, the Land Settlers League promoted the notion that the Mexican land grants in the San Fernando Valley were invalid, leaving the land within the public domain. By 1890, some 1,200 squatters had overrun the 60,000 acres owned by Isaac Van Nuys. The legal battle for the Valley turned upon an unusual form of documentary evidence, although it took a U.S. Supreme Court decision to validate the patent. Van Nuys fortuitously discovered that Romulo Pico (Pio Pico’s nephew) had ridden as a young boy on the first official survey. Romulo remembered that a uniquely branded white oak tree marked the southeast boundary. The tree was located, and a piece of it hauled into court to show the marking. In September 1909, in the largest recorded county transaction, Van Nuys sold his Valley holdings—47,500 acres—for $2.5 million to a syndicate headed by Los Angeles Times magnate Harry Chandler. Henry W. O’Melveny acted as the lawyer.

• **St. Francis Dam Site, Santa Clarita.** The greatest civil engineering failure in the twentieth century resulted in criminal proceedings against water pioneer William Mulholland. On March 12, 1928, the St. Francis Dam collapsed, releasing 12 billion gallons of water into the San Francisquito Canyon. The 10-story high floodwaters raced on a 58-mile journey to the Pacific Ocean, resulting in at
least 500 deaths and $20 million in property damage. Mulholland had inspected the dam earlier that day without finding anything amiss.

District Attorney Asa Keyes convened a coroner’s inquest, with Mulholland facing a potential murder indictment. The prosecution’s first exhibit was a woman’s drowned body. While no criminal liability was found, a chastened Mulholland withdrew from public life. An ancient (and then undetectable) landslide has recently been shown to have been the culprit, exonerating Mulholland posthumously.

- Topanga Canyon and Roscoe. On July 16, 1970, disk jockey Don Steele drove down Valley streets in a conspicuous red car for an on-the-air promotion on radio station 93-KHJ. Two drivers raced in excess of 80 miles per hour to be the first listener to locate him. This caused not only a fatal accident but a case that has been cited some 500 times on the tort duty of care.27

- Mayfair Hotel, Third and Garey, Pomona. Although a suspected robber was not in his hotel room on October 27, 1960, the night clerk was “more than happy” to let police in. U.S. Supreme Court Justice Potter Stewart was not so happy about that. Even a Pomona hotel guest, he wrote, is entitled to protection against a warrantless search—regardless of the proprietor’s consent.28

FOURTH STOP: SOUTH LOS ANGELES

- Sleepy Lagoon—Slauson and Atlantic, Maywood. On August 2, 1942, the badly beaten body of teenager Jose Diaz was found near this small pond. He died shortly thereafter. Two others were stabbed that night during a free-for-all between a group of nearby partygoers and some outsiders known as the Downey boys. Goaded by lurid press accounts, the police rounded up more than 300 Mexican American youths, many because of their hair or dress. Many of the arrestees were zoot suiters, whose luxurious clothing...
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Seth M. Hufstedler
LACBA President, 1969-70
John M. Langston Bar Association and the Mexican American Bar Association became affiliates of LACBA.

Samuel L. Williams
LACBA President, 1977-78
First African-American LACBA President; Launched Los Angeles Lawyer Magazine in its present format.

Gavin Miller
LACBA President, 1983-84
Strengthened the role of Corporate Counsel in the Association.

Patricia Phillips
LACBA President, 1984-85
First Woman LACBA President; The Black Woman Lawyers Association of Los Angeles became an affiliate of LACBA.

Laurie Zelon
LACBA President, 1995-96
Confirmed the Association’s commitment to legal services for those in need.
was at odds with the wartime emphasis on rationing and sacrifice. The 12 murder convictions that followed these arrests were all reversed on appeal, the court finding insufficient evidence that the defendants had “murder in their hearts.”

• **Fortune Liquor Store, 2208 Century, Inglewood.** A drunk driver lost control on Century Boulevard, veered into the minimall, jumped the curb, and struck a man inside a telephone booth. According to the supreme court of Chief Justice Rose Bird, this set the stage for a jury case as to the phone company’s negligence. As a result, one might wonder if indeed “there are clear judicial days on which a court can foresee forever.”

• **McMartin Preschool, Manhattan Beach.** In August 1983, a woman complained that her two-year-old son had been sodomized by a male preschool teacher. Within a year, 208 counts of child abuse were filed against seven adults. Allegations surfaced that the teachers belonged to a Satanic cult, peddled child pornography, and engaged in animal sacrifices. The McMartin trial stretched to 1990 at a cost exceeding $15 million. It was the most expensive criminal prosecution in U.S. history. Only two defendants went to trial: Peggy Buckey, who was acquitted, and her son, Ray, whose two trials resulted in hung juries, after which all charges were dropped. He was jailed for five years during the trials.

The criminal defendants became plaintiffs in civil suits, charging that ABC television reporter Wayne Satz, whose sensational exclusives riveted the city, was romantically linked with child abuse investigator Kee McFarland, who was charged with abusive questioning techniques. The efforts of the defendants to recover damages foundered on the statutes of limitations and the child abuse reporting immunities.

• **Montrose Chemical, 20201 Normandie, Torrance.** This 13-acre facility was one of the world’s leading DDT producers between 1947 and 1982. Its discharges spilled onto the Palos Verdes ocean floor (creating a 17-square-mile DDT hot spot), and into state and federal courtrooms. A Superfund lawsuit resulted in a record-breaking $140 million settlement in December 2000. As if that were not enough, it also spawned coverage litigation concerning the refusal by the insurers to defend and the coverage trigger in long-tail policies. It may prove as difficult and costly to clean up what Montrose has done to insurance law as it has been to clean up the company’s pollution.

• **Florence and Normandie.** On television, Rodney King pleaded, “Can’t we all just get along?” but truck driver Reginald Denny’s televised beating on April 29, 1992, at this intersection showed otherwise. Eight months
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earlier, an appellate court, citing “graphic” and “devastating” publicity and a political “fire storm,” had ordered a change of venue outside the county for the criminal trial of the LAPD officers who appeared on videotape assaulting Rodney King.35 The trial court transferred the case to conservative Simi Valley, where the officers were acquitted, generating new fire storms. The officers were later convicted on federal civil rights violations, although the U.S. Supreme Court criticized the Ninth Circuit’s de novo review and lengthening of their prison terms.36 Denny sought damages in a civil suit against the city, but an appellate court ruled that if you were hurt when not all of us were getting along, you cannot sue the LAPD for failure to protect.37

- **Harry Pregerson Interchange, Harbor and Century Freeways.** Federal judge Harry T. Pregerson spent much of his judicial career shepherding the Century Freeway litigation,38 so this memorial is appropriate in its own way. A consent decree brokered in 1979 by attorney John R. Phillips resulted in the Green Line light rail, 9,500 units of low-income housing, and a job apprenticeship program for 8,000 disadvantaged persons. At the July 2002 dedication, Assembly Speaker Robert Hertzberg commented, “Judge Pregerson’s mother…might be thinking, ‘To honor my son you could have built a statue.…[I]nstead, a freeway interchange you pick?’”

FIFTH STOP: THE WESTSIDE

- **Palisades Park, Santa Monica.** An infamous ex parte communication occurred in this park on April 7, 1973, during the prosecution of the Pentagon Papers case against Daniel Ellsberg. John Ehrlichman, a counselor to then-president Richard Nixon, went from the Western White House in San Clemente to visit his mother in Santa Monica. He briefly met federal district judge Matt Byrne on a park bench to ask whether Byrne would be interested in becoming FBI director. There was one hitch: Byrne was still presiding over the trial against Ellsberg. Byrne ultimately disclosed the communication. Little more than a month later, Byrne declared a mistrial, but for other reasons, including government misconduct in wiretapping Ellsberg and breaking into the Beverly Hills office of psychiatrist Lewis Fielding. In September 1973, the county grand jury indicted Ehrlichman for the Fielding burglary. Ehrlichman was convicted on parallel federal offenses.39 Nixon was later disbarred in New York on the ground (among others) that he “improperly engaged in conduct which he knew or should have known would interfere with the legal defense of Daniel Ellsberg.”40 And Judge Byrne did not secure the FBI
appointment.

**Pico and Sepulveda.** This Westside intersection also happens to be the name of an early California Supreme Court decision, *Pico v. Sepulveda.*\(^{41}\) Ignacio Sepulveda was the most prominent member of the Sepulveda family. In 1879, he was elected to be one of Los Angeles County’s first two superior court judges, and he presided over the inquiry into the Chinese Massacre. Plaintiff Pio Pico was California’s last governor under Mexican rule. He remained an important member of local society, operating the city’s principal hotel, Pico House, which opened in 1870. He never learned to speak English.

Hard times befell Pico in the 1880s, and he borrowed $62,000 from businessman Bernard Cohn, using his property as security. Pico attempted to repay the loan, but Cohn refused, claiming the transaction was a sale. To Pico’s surprise, his interpreter, Pancho Johnson, agreed. Pico filed a new lawsuit to annul the judgment when he discovered that Johnson had been bribed $2,000. The supreme court, however, refused Pico’s claim because there was no extrinsic fraud.\(^{42}\) Pico died penniless in 1894 at the age of 93.

**O.J.’s House, 360 Rockingham, Brentwood.** This is where Detective Mark Fuhrman found the bloody glove. The city’s last trial of the century was followed by a civil case that may have equally lasting legal ramifications. Affirming a $25 million punitive award, the court of appeal allowed expert testimony from a sports marketer that lifetime rights to Simpson’s name were worth at least $25 million because “[t]he line between celebrity and infamy has almost disappeared. What matters most is fame and it is not terribly important how you get famous.”\(^{43}\)

**Malibu.** The current skirmish involving David Geffen and beach access pales in comparison to the battle fought by May Rindge.

Congratulations to the Los Angeles County Bar Association on 125 years of distinguished service to our community.

For nearly a half-century, the Jewish Community Foundation has been working with members of the Los Angeles County Bar Association to assist their clients with planned giving options and to help them support a wide variety of charitable causes throughout our community. To learn more about the services we offer, call 1-877-ENDOW-NOW (877-363-6966). To learn more the Los Angeles County Bar Association’s stellar record of achievements, just keep on reading!

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*Wealthy beachside enclave Malibu*
sometimes called the Queen of Malibu. Following her husband’s death in 1905, Rindge resolved to keep her 13,316-acre ranch spanning Malibu and Topanga free of development. The state was equally determined to build a major coastal highway. Rindge litigated for 17 years and involved the California and U.S. Supreme Courts. With the blessing of these courts, the highway opened in 1928. Rindge had sought $9 million in eminent domain damages but recovered just $107,000. In 1940, she was forced to declare bankruptcy and sell everything.

Robert Downey Jr. soon may match Rindge’s record for legal travails. In July 1996, Downey was found sleeping like Goldilocks in a child’s bed at a neighboring Broad Beach home. This was less than a month after he had been arrested for possession of heroin and cocaine. Three years later, Downey went to prison, his probation revoked. On appeal, the trial judge was found not to have responded to undue media pressure that he had been too soft.

Malibu also was the home to a landmark legal relationship in the late 1960s between actor Lee Marvin and singer Michelle Triola. Although the supreme court held they could legally contract for palimony, the trial court on remand found they had not made any such agreement. Triola, who recovered nothing, subsequently moved in with actor Dick Van Dyke. That relationship, however, is not believed to have resulted in any legally significant developments.

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3 Foltz v. Hoge, 54 Cal. 28 (1879).
5 People v. Crenshaw, 46 Cal. 65 (1873).
6 Ling v. Mayor & Common Council, 47 Cal. 531 (1874).
7 People v. Hall, 4 Cal. 399, 402, 404-05 (1854).
10 Id. at 733 (Carter, J., concurring).
13 People v. Kynette, 15 Cal. 2d 731, 743 (1940).
14 People v. Pantages, 212 Cal. 237 (1931).
15 United States v. Koyomejian, 970 F. 2d 536 (9th Cir. 1991).
16 Sundance v. Municipal Court, 42 Cal. 3d 1101 (1986).
17 Zeilin v. County of Los Angeles, 27 Cal. 4th 1112, 1127 (2002).
20 Li v. Yellow Cab Co., 13 Cal. 3d 804 (1975).
22 Id. at 663.
23 Id. at 669.
26 Los Angeles Farming & Milling Co. v. Thompson, 117 Cal. 394 (1897), aff’d, 180 U.S. 72 (1901).
27 Weirum v. KKO Gen., Inc., 15 Cal. 3d 40, 47 (1975).
31 Thing v. La Chusa, 48 Cal. 3d 644, 668 (1989) (quote attributed to Bernard E. Witkin).
38 Keith v. California Highway Comm’n, 506 F. 2d 696 (9th Cir. 1974).
44 People v. Rindge, 174 Cal. 743 (1917); Rindge Co. v. Los Angeles County, 262 U.S. 700 (1923).
46 Marvin v. Marvin, 18 Cal. 3d 660 (1976).
Even with all its imperfections, the Association can look back with pride in how much it has contributed to the community and the law.
We congratulate the Los Angeles County Bar Association on its 125th Anniversary of Service to the Legal Profession and the Community


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4. Reduce our reliance on litigation and speed up those cases that are litigated.

What has our Association done to meet the goals set forth by President Carter?

1. Striving for a fairer, faster, sensible, and certain criminal justice system. Our criminal justice system has gone through remarkable and meritorious changes in the past 25 years. Our court has managed not only to deal reasonably with the three strikes law but also to implement a direct calendaring system that has resulted in a less congested criminal court (and consequent relief for litigators who also are engaged in criminal trials). Between 1995 and 1999, our Association has provided attorneys for over 32,000 indigent criminal defendants and continues to monitor the criminal courts to ensure that each accused is afforded all the protections available in our legal system.

Our Association, and in particular its Criminal Justice Section and the PC 987.2 Indigent Criminal Defense Appointments Committee, continues to monitor and evaluate proposed criminal justice initiatives and legislation. Recognizing the delicate balance between public safety and the protection of every person’s rights to due process and assumption of innocence until proven guilty,

President Jimmy Carter addressed the Association on the occasion of its 100th birthday in May 1978.
our Association comments on legislation with a view to assuring that the voters and legislators are reminded of the need to balance ever-increasing penalties and elimination of procedural safeguards with the rights of the accused.

Most recently, the Association created the Los Angeles County Bar Task Force on the State Criminal Justice System to address, in the wake of the Rampart scandal, justice system issues and possible reforms.

2. **Maintain the highest standards of impartiality, honesty, and fairness.** Our Association has established two committees designed to deal with the ethical problems that attorneys face in their daily practice. One is the Committee on Professional Responsibility and Ethics, and the other is the Attorneys Errors and Omissions Prevention Committee. Education of our members to prevent errors, omissions, or ethical violations; monitoring marginal situations; and offering opinions in close cases are among the services that members of the Association provide to its members and, indirectly, to the public.

In 1989, the Association developed litigation guidelines to improve ethical conduct and civility within the profession. The guidelines were adopted by the Los Angeles Superior and Municipal Courts as well as the U.S. District Court to encourage lawyers to act professionally in the conduct of litigation. The underlying premise of the guidelines is that a lawyer’s job is not to win at all costs but rather to aid in the resolution of disputes.

3. **Provide equal access to legal services.** President Carter urged us to ensure that access to legal services not be dependent on the influence or wealth of a client or lawyer. The Association has long supported increasing funding for the Legal Services Corporation, actively supporting proposals in Washington, D.C., and Sacramento for additional funding. On its own, the Association has affirmatively taken steps to ensure basic access to legal services through its Immigration Legal Assistance Project as well as the highly successful Lawyer Referral and Information Service.

   The Barristers Domestic Violence Program annually assists more than 7,000 victims of domestic violence to secure restraining orders. Through HALSA (HIV/AIDS Legal Services Alliance), each year the Association helps more than 1,000 people who are HIV infected or have AIDS (or their family members) obtain needed legal services. The Association also sponsors Public Counsel, the Harriett Buhai Center for Family Law, and the Inner City Law Center, all of which are devoted to providing vital legal services to those who cannot afford them. Indeed, our Association, in its collaboration with the Black Women Lawyers Association and the Women Lawyers Association of Los Angeles, is a substantial provider of free family law services to low-income residents in Los Angeles County. In 1989, the Association called upon each member to devote at least 35 hours annually to pro bono representation of the poor and disadvantaged. Oversight of these goals resides with the Committee on Access to Justice and the Elder Law Committee.

   In addition to pro bono work, the Association participated in the Blue Ribbon Commission for Superior Court Improvement, a joint project with the Los Angeles Superior Court. This commission instituted reforms that resulted in a more user-friendly court and courthouses for lawyers and litigants. In conjunction with its Judicial Evaluations Committee, the Association is considered the premier reliable source for information regarding judicial elections as well as other topics related to the law and the judiciary.

4. **Reduce litigation in favor of ADR and provide means of early resolution of disputes.** President Carter exhorted us to resolve problems, not create them. Although I would not agree that lawyers generally can
be blamed for creating problems, we have certainly done and continue to do our share to resolve problems short of litigation through our Dispute Resolution Service community mediation programs, school mediation programs, and court programs providing settlement conferences and mediation as alternatives to litigation.

INCREASING DIVERSITY

President Carter did not specifically mention diversity in our profession as one of his targets for the Association. However, diversity in our profession will make it possible to achieve the other goals more quickly and completely. This Association continues to recognize and integrate the diverse members of our profession and to assist in assuring that the needs of the diverse population of Los Angeles are met. The inclusivity of the Association has grown to make it, I suspect, the only bar association in the country that counts 25 other bar associations as affiliates. Since 1978, the number of our affiliate bars has more than doubled and include the Black Women Lawyers Association of Los Angeles, the Italian American Lawyers Association of Los Angeles County, the Japanese American Bar Association, the John M. Langston Bar Association, the Korean Bar Association, the Mexican American Bar Association, the South Asian Bar Association of Southern California, and the Southern California Chinese Lawyers Association.

The Women Lawyers Association of Los Angeles maintains a permanent seat on the Association’s Board of Trustees. The Association can look with pride on the scholarship program that it has created for minority law students. Indeed, this 125th birthday celebration is designed to recognize just how far our Association has come from its early days, when lawyers of color were excluded. Today we count lawyers of all ethnicities and backgrounds among our leaders and members.

A LEGACY OF ACHIEVEMENT

The Association’s history did not begin with its 100th anniversary. Each decade has been marked by significant achievements since that December day in 1878 when 22 of the 58 lawyers in the county met to create a law library and a bar association. In the first 10 years, the Association invented itself more than once but managed also to establish several standing committees covering such areas as the judiciary, grievances, and legal education. One written record tells us that in the early 1900s, despite an enthusiastic beginning, the Association suffered from apathy. Members seemed to spend their time making flowery speeches about members who had departed this life. But by the 1910s, mem-

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bers of the Association were providing input on the content of the bar examination being given in the Los Angeles District Court of Appeal. Indeed, our Association may take some credit for enactment of the requirement of a mandatory written exam for entrance to practice in 1919. During the 1920s the Association challenged police brutality and the unlawful practice of law, and we assisted in passing legislation that established the municipal court.2

The Junior Barristers was established in the early 1930s, with Charles E. Beardsley as its first chairperson, and the Lawyer Referral Service became a reality in the late 1930s. In more recent years, the Association opposed radio reproduction of court trials and even obtained an injunction against the Los Angeles Times against media coverage of ongoing court trials. This decision ultimately was reversed by the California Supreme Court.

The Association and the media did not always see eye to eye. In fact, in the early 1930s the Association, perturbed about continuing portrayals that were less than flattering of lawyers in movies, brought such pressure to bear that a studio, which had insisted on portraying members of our noble profession as shysters, removed a stereotypical shyster character from a movie script.

The Association was active in providing free legal services for the families of those serving in the armed forces during World War I and World War II. Both wars also took a direct toll on lawyers in Los Angeles County. However, when the troops came home, the Association assisted lawyers returning to practice. During the 1950s the Association engaged in public outreach designed to educate people about the legal profession and enhance the image of lawyers. In the 1960s members of our Association reaffirmed our commitment to public service. President Leonard Janofsky captured the essence of our professional obligation when he said: “[T]he organized Bar is obligated to devote much of its energy to exploring and attempting to solve...important matters of urban and social concern.”

The 1960s were a time of tremendous change for our profession. Law schools encouraged women to apply. Until then, women had constituted about 2 to 3 percent of law school graduating classes. This percentage grew rapidly during the 1960s and 1970s. Also during these years, after being criticized for a perceived lack of support for enhancing the delivery of legal services, the Association implemented a group legal services plan. This plan, although not precisely what the public was looking for, led to the Lawyer in the Classroom program, the Neighborhood Justice Center, Volunteers in Parole, the Immigration Legal Assistance Project, and the Lawyers for Housing Project, each established in the 1970s and each in some form continuing today.

As a member of this Association, please consider what you do for it and what it does for you. Serving our goal of professional development, President Krinsky has instituted the Breakfast with Giants program. This program features giants of our profession (of which we have many) providing insight to all of us about the profession and the steps they took to success, as well as encouraging those who are beginning their careers. Standing on the shoulders of the giants who have gone before us, the members of this Association will continue the tradition of professionalism and service that has been the hallmark of the past 125 years. You are a part of this tradition. You deserve to feel a sense of pride as you observe the 125th anniversary banners along Figueroa Street by the Association’s offices.

1 LOS ANGELES TIMES, Sept. 29, 2002.
2 We witnessed the abolition of the municipal court in 2001, which was also the result of a process in which the Association participated.
congratulates The Los Angeles County Bar Association on 125 years of service to the legal profession and the community.
The dreadful violence that rocked Birmingham, Alabama, in the spring of 1963 convinced President John F. Kennedy to ask Congress to pass the landmark Civil Rights Act of 1964, but the administration’s involvement in the civil rights crisis began well before that. In fact, the civil rights bill presented to Congress reflected the ongoing concerns of President Kennedy as well as the character and interests of his brother, U.S. Attorney General Robert Kennedy.

One of most engaging hallmarks of Robert Kennedy’s character was his unrelenting compulsion to act once he saw the need for action. For him, it was not enough to make a speech or express regret; he had to do something that would make a difference. So it was early in the Kennedy Administration that RFK, noticing as he drove around Washington, D.C., that the public schools were beleaguered, began visiting senior and junior high schools—not to give speeches, but just to talk to the students and teachers. After a few visits, he began taking athletes from the two professional Washington teams—the Senators and the Redskins—with him.

One day, accompanied by the school superintendent, Carl F. Hansen, RFK spoke to a large group of students at Cardozo High, where he learned that many students were dropping out of school because they had to work to help their families. While driving Hansen back to his office, Kennedy expressed dismay that students had to drop out for economic reasons. He asked Hansen how many dropped out annually.

“More than 400,” Hansen said, “but we have a fund to help them.”

“How many students are you helping?” Kennedy asked.

“About 15.”

Upon returning to his office, Kennedy immediately sent a letter to the Washington school board. In response, he received only a form letter thanking him for his interest. So Kennedy called a meeting of about 20 people whose judgment he valued to discuss how best to address the issue of financially driven student dropouts. The result of that meeting was a program that paid students to stay in school by providing them with an opportunity to earn money through an on-campus job. This program served as the prototype for the Summer Jobs Program, in which federal agencies hire students during the summer to enable them to remain in school.

THE CIVIL RIGHTS ISSUE

Anticipating that civil rights would become a significant issue during his brother’s administration, Robert Kennedy chose Burke Marshall, a smart and well-respected Washington attorney, to head the Department of Justice’s Civil Rights Division. Although Marshall did not have a background in civil rights, Kennedy selected him because of his credibility on Capitol Hill. The wisdom of Kennedy’s choice soon became clear as Marshall began strengthening the Civil Rights Division, in part by securing additional funding from Congress.

It did not take long for the civil rights issue to begin its slow boil. In May 1961, just four months after Kennedy’s inauguration, a...

Edwin Guthman, a Pulitzer Prize-winning journalist, is senior lecturer at the Annenberg School for Communications at the University of Southern California. He was special assistant for public information in the U.S. Department of Justice from 1961 to 1964.
group of civil rights activists known as Freedom Riders left Washington for the South to register African American voters. Although they issued a press release upon their departure, no one paid much attention as they passed through Virginia, the Carolinas, and Georgia without any incident. But in Anniston, Alabama, they were attacked—several Freedom Riders were badly beaten and their bus was burned. Suddenly, the American people became aware of the Freedom Riders. The Justice Department soon learned that the FBI knew the Ku Klux Klan was planning to attack the Freedom Riders when they arrived in Alabama but did nothing to prevent it.

In fact, the FBI had such a close relationship with Southern lawmen that Robert Kennedy realized that he could not count on the bureau to help protect the Freedom Riders, other civil rights activists, or the black community. That meant that the Justice Department would have to work alone in its civil rights efforts. Kennedy dispatched John Doar, assistant attorney general in the Civil Rights Division, as head of a team of lawyers to gather data throughout the South on issues such as the denial of the right to vote to blacks. In addition, he petitioned the Interstate Commerce Commission to abolish racial discrimination in interstate travel.

To further desegregation efforts, the Justice Department identified every Southern city that was planning to desegregate its schools for the first time in the fall 1961 semester. The list consisted of at least 10 cities, including Atlanta, Georgia, and Memphis, Tennessee. In the summer of 1961, Burke Marshall traveled to each of these cities to lend federal support to desegregation efforts and to encourage peaceful desegregation. He spoke with mayors, police chiefs, school board members, church people, and businesspeople—anyone who would be influential or important in implementing desegregation. He offered federal law enforcement assistance, but also let it be known that federal assistance would be sent, whether or not requested, if the situation grew out of control. The meetings were never publicized.

The following fall, on October 1, 1962, James Meredith was admitted to the University of Mississippi after a showdown between the administration and Mississippi Governor Ross Barnett. In May 1961, Meredith had filed a federal suit against the state of Mississippi, asserting that he had been denied admission to the University of Mississippi simply because he was black. Meredith lost in the trial court but won on appeal to the U.S. Fifth Circuit in June 1962. Still, it took an order from U.S. Supreme Court Justice Hugo Black in September to ensure that Meredith would be admitted to the university. In response to the Supreme Court order, Governor Barnett announced that Mississippi would not “surrender to the evil and illegal forces of tyranny.”

Robert Kennedy called the governor to discuss Mississippi’s compliance with the court order—specifically, the details of Meredith’s admission to the university. His efforts were unsuccessful. After Barnett personally blocked Meredith’s attempt to enter the university registrar’s office, the federal district court held the board of trustees and top officials of the university in contempt and issued a restraining order against the governor that prohibited him from interfering in Meredith’s enrollment.

To settle these suits, Barnett proposed a face-saving charade. He promised, that he, the governor, would step aside and allow Meredith to register if U.S. marshals first drew guns on him. But after learning that Klansmen were headed to Mississippi from across the South, Barnett called Robert Kennedy to tell him that he would be unable to handle the crowds and that he was withdrawing the face-saving proposal. On September 28 or 29, President Kennedy, Robert Kennedy, and the
Congratulations to the Los Angeles County Bar Association, recipient in 1976 and 1977 of the Award of Merit of the American Bar Association as the Best Metropolitan Bar Association in the United States. You’ve come a long way since the days of Christopher, Wheat, Quinn and Williams! Thanks to Rich Walch and wonderful staff. Keep up the good work.

John J. Quinn, President
Los Angeles County Bar Association 1976-1977
governor agreed on a plan that would have Meredith register in secret in Jackson, Mississippi, while the crowds assembled in Oxford. But one day later, the governor called Robert Kennedy to urge him to postpone Meredith’s arrival and registration. The attorney general refused and threatened that the president would appear on national television and tell the nation that the governor had agreed to admit Meredith secretly and then reneged on the agreement. Only then did Barnett agree to a plan to bring Meredith on the campus.

On Sunday afternoon, September 30, Deputy Attorney General Nicholas Katzenbach and John Doar escorted Meredith to Baxter Hall, a dormitory where he would spend the night guarded by 24 U.S. marshals while other marshals surrounded the Lyceum Building where he would register the following morning. However, by nightfall on Sunday, an angry crowd had gathered and started throwing rocks. Most of the Mississippi Highway Patrol left the campus to avoid the violence, so the U.S. marshals were left to fill the void alone. Many marshals were hit by bricks, bottles, and lead pipes. In return, the marshals fired tear gas into the crowd, which did not disburse. A French journalist and an Oxford man who was a bystander were killed. More than one-third of the marshals—160 in all—were injured, 28 were wounded by gunfire, and a state trooper was badly injured.

President Kennedy asked Governor Barnett to bring the highway patrol back to the campus, and the president called in the National Guard and the U.S. Army. However, except for 55 men in the Oxford unit of the National Guard who arrived 45 minutes later, it took Army contingents, standing by in Memphis, four and one-half hours to reach the scene. At 2:00 A.M. they finally dispersed the mob. At 9:00 A.M. on October 1, 1962, Meredith, escorted by Katzenbach, Doar, and Chief U.S. Marshal James J. P. McShane, completed his registration and attended his first class.

Even after the difficult dealings with Governor Barnett, the protracted efforts required to admit Meredith to the University of Mississippi, and the riots at the university, the administration did not propose federal legislation. This did not mean that civil rights was not an important topic. Robert Kennedy continued his dialogue with businessmen, educators, and church leaders throughout the country to get them interested in voluntary integration. But progress was very slow. Then in May 1963 violence in Birmingham, Alabama, awakened the nation.

For several weeks African Americans, with many schoolchildren in their ranks and led by Dr. Martin Luther King Jr., marched steadily in the streets of Birmingham to protest discrimination in employment and in places that served the public. The demonstrators sought jobs that required wearing a tie in a local department store, nonsegregated fitting rooms, and nonsegregated water fountains. The Birmingham police repeatedly routed the demonstrators with night sticks, fire hoses, electric prods, police dogs, and mass arrests. Television coverage and photographs of demonstrators knocked down by streams of water from high-pressure hoses and attacked by police dogs aroused nationwide sympathy for the demonstrators and their cause. Burke Marshall and other Justice Department attorneys on the scene became convinced that Congress had to pass a civil rights bill.

THE CRISIS IN BIRMINGHAM

The turmoil in Birmingham required an immediate solution, but none was forthcoming. Black leaders asked President Kennedy to dispatch the army, but the president believed that martial law would not bring the demonstrators closer to their goals.
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Viggo Boserup, Esq.

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Instead, Marshall travelled to Birmingham to try to mediate the situation. One obstacle was that black leaders did not know whom to speak with in the white community to solve the problems and white leaders did not know whom to speak with in the black community to end the protests. Marshall bridged the gap. He spoke with elected officials, business people, newspaper people—anyone with influence in either community. Finally, on May 17, 1963, with extreme difficulty, he negotiated a truce and the demonstrations ended.

Marshall promptly left Birmingham, fearing that the agreement was likely to disintegrate. On the plane back to Washington, he and Joseph F. Dolan, assistant deputy attorney general, talked about the kind of federal legislation that would be necessary to resolve permanently the tensions that, while most visible in Birmingham, were present throughout the country. Upon landing, they went directly to Robert Kennedy’s office.

The violence in Birmingham also had convinced Kennedy that stronger federal civil rights laws were needed. It was a late Friday afternoon, and Kennedy was scheduled to speak the next day in Charlotte, North Carolina. He asked Marshall and Dolan to fly with him to Charlotte and to draft a bill en route. It was on this flight that the historic Civil Rights Act of 1964 was first drafted.

In Charlotte, Kennedy and I went to the hotel, where he gave his speech, while Marshall and Dolan remained on the plane to work on the legislation. They were joined by other Justice Department attorneys, including Lewis Oberdorfer, assistant attorney general in charge of the Tax Division, who had grown up in Birmingham, and Norbert A. Schlei of Los Angeles, deputy assistant attorney general in the Office of Legal Counsel. The group reached agreement on the bill’s essential elements on the return flight, with Robert Kennedy fully participating in all of the discussions.

The bill was broadly designed to enforce the constitutional right to vote, which Kennedy saw as the key to racial justice, and to prohibit discrimination in employment and public accommodations based upon race, color, religion, sex, or national origin. The bill empowered the attorney general to initiate legal action in any area where he found a pattern of resistance to the law. Upon returning to Washington, Kennedy and the others went directly to the White House to tell President Kennedy what they had done. The president, who also had become convinced of the need for national legislation, instructed them to draft the bill.

While drafting the bill, the Justice Department’s attention was again drawn to Alabama. In January 1963, Alabama Governor George

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Wallace had delivered a speech calling for “segregation now, segregation tomorrow, segregation forever.” Five months later, the governor threatened to “stand in the schoolhouse door” to prevent the admission of two African American students to the University of Alabama in Tuscaloosa. Publicly, he made good his word on June 11, 1963, but the Justice Department knew that his posturing was a charade. The governor soon backed down, and the students were admitted to the university without incident. But the enduring image broadcast throughout the nation was that of Governor Wallace blocking the schoolhouse door. Again, the nation was appalled and increasingly sensitized to the need for civil rights protection.

That night, June 11, President Kennedy told the nation in a televised address that he would send to Congress a bill that would give all Americans the right to be served in all public facilities, authorize the federal government to participate fully in lawsuits designed to end segregation in the public schools, and protect every individual’s right to vote. “We face…a moral crisis as a country and as a people,” the president said. “It cannot be met by repressive police action. It cannot be left to increased demonstrations in the streets. It cannot be quieted by token moves or talk. It is time to act in the Congress, in your state and local legislative body and, above all, in all of our daily lives.” This was the first step towards passage of the Civil Rights Act of 1964.

IN THE HALLS OF CONGRESS

At the president’s request, Marshall met with Vice President Lyndon Baines Johnson to seek his advice on what to include in the legislation and how best to get it passed. Johnson suggested that President Kennedy thoroughly discuss the legislation with congressional leaders before presenting it to Congress, and Kennedy followed this advice. The president also worked to secure Republican congressional support and, unsuccessfully, to limit opposition from Southern Democrats. He marshaled support from businesspeople, religious leaders, labor officials, and other groups so that Congress would be politically and privately pressured to act favorably on the civil rights bill.

On June 19, 1963, President Kennedy officially sent the administration’s omnibus civil rights bill to Congress. It included the components drafted on the airplane ride from North Carolina, protecting the right to vote and banning employment discrimination, and it included other provisions that had been languishing in Congress to outlaw complicated tests and other unfair practices that had been used to prevent African Americans
from voting. The bill proposed a ban on use of federal funds in discriminatory state or local programs and, most controversially, proposed ending discrimination in restaurants, stores, hotels, lunch counters, and theaters. Robert Kennedy led the administration’s fight in Congress, appearing before the House Judiciary Committee on June 26 and October 15, the Senate Commerce Committee on July 1, and the Senate Judiciary Committee on July 18 and August 28, 1963. On each occasion he argued for the bill using the evidence of discriminatory practices collected by John Doar and other Justice Department lawyers. He included a powerful moral plea:

All thinking Americans have grown increasingly aware that discrimination must stop—not only because it is legally insupportable, economically wasteful and socially destructive, but above all because it is morally wrong….The Federal Government has no moral choice but to take the initiative. How can we say to a Negro in Jackson, “When a war comes you will be an American citizen, but in the meantime you’re a citizen of Mississippi and we can’t help you?”

After President Kennedy was assassinated, President Johnson put his full power behind the effort to gain passage of the bill in Congress. The House passed the bill first, by better than a 2-1 margin in February 1964, with its key provisions not only intact but slightly strengthened. However, in March, as anticipated, Senate opponents began a filibuster. Full credit for breaking the impasse in the Senate and securing passage of bill often goes to President Johnson. In doing so, the importance of the Republican Senate leadership is often overlooked or ignored. The filibuster by the Southern Democrats lasted from March through June. That spring, Illinois Senator Everett Dirksen (the Republican minority leader) and California Senator Thomas Kuchel (the minority whip) worked closely with Democratic Senator Hubert Humphrey of Minnesota and the civil rights forces to secure passage of the bill. It was not President Johnson’s pressure but Senator Dirksen’s realization that the time had finally come—that the nation needed civil rights legislation—that enabled the bill to pass the Senate. Senator Dirksen broke the immobilizing filibuster and provided the votes necessary for the bill to pass in the Senate.

The bill, as amended in the Senate, returned to the House, where it passed, and was sent to President Johnson for his signature. The Civil Rights Act of 1964, conceived on the streets of Birmingham, Alabama, and given life on an airplane ride to North Carolina, was signed into law on July 2, 1964.
By Genevieve Wong

THE DIRTY Half-Dozen

With smarts, wit, grit, and friendship, a group of women lawyers blazed a trail in the 1960s for others to follow

he six came together as a group because they were practically the only women students in their law school. In 1964, one of the first collective victories of the Dirty Half-Dozen was to convince Loyola Law School to open a women’s lounge so that, in the words of one member of the group, “we could put our feet up.”

Today, the women of the Dirty Half-Dozen are viewed as true pioneers. The Dirty Half-Dozen became attorneys at a time when there were only 6,000 female attorneys in the entire United States. These six Loyola alumnae, who are close friends, graduated in 1966 and 1967, paving the way for the many other women lawyers who now are making their mark in the legal profession.

In 1969 the group was dubbed the Dirty Half-Dozen by Hollywood composer and musician George Tipton, a husband of one of the group’s members. The Dirty Half-Dozen consists of:

- Janet Chubb, a high-powered bankruptcy attorney and a partner at Jones, Vargas in Reno, Nevada.
- Patricia Lobello, an estate planning and probate partner at Lamb, Morris & Lobello in San Dimas. Lobello is a former president of the Italian American Lawyers Association of Los Angeles County and the Eastern Bar Association of Los Angeles County.
- Lola McAlpin-Grant, the first black woman lawyer hired by the Office of the Attorney General in California.
- Patricia Phillips, senior counsel at Morrison & Foerster LLP, where she practices family law and mediates family and employment cases. Phillips was the first woman president of the Los Angeles County Bar Association and the Chancery Club.
- Paula Tipton, recently retired from a civil litigation practice as a sole practitioner.
- Megan A. Wagner, a retired research attorney for the California Court of Appeal for the Second and Fourth Districts. Wagner worked with several appellate court justices, including Justice Otto Kaus.

“I am extremely proud of each one of these women,” says Paula Tipton. “We have really developed over the years, both as women and as lawyers.” Wagner adds, “We are most of all a story of friendship. The bond our group shares is the culmination of 35 years.

Genevieve Wong is a writer living in the Los Angeles area whose work has appeared in the Los Angeles Times and the Beverly Hills Weekly.
years of give and take, ups and downs, heart-aches and celebrations.”

In spite of the geographical distances that have separated them since their time together in law school in the 1960s, the members of the Dirty Half-Dozen have managed to get together several weekends each year. (Lobello, McAlpin-Grant, Tipton, and Phillips live in the Los Angeles area. Wagner lives in Orange County and Chubb in Reno.) In September 2002, the women vacationed in Italy. Three years prior to that adventure, they explored Paris together; a trip to Cabo San Lucas to watch whales from Phillips’s beach house occurred between the two European trips. Usually, however, the group is considerably more low-key, opting for shopping sprees at second-hand stores and lounging at Lobello’s beach-side condominium.

When the Dirty Half-Dozen spend time together, the women sometimes reminisce about the old days when, they say, the practice of law was considerably more civilized. They have also been known to suggest personal options—some irreverent and some sincere—for each other the future or to explore a legal problem one of the group may have in her practice, with each of the five other members bringing a singular legal expertise to the discussion.

**REACTIONS FROM THE PAST**

All agree that the lot of lawyers, both men and women, is different today than it was in the 1960s. Certainly attitudes toward women balancing their professional careers as lawyers with their personal roles as wives and mothers have changed. Phillips was one of only two in the group to be married during law school and was the only one who gave birth in two of her three and one-half years in law school. Although Phillips is loath to find instances of gender discrimination in her career, she notes that when prospective employers found out that she had young children or noticed that she was pregnant, they would question how she would divide her time between her family and her job. At the time, there was no such thing as a paid pregnancy leave, now a standard practice by law firms for their employees. To a lesser extent, some firms today are giving their male employees time to spend with their newborn children.

“I keep telling my daughter [who is a lawyer] that she needs to have her family soon,” laughs Phillips, who was pregnant every year that she attended law school. “It’s just a physical fact of life. Don’t wait till it’s too late!”

Tipton recalls that one of the Dirty Half-Dozen’s law professors, who was a partner in a well-known firm, told her, “If my firm hired women, I’d sure hire you.” Wagner says, “I loved it when one interviewer enthusiastically said that his firm had a woman’s position.” Wagner, who graduated in the top five of her class, says, “I never heard from [the firm] but, as I recall, I wasn’t interested in the job anyway.”

Tipton found that in the courtroom female jurors seemed less comfortable than male jurors listening to a woman lawyer. Indeed, judges on the bench in the years when the Dirty Half-Dozen were embarking on their legal careers and for some time afterwards were often confused to see a woman lawyer in their courtrooms. Lobello and Tipton both remember being addressed as “honey” by judges, while their male counterparts were called “counsel.” Chubb once was mistaken for a lawyer’s secretary, and all of the members of the Dirty Half-Dozen were faced from
time to time with a particularly vexing question by court clerks: "Are you the lawyer or the client?" Phillips, who was once called "Patsy" by a judge, adds, "There were few women litigators, and male judges and lawyers did not quite know what to do with us. If a lawyer who was a woman was an aggressive litigator, she was viewed as 'strident.' The same behavior in a male lawyer was viewed as effective representation of his client." The most direct praise, Tipton recalls, came from younger female lawyers who aspired to follow in her footsteps.

Lobello smiles as she recalls the perplexed reaction of the dairy farmers dealing with her employer, Knudsen Dairy Company, when they learned that the company's general counsel was a woman. Phillips remembers being left behind when her male colleagues bonded on camping trips that did not include women.

While these experiences, in recollection, are now amusing, the Dirty Half-Dozen agree that "the universal problem" in their prime earning years was that women lawyers were paid less than their male counterparts. This is not a problem that has been completely solved. In the past, the reason given for the disparity between male and female incomes in the legal profession was that most female lawyers had husbands to support them. Ironically, while Lobello was one of the 15 highest-paid female general counsels in the country when she worked at Knudsen, she was severely underpaid compared to the compensation of the typical male general counsel. "My salary wasn't even in the six figures," she laughs. The only employer guaranteeing equal salaries was the government. Even so, Wagner recalls that "there were few women and certainly no black women" in government legal offices when the Dirty Half-Dozen started their careers.

PERSONAL STRENGTH

Generally, the Dirty Half-Dozen took these events and conditions with a grain of salt. Phillips, Wagner, and Tipton feel that they do not really have "horror stories" to talk about. In reflecting on the issue of gender discrimination, about which she has been questioned many times over the years, Phillips observes, "Most of the time, whether you feel discriminated against is, to some degree, the result of how you perceive yourself. You can't take yourself too seriously and you certainly can't take too seriously the gaffes and comedic reactions of those who can't imagine that a woman could be physically constituted to practice law." She tells the story of the Ninth Circuit Judicial Conference on Gender Discrimination when, in a small breakout group, the subject was the way bench officers
addressed women lawyers. During the group’s discussion, Phillips laughed, “Hell, I’ve been trying for 20 years to get judges to call me by my first name.” The men snickered; the women looked at her reproachfully.

The members of the Dirty Half-Dozen agree that their experiences were unique. They do not deny that the horror stories told by many other women who were law students and lawyers during the years the Dirty Half-Dozen studied law and pursued their legal careers may be more characteristic of a legal profession that had been and, in some respects, still is dominated by men.

“Because of the underlying personal strength of each of these women [in the Dirty Half-Dozen], they probably would have persevered and attained their goals no matter the bars placed in their way,” says Tipton. Why the Dirty Half-Dozen escaped some of the severe prejudice experienced by women in the profession is a subject of some speculation. Wagner posits that after the Dirty Half-Dozen had already launched their careers, the explosion in the ranks of attorneys in the 1970s and 1980s might have exacerbated gender bias. She notes, “There is nothing like a little competition to stir up prejudice of any sort.” Phillips feels that there were so few women lawyers in those early days of the 1960s that they did not pose much of a threat. As the number of women lawyers grew, instances of gender discrimination seem to have increased as well.

Still, although the women of the Dirty Half-Dozen were good students, none was recruited in law school by a large or even midsized downtown law firm. But again, Wagner, along with Phillips, does not believe that the lack of offers was because of their sex. “Recruiting as we know it today really only began in the 1980s when high salaries for first-year lawyers came along,” Wagner says. “In the 1960s, jobs for lawyers were not as plentiful and certainly not as lucrative. People weren’t knocking down doors to get us. There were few jobs out there, and it wasn’t because I was a woman. There just wasn’t a hot market for lawyers.” Phillips—who was a member of the litigation boutique of Beardsley, Hufstedler and Kemble (later Hufstedler & Kaus) that became a part of Morrison & Foerster in 1995—adds: “Making the quick buck in your first few years of practice was not high on young lawyers’ lists. Loyalty and permanence with a firm were truly the watchwords. I think that firms and potential lawyer employees were looking for something a little different then.”

While all six women see the benefit in the gender-blind recruiting that exists today, they acknowledge that the job market seems saturated with lawyers and that, in general, all
laidyers are working much harder than they did in the 1960s. “I don’t think it’s gotten easier for women lawyers, but it may be that lawyers as a rule are just harder on themselves,” observes Phillips. Phillips feels that the advent of women into the profession is at least partially responsible for changing the focus of the profession from litigation to mediation. “People are more concerned with resolving conflict and engaging in mediation, not in creating problems. Resolution is key and the cost of litigation has made alternative methods of dispute resolution more attractive,” she says.

MENTORING OTHER LAWYERS

Because of their experiences, the women of the Dirty Half-Dozen find themselves mentoring other lawyers—male and female. During the time that McAlpin-Grant served as dean at Loyola Law School—where she coincidentally taught a sex discrimination law class—she helped bring lawyers to the women’s prison facility to provide free legal counsel to inmates seeking divorce. Lobello mentors young women attorneys who locate their practices in the far reaches of eastern Los Angeles County, and she actively encourages these young lawyers to participate in the Eastern Bar Association mentoring efforts. Phillips is often consulted by students and lawyers who seek career advice. She also helps recruit young lawyers into the Los Angeles County Bar Association and State Bar activities.

Chubb and Phillips find that most lawyers who seek their counsel come to them for professional advice that is not particularly related to gender bias. The problems range from expanding their client base to time management and ethical dilemmas. Phillips often finds herself helping others (strangers and friends) find jobs in the legal market. “Unfortunately, I don’t have jobs to offer, but I talk with people about how to go about the job of job hunting, help with resume writing, give names of friends in firms that may be looking, that sort of thing,” says Phillips, who meets and gets to know every single person she recommends.

Wagner cites the gender bias study that was the subject of a Ninth Circuit Judicial Conference as a catalyst for change in the practice in the federal courts as well as similar studies conducted by the California Judicial Council and the State Bar. Nevertheless, Wagner notes, “Some men just don’t get it.” She says, “There will always be chauvinists, and women will have to endure the occasional gender-related dig until we start raising our sons differently!” The women of the Dirty Half-Dozen report that all their sons are wonderful and enlightened.
The Crawford desegregation lawsuit launched a long and contentious battle with an amazing series of legal twists and turns.
Fifty years later, in 1924, the supreme court still had no problem with segregated schools. In *Piper v. Big Pine School District*, the court reviewed a statute that in the same sentence gave school districts the authority both to “exclude children of filthy or vicious habits, or children suffering from contagious or infectious diseases” and also to “establish separate schools for Indian children and for children of Chinese, Japanese or Mongolian parentage.” If separate schools existed for those children, the statute further provided, the children “must not be admitted into any other school.” Ruling in the case of 15-year-old Alice Piper, a Native American student, the court said that “it is not in violation of the organic law of the state or nation…to require Indian children or others in whom racial differences exist to attend separate schools, provided such schools are equal in every substantial respect with those furnished for children of the white race.”

By 1963, much had changed. The U.S. Supreme Court had by then held that separate schools were inherently unequal and therefore violated the constitutional rights of minority children. And that year the California Supreme Court, in *Jackson v. Pasadena City School District*, not only retreated from its prior validation of segregation but also stated that school boards had the affirmative constitutional obligation to end segregation.

Despite the dramatic change in the law, however, segregation in Los Angeles schools was firmly entrenched. The California Supreme Court, citing a federal government study, would later note that “the Los Angeles school district was among the most segregated in the entire country.”

In August 1963, less than six weeks after the *Jackson* opinion, a group of minority students represented by the American Civil Liberties Union filed a class action lawsuit against the Los Angeles City Board of Education in Los Angeles County Superior Court to desegregate two high schools. Although the two schools were less than two miles apart, one had an almost entirely African American student population and the other was almost entirely white.

**Conrad on Crawford**

The Crawford case was one of the most contentious lawsuits in Los Angeles County history. It was also one of the most publicized, frequently serving as a subject for Los Angeles Times political cartoonist Paul Conrad. Here are two of his cartoons. One cartoon (top), which appeared on September 12, 1978, reflects on the frenzied pace of the litigation less than two weeks before school was to start under the first mandatory busing plan. In just eight days, the California Court of Appeal stayed the plan, the California Supreme Court vacated the stay, and two U.S. Supreme Court justices rejected separate requests to reinstate the stay. The other cartoon (bottom) appeared on March 19, 1981, after the state supreme court, which had repeatedly reversed court of appeal decisions that blocked the mandatory desegregation orders made by Los Angeles Superior Court Judges Alfred Grelson and Paul Egly, let stand without a hearing a court of appeal decision that effectively ended the case.—D.S.E.
Although filed in 1963, the Crawford case did not go to trial until 1968. The plaintiffs spent the intervening years in a fruitless effort to persuade the school board to begin desegregating the district.11 Active litigation then replaced negotiation.

JUDGE GITELSON’S ORDER

Judge Alfred Gitelson presided over what would turn out to be only the first phase of the case. Appointed to the superior court in 1957 by Governor Goodwin Knight, his former law partner, Judge Gitelson took evidence in a proceeding that lasted 65 court days over a 7-month period.12 Among other things, the court heard testimony from sociologists and educators and considered evidence of low test scores by minority students. The school board created a controversy during the trial by saying it was “agnostic” about whether African American students’ mental abilities were inferior to those of Caucasian students but adding that it would be “unrealistic” to expect the board to attain equality in achievement if the races were different in their capabilities.13

Judge Gitelson ruled for the plaintiffs. Finding that Los Angeles schools were severely segregated and getting worse, he ordered the school board to adopt a plan to desegregate its schools. The order was not well received. President Richard Nixon called it “probably the most extreme judicial decree so far” and Governor Ronald Reagan said the order was “utterly ridiculous” and one that “goes beyond sound reasoning and common sense.”14 It also cost Judge Gitelson his job.

The timing of the order could not have been worse for Judge Gitelson personally. He was in the last year of his judicial term, and his work on the case earned him an election challenge. Labeled the “busing judge” by his opponents, Judge Gitelson was turned out of office by the voters. In what was not to be the last emotionally charged statement regarding the case, he blamed his loss on “enough people who are truly racists.”15

Judge Gitelson’s order had no immediate impact. The school board appealed the order, which stayed its enforcement. And the stay was a long one. The court of appeal did not issue its opinion until 1975, nearly five years after Judge Gitelson issued his order.

Some speculated that the appeal of Judge Gitelson’s order took such an unusually long time because the court of appeal was waiting for a definitive ruling from the U.S. Supreme Court. When Judge Gitelson made his order in 1970, it was unclear what a school board’s duties were to desegregate a “northern” district—meaning one, unlike the southern school districts that had dominated the High Court’s jurisprudence, in which segregation was not directly traceable to state-mandated separate schools. The unanswered question was whether a board was constitutionally obligated to desegregate when racial imbalance in the schools was attributable to “neutral,” or de facto, reasons such as segregated residential patterns.

While the Crawford appeal was pending, the U.S. Supreme Court made clear that, at least for purposes of the U.S. Constitution, a court could order a school board to remedy only de jure segregation—that is, segregation effected by state action. If the state had not caused the segregation, it did not have to fix it.16 Further, the Supreme Court defined “de jure” narrowly. Not just any causative link between state action and segregation would establish a constitutional violation. Rather, plaintiffs had to prove that the motive behind the state action—whether by a state legislature or a school board—was to maintain separate schools. “We emphasize,” the Court said, “that the differentiating factor between de jure segregation and so-called de facto segregation...is purpose or intent to segregate.”17

A number of years before the U.S. Supreme Court made proof of intentional segregation the touchstone, the California Supreme Court in the Jackson case had stated a much broader, more plaintiff-friendly rule. Contrary to what its federal counterpart would rule later, the Jackson court held that “it is not enough for a school board to refrain from affirmative discriminatory conduct.” Instead a school board had to “take steps, insofar as reasonably feasible, to alleviate racial imbalance in schools regardless of its cause.”18

In reviewing Judge Gitelson’s order, the court of appeal treated Jackson as obsolete case law and followed the lead of the more recent U.S. Supreme Court opinions. The court of appeal also creatively interpreted the trial court’s findings to ensure that they would not support the order under federal standards.

Judge Gitelson had found that the Los Angeles school board had “knowingly, affirmatively and in bad faith...segregated, de jure, its students” and had drawn school boundaries “so as to create or perpetuate segregated schools.”19 The court of appeal nonetheless concluded that the findings “disclose[d] [that] segregation was ignored rather than intentionally fostered.”20 In its zeal to find no trace of intentional segregation, the court also overlooked that the California Legislature had at one time required segregated schools, stating that the school district had “never been operated under a constitutional or statutory provision that mandated or permitted racial segregation in public education.”21 With no finding of an intent to segregate by the board, the court reversed Judge Gitelson’s order as inconsistent with U.S. Supreme Court precedent.22

Nine months after the reversal of the order for which he had sacrificed his judicial career, Judge Gitelson died.23 His vindication came posthumously.

In 1976, the California Supreme Court unanimously affirmed Judge Gitelson’s order, holding that it was “completely justified.”24 Unlike the court of appeal, the supreme court believed that Judge Gitelson’s findings “adequately support the trial court’s conclusion that the segregation in the defendant school district is de jure in nature.”25 That was not the basis for the supreme court’s holding, however.

As if to atone for its separate-but-equal opinions in Ward and Piper, the court took a big step beyond U.S. Supreme Court case law and made it much easier for a plaintiff to establish a right to court-ordered desegregation. Relying on the California Constitution, the court reaffirmed its holding in Jackson that it did not matter what had caused school segregation: If it existed, a school board had the responsibility to remedy it.26 The court quoted approvingly from a study by the United States Commission on Civil Rights: “Negro children suffer serious harm when their education takes place in public schools which are racially segregated, whatever the source of such segregation may be.” The court itself similarly concluded that “in California in the 1970’s the de facto-de jure distinction retains little, if any, significance for the children whose constitutional rights are at issue here.”27 Thus, it was sufficient to uphold the order requiring the board to prepare and implement a desegregation plan because the trial court had found substantially segregated schools and a failure by the board to act to alleviate the segregation.28

ENTER JUDGE EGLY

The saying, “the devil is in the details,” could easily have been coined for the remedy phase of the Crawford trial court proceedings after remand from the California Supreme Court. Finding a constitutional violation was one thing, but, as the supreme court only too accurately observed, “[A] trial court’s task in supervising the preparation and implementation of a school desegregation plan is an exceedingly difficult, sensitive and taxing one.”29

The first task was to find a new judge. In early 1977, after reportedly going through a list of more than 100 different judges, the parties and the supervising judge selected Paul Egly. Appointed to the municipal court by Governor Pat Brown in 1963 and elevated to the superior court by Governor Ronald Reagan in 1968—a “token Democrat” appoint-
ment, some said—Judge Egly already had experience handling a school desegregation case. Since 1972, he had been sitting by assignment in San Bernardino overseeing the litigation concerning that city’s schools.

In fact, on the same day the supreme court issued its opinion in \textit{Crawford}, it also affirmed for the most part Judge Egly’s order finding segregation in the San Bernardino schools that the school district had the constitutional obligation to alleviate. In a recent interview, Judge Egly recalled, “I thought sooner or later they’d probably come to me [with the \textit{Crawford} case] because I was the only one who had any experience with [desegregation cases].”

Given the history of Judge Gitelson’s election loss, most judges did not exactly view \textit{Crawford} as a choice judicial assignment. “I knew what the problem was,” Judge Egly says now. But with five years still left in his term, “I figured I was safe.” He says, “I thought I’d have a couple of years to recover.” That turned out to be an erroneous calculation.

School board members made an incorrect assessment of their own. They interpreted the supreme court’s opinion as making it unlikely that mandatory busing of students would be required. In its discussion in \textit{Crawford} of how to remedy segregation, the supreme court offered few specifics and much ambiguity, perhaps a result of a need to include in the unanimous opinion language that would satisfy all seven members of a philosophically diverse court.

The opinion stated that courts should defer to school boards, which would “have the initial and primary responsibility” for choosing among desegregation methods. Further, the supreme court offered assurance that it was “by no means oblivious to the grave practical difficulties that [alleviating segregation] posed for school boards,” stressing that \textit{Jackson} had required only that school boards take “‘reasonably feasible’” steps, and emphasizing that “‘busing’ is not a constitutional end in itself but is simply one potential tool.” This language led one board member to pronounce himself “greatly relieved…because it makes it unlikely that we’ll have any drastic action regarding integration.”

The \textit{Crawford} court noted, however, that if a school board does not implement a plan to provide desegregated education, “the court is left with no alternative but to intervene” and that such intervention could include the “exercise [of] broad equitable powers in formulating and supervising a plan.” The \textit{Crawford} case would soon head down this alternative path.

The school board submitted to the superior court a mostly voluntary desegregation plan. In July 1977, after a three-month trial
Akin Gump Strauss Hauer & Feld LLP congratulates the Los Angeles County Bar Association on its 125th Anniversary and its continued commitment to the legal community.
about the plan, Judge Egly rejected it as “wholly ineffective” and gave the board 90 days to submit a new plan that would “realistically commence the desegregation of this district.” Judge Egly remembers that he “didn’t want to cause a revolution in the city,” but that he just “couldn’t accept that plan.”

The supreme court might have considered mandatory busing to be “simply one potential tool” for desegregation, but, in a district as geographically expansive as Los Angeles, Judge Egly considered it essential. “I don’t know how else you’re going to do it,” he says now.

The board thus returned to court with what the court of appeal years later would describe as “one of if not the most drastic plan of mandatory student reassignment in the nation.” Judge Egly ordered the plan implemented in the fall of 1978 as an “initial first step.”

The Crawford litigation involved constant clashes between the plaintiffs, the school board, and numerous interveners. In addition to those conflicts, however, an intense and long-running antagonism developed between the superior court and Division Two of the Second District Court of Appeal. Division Two never saw a Judge Egly order it liked. “We wrote to each other,” Judge Egly says with a wry laugh, but then turns serious and remembers, even after more than two decades, that “you could feel that there was an animosity” from the court of appeal.

Less than two months after being named to the case, and before he rejected the board’s voluntary desegregation plan, Judge Egly had one of his orders reversed by the court of appeal. The court held he was wrong to deny Bustop—a group of “predominantly white” parents who opposed mandatory busing—the right to intervene in the action. In reversing, the court of appeal also took the opportunity to issue a warning. Noting a history by courts around the country of “overinvolvement” in school operations, Division Two wrote, “We have no way of predicting what turn the present litigation may take and while the trial court’s order is a model of judicial restraint, it suggests the possibility that down stream the picture may change.” A year downstream, after Judge Egly had ordered implementation of a mandatory busing plan, Division Two was no longer impressed with the trial court’s restraint.

As the day neared for the buses to roll, there was an extraordinary flurry of legal activity. In early August 1978, Judge Egly had rebuffed Bustop’s attempts to prevent the mandatory busing plan from taking effect. Three weeks later, Bustop went to the court of appeal for relief. On September 1, 11 days before the start of school, Division Two gave
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Patrick M. Kelly and Roland Coleman send best wishes to the Los Angeles County Bar Association, on its 125th anniversary.
Bustop a dramatic reprieve, staying implementation of the mandatory parts of the plan. But five days after that, in equally dramatic fashion, the California Supreme Court vacated the stay order. Bustop rushed to the U.S. Supreme Court, but first Justice Rehnquist and then Justice Powell turned down its request for a stay.41 Only eight days elapsed between Division Two’s stay order and Justice Powell’s denial of Bustop’s request to halt the California Supreme Court’s vacation of the stay.

The California Supreme Court’s abrupt nullification of Bustop’s court of appeal victory prompted reactions that were fierce and raw. Gloating over the sudden reversal of fortune, an attorney who was a proponent of the desegregation plan said that “the racists on the school board are drowning in their own champagne.”42 On the other side, a school board member, who would later parlay her antibusing stand into a seat in Congress, ominously warned that the supreme court was “politically motivated and will pay,” a not-so-subtle reference to the fact that three of the justices who voted to vacate the stay would be on the ballot two months later in a retention election.43 A Los Angeles County prosecutor, who was a vocal opponent of mandatory busing, said that “the people have been swindled to a fare-thee-well” and urged opponents of the desegregation plan to implement a freeway slowdown to interfere with the buses.44

When Justice Rehnquist denied Bustop’s last-ditch stay request, he noted the difference between what the California and U.S. Constitutions demanded school boards to do. He said that state courts “are free to interpret [state constitutions] to impose more stringent restrictions on the operation of a local school board” than would be mandated by the federal Constitution and concluded, “While I have the gravest doubts that the Supreme Court of California was required by the United States Constitution to take the action it has taken in this case, I have very little doubt that it was permitted by that Constitution to take such action.”45

PROPOSITION 1

The difference was not lost on the opponents of mandatory busing. If students were being bused because the California Supreme Court was interpreting the state constitution more liberally than the federal Constitution, the remedy was to overrule the supreme court by changing the state constitution. Thus, while proceedings continued in the superior court to assess the desegregation plan then in effect and to consider alternatives, the legislature placed on the November 1979 ballot a constitutional amendment—Proposition 1—designed to end mandatory busing. It passed
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with nearly 70 percent of the vote. Proposition 1 expressly tethered the California Constitution to the federal Constitution regarding mandatory busing. Under the amendment, school boards have no “obligations or responsibilities which exceed those imposed by the Equal Protection Clause of the 14th Amendment to the United States Constitution with respect to the use of pupil school assignment or pupil transportation.”

The school board wasted no time invoking Proposition 1, asking the superior court to end all mandatory student reassignment and busing. The court rejected the request, however. Relying on Judge Gitelson’s finding 10 years earlier of de jure segregation by the school board, Judge Egly found a federal constitutional violation that justified continuing jurisdiction and, in July 1980, he ordered a new desegregation plan that included substantial mandatory busing.

As the time approached for implementation of the new plan, another round of frantic court-hopping began, but this time with an unexpected twist. Things started out in conformity with the familiar pattern: The court of appeal found error in a superior court ruling, this time concluding that Judge Egly’s order had been too broad and that the school board, not the superior court, should decide which schools to include in the desegregation plan. However, when the plaintiffs then hurried to the California Supreme Court for relief, Judge Egly took the unorthodox step of writing his own letter to the court.

Characterizing his correspondence as a “petition for instructions,” Judge Egly said that the court of appeal’s rulings were “inconsistent” with the supreme court’s opinion in the case and that he was thus “[f]aced with conflicting instructions from two courts of higher jurisdiction.” Judge Egly says now he believed the court of appeal justices “were adversarial to the supreme court and they would do everything in their power, as they had done before, to keep the supreme court from acting in favor of the [plaintiffs].”

Once again the supreme court acted quickly to reverse the court of appeal. Although not mentioning Judge Egly’s letter, the supreme court stated that his order was “a valid exercise of the court’s broad equitable discretion” and that, contrary to what the court of appeal had ruled, it was the superior court and not the school board that had the initial responsibility for supervising the desegregation plan. The supreme court’s ruling settled matters legally, at least for the time being, but the last-minute back-and-forth decisions from the courts caused much confusion—so much so that, according to the Los Angeles Times, on the first day of school in 1980, “[t]housands of students woke
up not knowing where they would go to school."

Although siding with Judge Egly, the supreme court also told the court of appeal to expedite the school board’s appeal from his ruling that Los Angeles schools were segregated de jure and that the courts thus could continue to order mandatory busing as a desegregation tool, despite the changes in the state constitution made by Proposition 1. The appellate court did reach a decision quickly, in December 1980, and, not surprisingly, once more reversed the superior court.

Just as Division Three had done in 1975, Division Two rejected Judge Gitelson’s 1970 finding of de jure segregation upon which Judge Egly was relying. Although the California Supreme Court had said in dicta that Judge Gitelson’s findings “adequately support the trial court’s conclusion that the segregation in the defendant school district is de jure in nature,” the court of appeal concluded that the labeling of the segregation in the school district as de jure “was true only in a Pickwickian sense, and was not true at all in the sense of federal law.” Also, Judge Gitelson had specifically found that the school board had established “mandatory attendance areas and boundaries around its neighborhood schools so as to create or perpetuate segregated schools.” But the court of appeal denied that there was any “finding that the Board ever gerrymandered attendance zones to create or preserve segregated schools.”

Without a finding of de jure segregation, the plaintiffs had to convince the court of appeal that Proposition 1 was unconstitutional. That was a tough sell. Proposition 1 certainly did not contravene the California Constitution—it was part of that constitution. And it was counterintuitive to argue that a provision that limited plaintiffs’ rights to what was afforded by the Fourteenth Amendment was itself a violation of the Fourteenth Amendment. The court of appeal held that Proposition 1 was valid, concluding that “we do not believe a state constitutional amendment can be said to violate the Fourteenth Amendment by specifically embracing it.”

DEATH BLOW

It was generally assumed that the court of appeal’s decision would be short-lived because the California Supreme Court would step in as it had done repeatedly to reinstate a superior court desegregation order. This time, however, the supreme court refused to intervene, declining to even hear the case.

The hostility toward the California Supreme Court from the pro-busing side was as strong as it had been just a few years earlier from busing opponents. One community
leader said that the supreme court had “suc-
cumbed to the ugly conservative mood that’s
weeping our state and this country and as a
result has made a political decision that’s a
tragedy because it reaffirms separate and
historically unequal education for students
of different racial backgrounds.”58 Another
commented that “[t]he aspirations of minor-
ity people are apparently not important to
the court” and that the courts “have now
apparently been swayed by the perception
of popular opinion.”59

The supreme court’s March 1981 denial of
the petition for a hearing was the death blow
for the Crawford case. Although the U.S.
Supreme Court later agreed to hear the case,
by the time it issued its opinion in June 1982—
predictably finding Proposition 1 to be con-
stitutional60—the litigation had ended.

Within days after the California Supreme
Court denied a hearing, Judge Egly removed
himself from the case, with a parting shot at
the school board for “short-chang[ing]”
minority children and for not even “meet[ing]”
the [separate but equal] standard of
Plessy v. Ferguson.61 The school board soon after sub-
mitted an all-voluntary desegregation plan to
the superior court, which approved the plan
and, in late 1981, ended its jurisdiction over
the case.62

In 1976, the California Supreme Court
had instructed trial courts to “take into
account the long-range effects” of desegre-
gation plans so that they could reject plans
that were “likely to result in a ‘one race’ or ‘all
minority’ school district,” although it also
cautioned that “the threat of ‘white flight’
could not ‘be used as a smokescreen to avoid
the constitutional obligations of a school dis-

It is debatable to what extent the
mandatory desegregation plans were the
cause but, over the course of the Crawford lit-
gation, the school district’s demographics
changed substantially. Between 1968—when
the case first went to trial—and 1980, while
the African American student population
remained fairly constant at 22 or 23 percent,
the white student population in the district
dropped from over 53 percent to under 24 per-
cent and Hispanic students went from 20 per-
cent of the district to over 45 percent.64

When Judge Egly left the case, he told an
audience, “The answers to these problems are
not in the courts. I used to think they were but
I don’t anymore.” He regrets having said
that. “The court is the place of last resort” for
remedying segregation, he now believes, but,
he adds, “It represents the failure of our soci-
ety when you have to go to court” for the
solution.

\footnotesize
\footnote{1 1870 Cal. Stat. ch. 556, §§53, 56, at 838-39.}
\footnotesize
\footnote{2 Ward v. Flood, 48 Cal. 36, 43 (1874).}

Of course, the court did order Alice Piper admitted to school, because there was no separate school in the district for her. Id. at 674.

Id.

Id.

Id.

Id.

Id.

Id.

Id, at 335.

Id. at 342.

Id.

Id.

Id. at 337.

Id.

Id.

Id.

Id.

Id.

Id.

Id.

Id.

Id. at 325.

Id. at 285.

Id. ("[W]e continue to adhere to our conclusion in Jackson that school boards in California bear a constitutional obligation to take reasonably feasible steps to alleviate school segregation 'regardless of its cause.")."

Id. at 295, 301.

Id. at 302.

Id. at 310.

National Ass’n for the Advancement of Colored People v. San Bernardino City Unified Sch. Dist., 17 Cal. 3d 311 (1976).

Interview with Paul Egly, retired Los Angeles Superior Court judge (Oct. 21, 2002).

Crawford, 17 Cal. 3d at 305.

Id. at 304, 305, 309 (emphasis in original).

LOS ANGELES TIMES, June 29, 1976, at 1.

Crawford, 17 Cal. 3d at 307.


Id. at 1403.

Judice Gitelson’s order was reversed by Division Three of the Second District. All appellate proceedings in the case after that, however, were assigned to Division Two.


Id. at 73.


Id.

Id.; LOS ANGELES TIMES, Sept. 12, 1978, at 1.


CAL. CONST. art. I, §7(a).

Id, at 353.

Id, at 335.

Id.


Id.


Crawford, 113 Cal. App. 3d at 646.

Crawford v. Board of Educ. of the City of Los Angeles, 120 Cal. Rptr. 334, 338 (Ct. App. 1975).

Crawford, 113 Cal. App. 3d at 644.

Id. at 654.


Id.


Id.


Crawford v. Board of Educ. of the City of Los Angeles, 17 Cal. 3d 280, 309 (1976).


Id.
Los Angeles is a city of remarkable places and remarkable people—and it is a city that loves a good story. The city relishes drama, both in real life and on the silver screen, and Los Angeles history is replete with amazing tales that have captured the imagination of its inhabitants.

Sometimes a Los Angeles story leads to an evolution in the law. Here are two such stories. The first is about an early benefactor of the city, Colonel Griffith J. Griffith, of Griffith Park and Griffith Observatory fame, and the second is about Alex Pantages, founder of the illustrious Pantages Theaters. Both were accused of sensational crimes; both put forward creative and ultimately successful defenses.

**THE CASE OF THE SECRETIVE LUSH**

Los Angeles has always been known for its celebrity lawyers. Perhaps none was as celebrated as Earl Rogers, described as the greatest criminal lawyer of his day. “Get Rogers to defend you if you’re guilty” was sound advice in the early years of the twentieth century. He was as flamboyant as his cases. He lived high, dressed elegantly, and was always in debt. Rogers’s demon was alcohol, which killed him, tragically, at the age of 50.

It may have been their mutual struggle with alcohol that led Rogers to defend Colonel Griffith J. Griffith, a bizarre and unlikable client accused of attempting to murder his wife. Griffith was a rich man of Welsh heritage who had made his fortune first in mining and then in real estate and finance. He was a short, pompous braggart with a reputation as a brilliant eccentric. In 1896 he deeded to the city of Los Angeles 3,015 acres that today are known as Griffith Park. His beautiful society wife, Christina, who traced her lineage to the Verdugo family, was a devout Catholic.

The couple was vacationing at the posh Arcadia resort on the shore in Santa Monica. On the afternoon of September 5, 1903, after a stroll together by the ocean, Christina was in their room packing for the trip home. Suddenly, Griffith entered the room brandishing a gun and insisted that his wife kneel before him and place her hand on her prayer book. He demanded to know whether she was trying to poison him and whether she was faithful to him. As Christina pleaded with him to spare her life, Griffith shot her in the face. Somehow she struggled to a window and leapt two stories to the roof of the veranda below. She climbed through the window of a

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**SPECTACULAR Los Angeles Trials**

Sensational courtroom dramas involving Los Angeles legends Griffith J. Griffith and Alex Pantages led to changes in the law

By Megan A. Wagner

Megan A. Wagner is a retired research attorney for the California Court of Appeal in the Second and Fourth Districts.
nearby room, crying that her husband had shot her and that “he must be crazy.” Christina survived, but not without disfiguring injuries including the loss of her left eye.

Griffith fled. When he was finally arrested, he “claimed the gun had discharged accidentally during a struggle after he discovered his wife had tried to poison him.”2 Griffith announced he would defend himself against the charge of attempted murder.

The scandal soon erupted in the daily newspapers, with People v. Griffith captivating all of Los Angeles. Christina’s family members let it be known that they did not believe Griffith’s story. They obtained two highly regarded lawyers, Isadore B. Dockweiler and Henry T. Gage—the latter a former California governor—to act as special prosecutors in the case. Griffith later brought Rogers into the case, perhaps after he finally realized the implications of facing a formidable prosecutorial team.

Griffith was known as a teetotaler, and it was only Rogers’s exhaustive investigation that revealed Griffith to be a secret drinker. In fact, Griffith drank about two quarts of whiskey a day, a habit he had managed to hide from Los Angeles society for years. For Rogers, the clue to Griffith’s addiction was his fingernails, which were bitten to the quick. Rogers saw Griffith as a tortured soul living a double life to hide his addiction. Adela Rogers St. Johns, the daughter of Earl Rogers, wrote in a book about her father that he likened Griffith to Dr. Jekyll and Mr. Hyde.3 Indeed, Rogers’s own problems with alcohol may have helped him understand Griffith’s secret more readily than others.

The trial began on November 8, 1903, and the courtroom was packed with avid curiosity seekers. The case against Griffith appeared to be airtight. Christina, dressed completely in black, her face covered by a black veil, limped to the stand on the arm of the gallant Gage, the former governor. She appeared delicate and fragile and she told the story of the shooting in what was often a whisper. The courtroom was deathly quiet, and when Gage asked her to lift her veil, the crowd gasped at the sight of her ravaged face. After looking at Christina’s face, with her left eye covered by a black patch, no one could have doubted that her husband had intended to kill her.

The next day, during his cross-examination, Christina admitted that Griffith had always been kind to her, solicitous of her health and comfort. Then Rogers carefully elicited that this was not the first time Griffith had accused Christina of infidelity and attempting to poison him. With utmost delicacy he prompted her to admit the unthinkable: When Griffith was accusatory toward her, he was drunk. He coaxed her, telling her that as a loyal wife she of course did not want to admit her husband’s failings. However, she must understand that he was suffering from a disease and needed a chance to be cured. It may have been the first time alcoholism had been used as a defense and referred to as a disease in an American courtroom.

Rogers asked Christina about her husband’s wild accusations:

Q. You were bewildered and unhappy and

Q. Foolish questions. Questions like a drunk asks. You had never given him any cause to believe such things were true?

A. Oh no, sir. Never, Mr. Rogers, never.

Q. He never had any sober sane reason to doubt you, did he?

A. I was always a pure woman and a faithful wife to him.

Q. But he made this accusation?

A. Yes.

Q. Many times?

A. Lately—

Q. When he was drinking? Wait a moment, Mrs. Griffith. Had you ever in your life seen a drunken man before you saw your husband drunk?

A. No— not close to—never.

Q. At first you did not know your husband did not drink in public?

A. No sir.

Q. So you never saw him take a drink?

A. Not for a long time.

Q. So you didn’t have any idea what was the matter with him?

A. No— no. Not at first.

Q. And when you did find out as a wife must, you didn’t tell a soul?

A. Only the priest.

Q. You were ashamed to have anyone know?

A. I didn’t know what to do.

Q. You’d had no experience of any kind with drink, had you?

A. No— no I hadn’t.

Q. You were bewildered and unhappy and

Public figure and secret drinker Griffith J. Griffith
didn’t know what to do?
A. I told him—my husband—he got angry and said it wasn’t true.
Q. He denied there was anything to worry about?
A. He said he did not ever take a drink, I was mistaken.
Q. Now at this moment though, Mrs. Griffith, you do realize that it was when he was drunk or when he was still under the influence to some extent that he did these things?
A. Yes.
Q. After the shooting when you spoke to Mr. Wright and told him you were wounded to death—what else did you say?
A. I said my husband shot me.
Q. Anything else?
A. I said he must be crazy.5

Rogers’s questions during the cross-examination were the patient groundwork leading to this last statement. Rogers asked Christina again whether her husband seemed to be crazy, and she reiterated that he must have been. Then Rogers continued: “You knew, didn’t you, Mrs. Griffith, you know now...that your husband couldn’t have shot you or tried to kill you if he hadn’t been crazy—crazy drunk—insane from alcohol?” After she replied, “Yes—yes—”6 Rogers stopped his cross-examination and helped Christina back to her seat.

Rogers brought in doctors as expert witnesses, including C.G. Brainerd, the country’s leading “alienist”—a word used at the time to describe the first psychiatrists or brain specialists. To each of the doctors Rogers posed an elaborate hypothetical based on his theory that alcoholic insanity could do away with an intent to kill. In response to the hypothetical, Brainerd answered, “Under the terms in which you have described alcoholic insanity, I would say so beyond any doubt.”7 It may have been the first time in an American courtroom that anyone had tried to treat alcoholism as an affliction rather than a character flaw. Clearly, Rogers’s theory was a precursor to the later well-accepted theory of diminished capacity.

In his final argument, Gage ridiculed Rogers’s theory of alcoholic insanity. Instead, he portrayed Griffith as a rich man trying to get off on a trumped-up theory devised by a tricky attorney. Gage said, “A rich man has committed this brutal attempt at murder. No rich man has ever been punished for such a crime in these United States. A rich man thinks he cannot be punished.”8

The jury, however, appeared to take Rogers’s theory of alcoholic insanity very seriously. After deliberating for two days, the jury found Griffith guilty of attempted murder and sentenced him to two years in the state penitentiary, with instructions that he be
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given “medical aid for his condition of alcoholic insanity.”

Rogers’s daughter tells us that Rogers considered the verdict to be a defeat. For Griffith, however, the verdict appeared to be a victory. He was released from prison after one year, sober and apparently a changed man. He devoted a good deal of his money to prison reform and helping convicts after they finished their prison terms. At first, the city of Los Angeles spurned Griffith’s donation for the construction of an observatory in the park created by Griffith’s earlier donation of land. Griffith persevered, however, donating more real estate and money to the city and eventually bequeathing Los Angeles $700,000 in a trust fund for the maintenance of the park. Los Angeles finally acknowledged him and named the park he had donated Griffith Park, as well as naming Griffith Observatory, Griffith Park Drive, and Griffith Park Boulevard in his memory.

THE CASE OF THE FRAMED MOVIE MOGUL

While 1929 was a bad year for the American people, it was a complete disaster for the Pantages family. Alex Pantages, the founder of the Pantages theater chain, was convicted of rape and sentenced to life in jail. His wife, Lois, was charged with first-degree murder arising from a drunk-driving accident. The case of People v. Pantages fascinated the public. The rumors surrounding the case are almost more intriguing than the actual facts. At the age of 53, Pantages found himself accused of rape by a sweet-looking, 17-year-old aspiring actress named Eunice Pringle. His life and his reputation were in tatters. But had Pantages been set up by a harlot and her agent boyfriend? Had Pringle been paid to frame Pantages by Joseph P. Kennedy, the father of President John F. Kennedy, because the elder Kennedy, a competitor in the theater business, wanted to buy some of Pantages’s properties and Pantages had refused to sell them? And did Kennedy want Pantages’s theater properties to showcase the talents of Kennedy’s mistress, Gloria Swanson? The rumors and speculation swirled around Los Angeles, and particularly Hollywood, for years.

Pantages had been a true American success story. He was a Greek immigrant, born Pericles Pantages, who made his first money in the Alaskan gold rush in the 1890s. During that period, at the age of 18, he bought his first vaudeville theater in Nome. In 1902, he moved to Seattle, Washington, and started a theater that combined vaudeville and films. This theater became the first in what was to become a nationwide chain. In 1910, Pantages moved to Los Angeles. By 1929, he was a wealthy man, running his theater empire from his
offices above the beautiful Pantages flagship theater on the corner of Seventh and Hill Streets in downtown Los Angeles.

In August 1929, Pringle, a college dropout and vaudeville hopeful from Garden Grove, California, was seen hanging around Pantages’s offices asking for an audition. She apparently had a somewhat suggestive, quasi-acrobatic song-and-dance routine involving barbells. On August 9, she walked into Pantages’s private office and within minutes was seen running out with her clothing torn, yelling that she had been raped: “The telephone switchboard operators noted that as Pringle ran past she was ripping her clothes off, not putting them on.”15 Pringle claimed that Pantages had torn her dress apart, dragged her into a broom closet, and raped her.

District Attorney Buron Fitts and Chief Deputy District Attorney Robert Stewart prosecuted the case against Pantages. W. I. Gilbert and W. Joseph Ford, Pantages’s defense attor-
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neys, produced witnesses at the preliminary hearing who testified that Pringle was not the innocent that she appeared to be. They said she lived with her agent and that he had boasted of a monetary windfall connected to the Pantages case. However, at trial, Fitts objected to this testimony, and his motion to suppress all testimony about the complaining witness’s background was granted. The only negative information about Pringle that was admitted into evidence was that she no longer lived at home and that she had dropped out of school.

Pringle appeared at trial dressed in a girlish frock and flat shoes with her hair tied back modestly with a childlike bow. She described in lurid detail how Pantages had solicited lewd acts from her in exchange for booking her act and then had brutally molested and raped her. The press loved Pringle, proclaiming her a paragon of American girlhood and virtue. By contrast, Pantages’s broken English made him sound guilty to the xenophobic press. He was condemned as a child rapist and an alien menace. The city was whipped into a frenzy by firebrand radio preachers like P. R. “Bob” Shuler and Gustav Briegleb, who denounced the wealthy Greek immigrant.

No one was interested in listening to the frail-looking immigrant’s story. Pantages admitted knowing Pringle. Several weeks before the alleged rape she had performed her act as an audition for Pantages but had not been hired. Pantages surmised that Pringle had bought a theater ticket and then sneaked into his offices, tore her own clothes, and screamed rape as part of a frame-up.

At about the same time, Pantages’s wife, Lois, was involved in a traffic accident. Numerous witnesses said that she was on the wrong side of the road when her expensive Stutz automobile hit a car driven by a Japanese-American gardener, Juro Rokomoto. Police officers and medical personnel responding to the scene of the accident stated they could smell liquor on Lois’s breath. Rokomoto suffered a broken pelvis, and several of his family members were also injured in the accident. When Rokomoto died in surgery, Lois Pantages was charged with first-degree murder. The team of lawyers that had been defending Alex Pantages took over Lois’s defense, and Jerry Giesler, who was lesser known than Ford and Gilbert, was hired as Alex’s defense counsel. Giesler would go on to become famous in his own right as a fabled attorney for Hollywood stars.

In Alex’s trial, District Attorney Fitts took full advantage of the accusations against Alex and his wife, emphasizing the depravity of the wealthy Pantages clan in his argument to the jury: The husband was an accused rapist,
and his wife was an accused murderer. In addition, having successfully excluded evidence that Pringle was unchaste, the district attorney stated that Pringle was a virgin in his argument to the jury, a fact that had not been proven at trial. He pounded on this theme over and over again, arguing at one point, "Are the American jurors of today, are men and women of this country, going to stand here and let that man with all of his power or authority in America cover up and brand with infamy, by reason of the very power and wealth and strength that he has, after taking this girl's virginity, after destroying her character, then to brand her with the infamy of being a blackmailer by reason of the very position he holds?" The jury took no time convicting Alex Pantages of statutory rape, and he was sentenced to 50 years in prison without parole.

Giesler appealed the conviction, arguing not only that the district attorney had committed prejudicial misconduct in the case but also that the trial court erred in excluding evidence as to whether Pringle was a virgin at the time of the alleged rape. The question presented was whether such evidence about a complaining witness was admissible in a statutory rape case. At that time, evidence of a victim's lack of chastity was admissible in a nonstatutory rape case, both to show consent by the victim and to discredit her testimony regarding the use of force. But in a statutory rape case, which involves an accusation of an unlawful sexual act with a minor who presumably cannot consent, evidence that a victim was unchaste was inadmissible. In the Pantages case, however, in which Pringle had maintained the rape was accomplished by force, the California Supreme Court ruled otherwise. The court held that if a statutory rape victim claims that force was used to accomplish the rape, the victim's prior chastity (or lack thereof) is put in issue because it tends to discredit her testimony regarding the use of force by the defendant. In its precedential decision, the court reasoned that the rule was necessary "to permit the accused to combat the showing of force...." Pantages's conviction was reversed, and he received a new trial.

Of course, the law on the admission of a rape victim's background has changed dramatically over the years. However, the observation made in the seventeenth century by Lord Matthew Hale that "[rape] is an accusation easily to be made and hard to be proved, and harder to be defended by the party accused, tho never so innocent" was truer at the time of Pantages's trial than it is now.
today. Advances in medical proof and DNA evidence have put a completely different emphasis on the rules governing evidence in rape trials since the Pantages case. In 1974, the California Legislature enacted one of the nation’s first “rape shield” laws. Among other things, the law limits the admissibility of evidence of the sexual history of a victim of an alleged rape.

However, justice was apparently served by the supreme court’s ruling in the Pantages case. In November 1931, after Pantages had spent a total of three years in prison, the case was retried. At the second trial Eunice Pringle appeared in clothes similar to those she had worn on the day of the alleged rape. In a red dress with high heels and bright lipstick, Pringle was not quite the ingenue that she had appeared to be at the first trial. After the manager of the Moonbeam Glen Bungalow Court testified that Pringle lived with her lover-agent, Nick Dunaev, and Pringle admitted she had done so since the age of 15, the jury seemed to view her evidence in a different light. When hoots of laughter broke out as Giesler and his assistant acted out Pringle’s description of the alleged attack, demonstrating that it would have been physically impossible for the rape to have taken place in the tiny broom closet, the case was over. The jury voted not guilty and Pantages was released from jail. Pringle died mysteriously in 1933 of “unknown causes.” Prior to her death she apparently told Giesler that she wanted to reveal the truth about her charge of rape against Pantages. She also reportedly told her mother and a friend on her deathbed that “Joseph Kennedy and [District Attorney] Buron Fitts had set up the phony rape, promising ten thousand dollars to Pringle and her agent-boyfriend [Dunaev], as well as acting work at a major movie studio.”

With the changes in the law that have occurred over the years, the Pantages case is legally unimportant. But the allure of the story, steeped in the Hollywood tradition of sex, lies, and theater magnates, still remains.

1 The Verdugo family pioneered much of Los Angeles after they received the 36,000 acre Rancho San Rafael, the first land grant in the region from the king of Spain.
3 ADELA ROGERS ST. JOHNS, FINAL VERDICT 224-25 (1962).
4 Id. at 227.
5 Id. at 232-33.
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**Basics of Mergers and Acquisitions**

ON THURSDAY, MARCH 6, the Business and Corporations Law Section and the Barristers Section will present a program titled “Introduction to M and A (Boot Camp).” In this program, speakers Arthur William Brown Jr. and Robert E. Braun will cover the nuts and bolts of mergers and acquisitions, including the basics of deciding on the form of the transaction; key tax, securities, antitrust, and regulatory considerations; due diligence; indemnification issues; legal opinions; fair value opinions; and other basic considerations. Boot camp programs cover the basics and are generally designed for attorneys with minimal experience or those who are seeking a refresher course in the relevant areas. The program will take place at Le Meridien Hotel, 465 South La Cienega Boulevard, Los Angeles. On-site registration will begin at 11:45 A.M. and lunch at noon, with the program continuing from 12:30 to 2 P.M. The event code number is 808LC06.

**CLE Preview**

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The Los Angeles County Bar Association is a State Bar of California MCLE approved provider. To register for the programs listed on this page, please call the Member Service Department at (213) 896-6560 or visit the Association Web site at http://forums.lacba.org/calendar.cfm. For a full listing of this month’s Association programs, please consult the March County Bar Update.
Our Commitment to Public Service

Los Angeles lawyers must continue their long and proud tradition of pro bono assistance

Traditionally, lawyers have given their time and money generously to serve their profession and their community. We have committed a huge portion of our professional lives to the assistance of others through pro bono activities and pro bono organizations that we establish, fund, and staff. We have made a commitment to others an integral part of what our profession is and who we are. Lawyers have always been willing to come forward and perform public service, at great expense to themselves, to assist their community and government and to protect the rights of all.

Historically, lawyers in Los Angeles and the Los Angeles County Bar Association have been at the forefront of this tradition. The list of accomplishments by Los Angeles lawyers and the Association is as long as it is impressive. Los Angeles was the birthplace of the public defender system, which was established in 1917. During World War I the Association created its first documented pro bono project, which involved providing free legal aid to servicemen and their families. Over the years, the Association and its members have helped create the Legal Aid Society of Los Angeles; Public Counsel; the Mental Health Advocacy Project and its predecessor, the Special Committee of the Junior Barristers to staff the Psychiatric Department; the Indigent Criminal Defense Appointments Program; the Harriet Buhai Center for Family Law; the Barristers Domestic Violence Legal Services Project; HALSA (HIV and AIDS Legal Services Alliance); the Immigration Legal Assistance Project; and others. The Association also established the Los Angeles County Bar Foundation to support legal services programs in Los Angeles County that promote efficiency in, and understanding of, the judicial system and provide assistance to the poor.

In addition, lawyers in Los Angeles have individually volunteered to help those seeking to adopt children, obtain divorces, and file for restraining orders. They have provided tax counseling, represented individuals in unlawful detainer proceedings, and provided mediation services to a wide range of people in need.

Los Angeles lawyers also have donated time and resources to serve and improve the Los Angeles community at large. We have only to look to the Christopher Commission for an example of the valuable public service that has been performed by local lawyers. When the city of Los Angeles needed help, we were there. Beginning in the 1920s, Los Angeles lawyers have participated in investigations of police department misconduct; have been neutral observers at the sites of demonstrations and marches; have conducted investigations of jail conditions; have been members of task forces to improve the civil court system, the district attorney’s office, and the criminal justice system; and have filed legal actions to support the courts and other public institutions.

Unfortunately, the commitment to public service seems to be disappearing. Whether it is the drive for increased profits, the fear of a weakening economy, or the diminishing belief that we lawyers all owe a duty to improve society, the principle that lawyers should participate in pro bono activities is no longer emphasized as it was in the past. While not all large law firms have abandoned or reduced their pro bono programs or activities, many have, and even more do not encourage their partners and associates to participate in public service activities or organizations. Moreover, as a practical matter the hours required of each associate and partner in a law firm do not leave much room for pro bono work. As law firms grow larger, they seem more interested in increasing their American Lawyer profit numbers than in promoting service to others. This trend is so prevalent—even among the smaller and midsized firms as well as the large firms—that pro bono activity or public service is no longer considered part of our obligation and responsibility.

I recognize that our profession is a business, and that we work hard and deserve to be adequately compensated. However, there comes a point when the drive for that extra dollar comes at the cost of our professional souls. The unrelenting pressure of the “hours derby” is one of the reasons many young lawyers are burned out after a few years of practice. We must find a way to balance the need for a successful business enterprise with the responsibility we have to our community.

I do not pretend to have the answer, but recent examples from the corporate world—such as the Enron, WorldCom, Adelphia, and Tyco fiascos—are troubling indicators of what can happen when business measures itself only by the bottom line. Let the headlines be a warning and not an example to follow.

It is up to each one of us to help our profession retain and renew the spirit of commitment that we so often have demonstrated in the past. We need to ensure that the concept of pro bono service is valued and supported by all.

The consequences of failing to encourage public service will not simply be more lawyer jokes. Without an ethic of public service, both the profession of law and our society will be diminished.
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