

Creating a Repository for California Judicial History

SPECIAL COLLECTIONS & ARCHIVES AT THE CALIFORNIA JUDICIAL CENTER LIBRARY

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THE SPECIAL COLLECTIONS & ARCHIVES repository at the California Judicial Center Library began when the founding gift, the Stanley Mosk Papers, was received in 2001. From this auspicious beginning, the repository has developed and expanded in accord with its three major goals: acquiring and collecting personal papers, records, and other memorabilia of members of the California Supreme Court; preserving, organizing, and indexing the collections; and providing access to the collections for researchers of California history, especially judicial and legal history.

The repository also houses video recordings of oral histories completed by the Appellate Court Legacy Project. Research materials related to the project, including articles, obituaries, and tributes to the justices, complement the oral history collection.

Now in its 15th year, the repository aims and promises to become a major locus for the study of legal and judicial history in California.

Four categories of resources for the study of California court history enrich the holdings: manuscript collections, institutional records, research compilations, and physical objects. Manuscripts are collections of the personal and professional papers of members of the California Supreme Court, with one exception: the papers of the late legal scholar, Bernard E. Witkin. Institutional records include dockets of cases filed in the California Supreme Court in the 19th and early 20th centuries, early records of the California Supreme Court Historical Society, and records donated by Lynn M. Holton on her retirement as Public Information Officer for the Judicial Council and the California Supreme Court. Research compilations are developed by staff in response to requests or identified need, and are available to researchers for ongoing study. Physical objects include furnishings, textiles, awards,



and other non-textual items. Since 2001, when Special Collections & Archives was established as a new unit at the library,¹ approximately 700 cubic feet of manuscripts and records, all related to California court history, have been donated or transferred to the repository.

MANUSCRIPT COLLECTIONS

The repository's 11 manuscript collections are invaluable original sources for the study of California legal and judicial history because of the insights they offer into the work of history makers. Manuscript collections include the papers of Chief Justices Ronald M. George (1996–2011) and Niles Searls (1887–89), as well as the papers of Associate Justices Allen E. Broussard (1981–91), Joseph R. Grodin (1982–87), Otto M. Kaus (1981–85), Joyce L. Kennard (1989–2014), Wiley W. Manuel (1977–81), Stanley Mosk (1964–2001), Frank C. Newman (1977–82), and Kathryn M. Werdegar (1994–present). The Bernard E. Witkin papers are also included in this category.

Of highest significance, the donation of the papers of Chief Justice Ronald M. George was completed in

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TOPIC No. 2. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS,
introduces to the relatively new subject of RELIGIOUS TORTS.
The background was laid down for California in the 1988
case of MOLKO v. HOLY SPIRIT ASSN., 46 C.3d 1092, in which

the Reverend Moon went into partial eclipse when Deprogrammers
vanquished his Bastard Brainwashers. The essence of the MOLKO
holding was that, while religious/BELIEF of any kind is
absolutely protected under the old United States Supreme
Court BALLARD decision, RELIGIOUSLY MOTIVATED/CONDUCT
such as FRAUD, [REDACTED] is not; and a tort action will
lie for intentional infliction of emotional distress. *suffered at the*

*hands of the
church deprogrammers*

WOLLERSHEIM v. CHURCH OF SCIENTOLOGY (1989) 212 C.A.3d 872

gives us another basis for the

action

COERCION

BERNARD E. WITKIN'S TYPEWRITTEN TEXT WAS HEAVILY ANNOTATED BY THE TIME HE DELIVERED IT TO BENCH AND BAR.
LEFT: WITKIN'S DESK AND TYPEWRITER — AND SENTIMENTS — AND A 90TH BIRTHDAY LAPEL BUTTON.

IMAGES: CALIFORNIA JUDICIAL CENTER LIBRARY

October 2014. This collection includes more than 120 cubic feet of textual materials, awards, and other three-dimensional objects and comprises a wealth of original sources for the study of the Chief Justice's life and work, and of California's courts in the recent past. The George papers document his work in the California Attorney General's office beginning in the 1960s and his service as a Los Angeles Superior Court Judge (1977–87), Associate Justice of the California Court of Appeal, Second Appellate District, Division Four (1987–91), Associate Justice of the California Supreme Court (1991–96), and Chief Justice of California (1996–2011).

Upon her retirement in 2014, Associate Justice Joyce L. Kennard donated papers, including selected subject files, articles, and clippings relating to her opinions, "extern books" documenting her role as a mentor, and a marble nameplate from her service as an Associate Justice of the California Court of Appeal, Second Appellate District. The Kennard papers date from 1988 to 2014.

The papers of Associate Justice Wiley W. Manuel (1977–81), the first African-American justice to serve

on the California Supreme Court, were received in 2011 from Judge Charles Smiley on behalf of Justice Wiley's family. Spanning the period from 1939 to 2010, this collection includes academic records, certificates and awards, photographs, and the writings of family members, as well as Justice Manuel's gavel and robe. The papers of Associate Justice Allen E. Broussard (1981–91), also received in 2011, include a wide array of awards, certificates, and resolutions honoring Justice Broussard received from 1971 to 1996.

In May 2010, Justice Joseph R. Grodin (1982–87) donated his professional papers dating from 1979 to 1989. The papers include textual materials compiled by Justice Grodin before and after the 1986 California Supreme Court retention election, as well as reports, articles and clippings, speeches, and correspondence relating to Justice Grodin's service on the California Court of Appeal, First Appellate District, and the California Supreme Court.

Alba Witkin's donation of the remarkable papers of the late Bernard E. Witkin was completed in 2008.



CHIEF JUSTICE RONALD M. GEORGE WAS ADMITTED TO THE STATE BAR OF CALIFORNIA ON JUNE 7, 1965.

California Reporter of Decisions (1940–49) and author of four of the most influential and highly regarded treatises in California,² Bernard E. Witkin's contribution to the development of California law remains unparalleled. Consisting of more than 60 cubic feet, the collection spans the full arc of his career, beginning with his undergraduate years at the University of California, Berkeley, in the 1920s and continuing through 1995, the year of his death.

The papers of Associate Justice Frank C. Newman (1977–82) were received in 2003 following a donation by Frances Burks Newman, wife of the late law professor and California Supreme Court justice. The papers date from 1968 through 1982, the last year of Justice Newman's service on the Supreme Court.

In 2002, the papers of Associate Justice Otto M. Kaus (1981–85) were donated by his wife, Peggy Kaus. The papers span the years 1950 through 1995 and include material from his service on the California Court of Appeal, Second Appellate District, and the California Supreme Court, as well as his years in private practice.

The papers of Justice Kathryn M. Werdegar (1994–present) have come in a series of donations beginning in 2002. Materials date from 1994 through 2013 and include judicial opinions, articles and clippings, and audiovisual materials.

The Stanley Mosk papers, described in detail in an earlier article,³ were donated in 2001 by Justice Mosk's son, Justice Richard M. Mosk.⁴ The Mosk papers date from 1912 through 2007 and chronicle Stanley Mosk's extraordinary life of public service, beginning with his appointment to the staff of Governor Culbert Olson in 1939 and continuing through 2001, his final

year of service on the California Supreme Court.

In 1998, the papers of 19th century Chief Justice Niles Searls (1887–89) were given to the California Supreme Court. This collection, a gift of Fred and Ruth Searls, spans the years 1855 through 1940.

INSTITUTIONAL RECORDS

Special Collections & Archives in 2004 received its first transfer of institutional records, from the California Supreme Court Historical Society. Records from 1989 to 1993, together with notes and research predating the founding of the Society in 1989, depict the Society's

early development. Minutes, bylaws, correspondence, memoranda, reports, photographs, and publications document the Society's progress from its first year of existence through 1993.

The transfer of more than 350 volumes of 19th and 20th century California Supreme Court registers of actions, minutes, judgment books, indexes, and other bound records from the former Los Angeles office of the Clerk of the California Supreme Court was completed in 2011. The holdings are indexed in detail and document the Court's workload from 1850 to 1991. Record descriptions, including date and docket number ranges, are available to researchers in the California Supreme Court and Courts of Appeal Database.⁵ Additional copies of these records are held by the California State Archives. Examples of handwritten 19th century registers of actions and minutes can be viewed in the online exhibit Vital Records.⁶

The 2012 transfer of records from Lynn Holton's office was an opportunity for noteworthy expansion of the resources related to recent court history. This collection dates from 1987 through 2012, and documents Court outreach projects, judicial appointments and service, media coverage of high-profile opinions, policy initiatives, and legislation related to the judicial branch, in more than 13 cubic feet of textual records, audiovisual materials, images, and publications.

The records of California Supreme Court Bailiff Elliott Williams, dating from 1963 to 1980, and those of Randolph V. Whiting, Reporter of Decisions from 1917 to 1940, are also of value to researchers.

RESEARCH COMPILATIONS

Research compilations that gather published and unpublished information about justices of the California Supreme Court strengthen the repository's historical resources because they respond to inquiries and researcher interests. Research compilations include articles and clippings, oral histories, briefs, speeches, commemorations, programs and flyers, brochures, memoranda, and other communications. Collection guides to papers of California Supreme Court justices held by other repositories are an essential resource for ongoing study.

Research compilations also provide important secondary sources for study of the lives and work of Chief Justices, including Rose E. Bird, Tani G. Cantil-Sakauye, Ronald M. George, Phil S. Gibson, Malcolm M. Lucas, Hugh C. Murray, Niles Searls, Roger J. Traynor, and Donald R. Wright. Additional compilations inform researchers about Associate Justices Janice R. Brown, Carol A. Corrigan, Allen E. Broussard, Mariano-Florentino Cuéllar, Marcus M. Kaufman, Joyce L. Kennard, Marshall F. McComb, Stanley Mosk, Goodwin Liu, Edward A. Panelli, Raymond E. Peters, Cruz Reynoso, and Kathryn M. Werdegar.

Topical research compilations relating to court history and the development of California law have also been developed. Examples of topics are: the historic sites and more recent locations of the California Supreme Court, judicial opinions, commissioners and clerks of the Court, and individuals influential in the development of California law and legal practice including Clara Shortridge Foltz, California's first female attorney, and Peter Belton, senior staff attorney to Associate Justice Stanley Mosk.

PHYSICAL OBJECTS

Chambers furnishings and other meaningful objects have been donated as parts of manuscript collections or as single gifts, and they also contribute to the understanding of court history. The donation of Chief Justice Rose E. Bird's chambers furnishings, and the importance of such donations, is discussed in detail in an earlier article.⁷



JUSTICE JOYCE L. KENNARD'S MARBLE
NAMEPLATE, CIRCA 1988

ONLINE COLLECTIONS

Many of the resources of the collection may be explored online. Links from the library's home page take virtual visitors to the California Supreme Court and Courts of Appeal database and the Online Archive of California. The database, described in an earlier article,⁸ contains current and historical records for California Supreme Court justices and justices of the California Courts of Appeal, records describing transcripts of oral history interviews conducted as part of the Appellate Court Legacy Project, and more than 3,000 records that provide brief descriptions or complete listings of holdings.

The Online Archive of California provides public access to descriptions of primary resource collections held by University of California campuses and more than 200 other contributing institutions, including archives, historical societies, museums, and libraries throughout the state. Formally launched in 2002, the online archive now provides access to more than 20,000 collection guides and more than 220,000 digital images and documents, including those of the library's Special Collections & Archives.

EXHIBITS

Staff of the repository design and install exhibits highlighting the California judiciary to inform general audiences. Displays are accessible to the public on the ground floor of the Ronald M. George State Office Complex in San Francisco and in two locations in the Stanley Mosk Courthouse in Los Angeles. Digital versions of the exhibits are on the library's website.⁹

Two recent exhibits demonstrate how the library highlights its judicial collections through both print and electronic means. *Illustrations: Images from the Special Collections & Archives* provides viewers with a wide-ranging sampling of manuscript pages, political cartoons, and artifacts from the library's collections, including materials originally belonging to Chief Justice Rose E. Bird, Associate Justices Allen E. Broussard, Wiley W. Manuel, and Stanley Mosk, and legal scholar Bernard E. Witkin. The exhibit opened in 2013 and is



JUSTICE WILEY W. MANUEL'S GAVEL

6581

	Blara P. Foltz Respondent	Blara P. Foltz Appellant			
4 th	J. P. Hoge & others members of & constituting the Board of Directors of the Hastings College of the Law Appellants.	P. B. Bishop Delos Lake			
San Francisco 1879					
April 22	Check Transcript		D. K.		N
Aug 4	Respondents Points & authorities.				
July 31	Set for August 5 th 1879 by consent				
Aug 7	Filed appellants Points & authorities				
" 6	Argued & continued to tomorrow				
" 4	" & Cause submitted				
Dec 20	Judgment affirmed. Remittitur forthwith				
"	Remittitur to County Clerk				Court opinion

A PAGE OF THE CALIFORNIA SUPREME COURT REGISTER FOR *FOLTZ V. HOGE*, 54 CAL. 28 (1879)

currently available for public viewing in the Ronald M. George State Office Complex as well as online.¹⁰ The trailblazing legal contributions of 12 individuals of Asian and Pacific Islander descent who have served or are presently serving as members of the California Supreme Court or the Courts of Appeal are highlighted in an online display that debuted in 2012, *Asian Americans and Pacific Islanders and the California Courts*.¹¹

Additional exhibits presented over the past five years reflect the rich diversity of the collections and its collaboration with other individuals and institutions.

They include:

- *California's Chief Justices*
- *Let Freedom Ring*^{12,13}
- *Vital Records: Recordkeeping and the Proper Administration of Justice in the California Supreme Court, 1850–2012*¹⁴
- *Justice, Balance & Achievement: African Americans and the California Courts*¹⁵
- *African Americans in the California Courts*¹⁶
- *A Tremendous Commitment to Justice: The Judicial Service of Hon. Ronald M. George*.¹⁷

FULFILLING ITS GOALS

Researchers who have consulted the holdings of the Special Collections & Archives or requested resources have included judicial officers and staff, historians, biographers, journalists, students, and other interested members of the public.

Examples of publications that have drawn from resources include a biography of Associate Justice Stanley Mosk,¹⁸ an award-winning student paper,¹⁹ articles by Selma Moidel Smith and Justice Richard Mosk,²⁰ as well as the articles prepared for publication in this newsletter discussed above.

Although scholarly recognition is important, more important still is the trust demonstrated by donors and their families when gifts are given or transferred to the repository. By meeting archival standards for preservation and access to its resources, the library's Special Collections & Archives continues to fulfill its goals in the belief that its resources endow the past with meaning and the future with knowledge and opportunity. ★

ENDNOTES

1. Frances M. Jones, "Preserving History: A New Role for the California Judicial Center Library," *CSCHS Newsletter* (Autumn/Winter 2004), pp. 6–7.
2. *Summary of California Law, California Procedure, California Criminal Law and California Evidence*.
3. Frances M. Jones, "The Stanley Mosk Papers," *CSCHS Newsletter* (Fall/Winter 2008), pp. 8–11, accessible at <http://www.cschs.org/wp-content/uploads/2014/08/2008-Newsletter-Fall-Stanley-Mosk-Papers.pdf>.
4. Associate Justice, California Court of Appeal, Second Appellate District, Division Five.
5. The California Supreme Court and Courts of Appeal Database is accessible at <http://library.courtinfo.ca.gov/>.
6. The library's online exhibits are accessible at <http://library.courtinfo.ca.gov/news/>.
7. Frances M. Jones, "Chief Justice Rose Bird's Chambers Furnishings Donated," *CSCHS Newsletter* (Spring/Summer 2011), pp. 8–9, accessible at <http://www.cschs.org/wp-content/uploads/2014/08/2011-Newsletter-Spring-Rose-Birds-Chambers-Furnishings-Donated.pdf>.
8. Frances M. Jones, "California Court History at the California Judicial Center Library," *CSCHS Newsletter* (Fall/Winter 2008), pp. 11, 14, accessible at <http://www.cschs.org/wp-content/uploads/2014/08/2008-Newsletter-Fall-Judicial-Center-Library.pdf>.
9. California Judicial Center Library, <http://library.courtinfo.ca.gov/>.
10. California Judicial Center Library, *Illustrations: Images from the Special Collections & Archives*, exhibition brochure, <http://library.courtinfo.ca.gov/news/illustrations.php>.
11. California Judicial Center Library, *Asian Americans and Pacific Islanders and the California Courts*, exhibition brochure, http://library.courtinfo.ca.gov/news/apa_heritage_monthNEW.php.
12. "Let Freedom Ring!" *CSCHS Newsletter* (Fall/Winter 2014), pp. 1–12, accessible at <http://www.cschs.org/wp-content/uploads/2014/05/CSCHS-2014-Newsletter-Fall-Winter.pdf>.
13. California Judicial Center Library, *Let Freedom Ring!* exhibition brochure, http://library.courtinfo.ca.gov/included/docs/2013let_freedom_ring.pdf.
14. California Judicial Center Library, *Vital Records: Record-keeping and the Proper Administration of Justice in the California Supreme Court, 1850–2012*, exhibition brochure, http://library.courtinfo.ca.gov/included/docs/exhibits/12_vital_records.pdf.
15. California African American Museum, *Justice, Balance & Achievement: African Americans and the California Courts*, exhibition description, http://www.caamuseum.org/web_pages/past_exhibitions_pages/past_exhibitions_justice.htm.
16. California Judicial Center Library, *African Americans in the California Courts*, exhibition brochure, http://library.courtinfo.ca.gov/included/docs/exhibits/II_african_americans_in_ca_courts.pdf.
17. California Judicial Center Library, *A Tremendous Commitment to Justice: The Judicial Service of Hon. Ronald M. George*, exhibition brochure, http://library.courtinfo.ca.gov/included/docs/exhibits/10_a_tremendous_commitment.pdf.
18. Jacqueline R. Braitman & Gerald F. Uelmen, *Justice Stanley Mosk: A Life at the Center of California Politics and Justice* (2013).

Special Collections & Archives

MANUSCRIPT COLLECTIONS AND INSTITUTIONAL RECORDS

- 1998
NILES SEARLS PAPERS
- 2001
STANLEY MOSK PAPERS
- 2001
RECORDS OF CALIFORNIA SUPREME
COURT BAILIFF ELLIOTT WILLIAMS
- 2001
RECORDS OF REPORTER OF DECISIONS
RANDOLPH V. WHITING
- 2002
OTTO M. KAUS PAPERS
- 2002
KATHRYN M. WERDEGAR PAPERS
- 2003
FRANK C. NEWMAN PAPERS
- 2004
RECORDS OF THE CALIFORNIA
SUPREME COURT HISTORICAL SOCIETY
- 2008
BERNARD E. WITKIN PAPERS
- 2010
JOSEPH R. GRODIN PAPERS
- 2011
CALIFORNIA SUPREME COURT
REGISTERS OF ACTIONS, JUDGMENT
BOOKS, AND OTHER MATERIALS
- 2011
ALLEN E. BROUSSARD PAPERS
- 2011
WILEY W. MANUEL PAPERS
- 2012
RECORDS OF PUBLIC INFORMATION
OFFICER LYNN HOLTON
- 2014
JOYCE L. KENNARD PAPERS
- 2014
RONALD M. GEORGE PAPERS

19. Amber Trumbull, "Mosk and Capital Punishment in California: A Liberal Approach to the Death Penalty," second place winner, California Supreme Court Historical Society's 2007 Student Writing Competition.
20. Richard M. Mosk, "Stanley Mosk's Letters to His Brother Overseas During World War II," *California Legal History*, 4 (2009), pp. 3–45 and Selma Moidel Smith, "Fifteen Papers by Justice Stanley Mosk," *California Legal History*, 4 (2009), pp. 50–170.