

The Unknown “Justice”

BY PHILIP CARRIZOSA

Peter J. Belton was never a judge, much less a justice of the California Supreme Court. Yet, in a career that spanned four decades, Belton quietly influenced the development of California law more than some of the court’s justices.

To those familiar with the California Supreme Court, Belton was best known as a staff attorney for the late Justice Stanley Mosk. But, in fact, he predated Mosk, joining the court in 1960 when he joined the staff of Justice B. Rey Schauer. When Schauer retired in 1964, he took what was initially a one-year job with Mosk. They were so well suited in ideology and temperament that Belton became part of Mosk’s permanent staff.

While Mosk rarely made substantial changes in Belton’s opinion drafts, Belton was extremely well known within the court for taking an editor’s pen to the work of Mosk’s other staff attorneys and externs. He was such a tough, meticulous editor that the staff gave him a brown mug with the gold lettering: “The Slasher.” Yet the end-product was so good, so persuasive and well-crafted that everyone was delighted with his work.

Although Mosk was, of course, *the* justice and had the final say on his opinions and votes, Belton played a key role in a number of important cases. One of the cases in which his disability due to polio played a role was *Rodriguez v. Bethlehem Steel* (1974) 12 Cal.3d 382. In that case, a young worker and his wife sued



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his employer for his severe injuries when a large steel pipe fell on him. At that time, California did not allow a wife to sue for loss of consortium, meaning the loss of her husband’s companionship and affection, including sexual relations. Knowing full well how his polio affected his wife and children, Belton drafted an opinion accepting the doctrine as part of California common law. It became a 6-1 opinion of the court.

Another case that caught Belton’s eye involved a quadriplegic man who lost custody of his two sons, largely because the trial judge felt he could not have a “normal relationship” with his boys. Belton recommended that the court review the case, then drafted an opinion which eventually held that judges must look beyond stereotypes of the fitness of disabled parents to care for their children and instead examine all the factors and focus on the best interests of the children, *In re Marriage of Carney* (1979) 24 Cal.3d 725.

Belton also worked on ground-breaking cases barring racial discrimination in jury selection, eight years before the U.S. Supreme Court issued a similar decision, *People v. Wheeler* (1978) 22 Cal.3d 258 and prohibiting testimony by witnesses who had undergone pretrial questioning under hypnosis, *People v. Shirley* (1982) 31 Cal.3d 18.

After Mosk died in June 2001, Belton left the court five months later following 41 years of service. But his legal career was not over. He was snatched up by the Administrative Office of the Courts as a special consultant on rules and projects. There he worked with Supreme Court Justice Joyce L. Kennard in revamping and modernizing the Appellate Rules. For their labors, he and Kennard received a special honor from Chief Justice Ronald M. George in November 2004.

Belton retired in 2005 and died on Oct. 18, 2007 from complications of post-polio syndrome. As Kennard put it at a November 2007 memorial:

“Peter’s imprint on California law is indelible.”

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