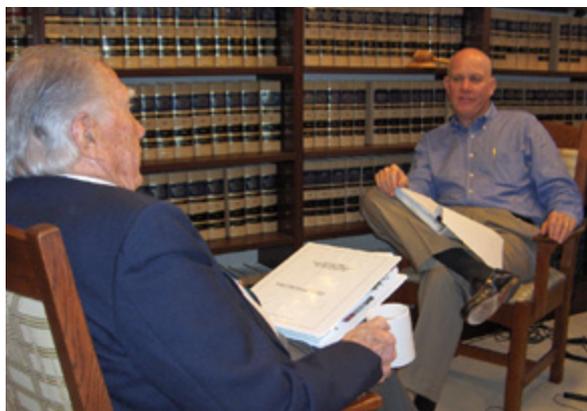


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## *Appellate Court Legacy Project — An Introduction and Preview*

PAULA R. BOCCIARDI\*

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

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

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

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

During their long history, the state Courts of Appeal have set volumes of precedent and produced a body of law that protects the rights of all Californians while advancing the administration of justice. But beyond the bench and the black robes, the justices are women and men from diverse ethnic, cultural, and economic backgrounds who have led extraordinary lives, witnessed

extraordinary events, and overcome extraordinary challenges. The objective of the Legacy Project has been to build a historical record of both the personal experiences of individual justices and the changes that have emerged over the years in the California judicial system.

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

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

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

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

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

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

The remarkable result of this comprehensive oral history project is that it fills in the gaps in the written record and reveals attitudes and perspectives missing from traditional documentary sources. The hope is that it will ensure continuing awareness of the courts’

essential role in California society — past, present and future.

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

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

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

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## *Project Documents the Lives of Retired Appellate Judges*

LAURA ERNDE

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

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

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

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

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

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

“Our goal was to interview everyone, so that we could record and document historically who these people were and what their backgrounds were and how the courts have evolved,” said 4th District Court of Appeal

Justice Judith L. Haller, who chaired the project.

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

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

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

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



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

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MICHAEL J. ELDERMAN

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