



Oral History: Joseph R. Grodin, Professor of Law and Supreme Court Justice

Conducted by Leah McGarrigle

With this issue of California Legal History, the California Supreme Court Historical Society invites the bench and bar to explore the oral history of a distinguished jurist and scholar, Justice Joseph R. Grodin.

Justice Grodin was born in Oakland, California, in 1930, and was educated in public schools there and in nearby Piedmont. His early interests included football, poetry, Democratic Party politics, and Jewish leadership youth organizations. He studied labor economics and majored in political science at the University of California, Berkeley, graduating with honors in 1951. He went on to Yale Law School, completing his law degree cum laude in 1954. His summers were spent at the San Francisco law firm of Tobriner & Lazarus, where he began a long and influential association with Mathew O. Tobriner.

After pursuing a Ph.D. in labor law and labor relations at the London School of Economics, Justice Grodin continued his practice at Tobriner & Lazarus until 1971. He was a visiting professor of law

for a year at the University of Oregon before joining the faculty at Hastings College of the Law full time from 1972 to 1979. During this period Governor Jerry Brown appointed him to the Agricultural Labor Relations Board.

In 1979 Governor Brown appointed Justice Grodin to the First District of the California Court of Appeal (Division One), elevating him in 1981 to presiding justice. In 1982 Governor Brown named him associate justice of the California Supreme Court, where he served until 1987. He and two other Brown-appointed colleagues, Chief Justice Rose Bird and Associate Justice Cruz Reynoso, lost their statewide retention elections in November 1986 amid a controversial campaign to unseat them, largely over the issue of the death penalty.

Justice Grodin returned to the faculty of Hastings, where he taught labor law, employment discrimination, arbitration, and contracts. He continues to serve as Distinguished Emeritus Professor of Law. His memoir, *In Pursuit of Justice: Reflections of a State Supreme Court Justice*, is just one of his many publications.

The interviews on which this piece is based were conducted in 2004 by Leah McGarrigle, an oral historian and a former student of Justice Grodin's at Hastings. The oral history transcript presented here has been edited for readability and typographical correctness. Those wishing to read the full text or to quote from the official oral history may consult the original transcript online via http://bancroft.berkeley.edu/ROHO/collections/subjectarea/law/ca_supremecourt.html or in the hardbound manuscript in UC Berkeley's Bancroft Library.

— Laura McCreery, 2008
Program Director, Regional Oral History Office
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TOPICAL SUMMARY

SESSION 1: September 14, 2004 5

Father's family and immigration from Lithuania—Mother's Russian roots and West Coast upbringing—Father's clothing business in Oakland, California—Temple Sinai—Piedmont Junior and Senior High Schools—Early interest in Democratic Party politics—Summers at Boy Scout camp and formative European trip of 1947—Love of hiking and the outdoors—Study of political science and key influences at UC Berkeley—Meeting wife Janet—Brandeis Camp and Jewish leadership—Deciding on Yale Law School.

SESSION 2: October 26, 2004 31

Study of labor and economics at UC Berkeley—Courses and faculty at Yale Law School and emphasis on “legal realism”—Summer jobs with Tobriner & Lazarus—Influence of Morris Cohen at Yale—Mentorship of Mathew O. Tobriner—Pursuing a Ph.D. with Otto Kahn-Freund at the London School of Economics—Returning to Tobriner & Lazarus—Working with Americans for Democratic Action during the Vietnam War—Eugene McCarthy's presidential campaign, 1968—Teaching at University of Oregon's law school—Joining the faculty at Hastings College of the Law—Writing book on Sierra Nevada trails—Involvement in American Jewish Congress and ACLU—Running for Berkeley City Council—Appointment to California's Agricultural Labor Relations Board by Governor Edmund G. “Jerry” Brown, Jr.—California's Agricultural Labor Relations Act in relation to National Labor Relations Act—ALRB's meeting with growers and Teamsters Union in Salinas and Cesar Chavez's speech—Resignation from ALRB.

SESSION 3: November 9, 2004 65

Appointment by Governor Jerry Brown to California Court of Appeal—Consideration by Commission on Judicial Nominees Evaluation—Associate justice in Division One of District One of the court of appeal, 1979—John T. Racanelli, presiding justice, and other colleagues—Workload, process, and collegiality of various divisions of the court of appeal—Friday lunches at the Embassy Restaurant—Judicial views of oral argument—Working with law clerks and ex-

terns—Elevation to presiding justice in Division Two of District One, 1981—Procedural reforms and colleagues at Division Two—Key cases—Appointment by Governor Brown to California Supreme Court, 1982—Confirmation hearing and taking seat on supreme court—Work and friendship with Justice Otto Kaus—Reflections on friendship, weekly lunches, and collaborations with Mathew O. Tobriner.

SESSION 4: November 23, 2004 97

Influences of philosophical thought and political science on judging—Public perception of judging at U.S. and California Supreme Court levels—Adequate and Independent State Grounds Doctrine and influence of Hans Linde—More on importance of independent state constitutional rights—State of California differences from federal law and precedent in areas such as privacy and abortion rights—California court system’s loss of leadership among states in the development of state law—Recollections of Stanford University’s Gerald Gunther—Contributions of supreme court colleague Justice Stanley Mosk.

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Close association with Justice Otto Kaus on the California Supreme Court—Recalling Justice Allen Broussard, Chief Justice Rose Bird, and other justices—Retention election of 1986 and departure from the California Supreme Court—Writing *In Pursuit of Justice*—Getting to know U.S. Supreme Court Justice William Brennan—Semester at UCLA, followed by return to faculty of Hastings College of the Law—Opposition to the death penalty and how the issue fared on the California Supreme Court during the tenure of Governor George Deukmejian—Recalling former assembly speaker Willie Brown as a student—Evolution of teaching interests at Hastings—Urging students to pursue law careers in the public interest—Changes to the labor movement and labor law—Teaching employment discrimination law—Philosophical summary of career—Family matters.