

A Retrospective of

THE COMMITTEE ON HISTORY OF LAW IN CALIFORNIA

EDITOR'S NOTE

The oral history of Justice Mildred Lillie was the final oral history of a California Supreme Court or Court of Appeal justice to be undertaken by the former State Bar Committee on History of Law in California, and it is the only one that remained unpublished when the committee was retired by the State Bar in 1992. Its publication now provides the occasion for a review of the committee's work.

The Early Years

The committee was first appointed on November 18, 1948 by the State Bar Board of Governors.¹ This occurred during the presidency of F. M. McAuliffe of San Francisco, who was appointed to chair the new committee.² The committee's original charge — as reflected in its initial name, the "Committee on the History of the Bench and Bar in California" — was to plan and organize the "publication of a history of the accomplishments and contributions of the profession to the progress of California."³ Such

¹ *Journal of the State Bar of California* 34:4 (July–Aug. 1959), 452.

² Florence M. McAuliffe became a partner of Heller, Ehrman, White & McAuliffe in 1921.

³ *Journal of the State Bar of California* 23:6 (Nov.–Dec. 1948), 383.

a charge would have placed the committee's output within the long line of "bench and bar" biographical works published throughout the United States since the late nineteenth century.

By the mid-twentieth century, however, a new direction had also begun to emerge in the United States, namely, the organized study of American legal history in all its aspects. For both practical and theoretical reasons, the committee chose to align itself with this new movement. They recognized that the funding required for a project of statewide scope could more easily be attracted if their topic was not limited to biographies of leading lawyers and judges. In addition, they were attracted to the broader concept of California legal history envisioned by committee member Lawrence A. Harper, who was also a professor of history at UC Berkeley.

In May of 1953, the committee submitted to the Board of Governors an outline prepared by Harper for a comprehensive "Introduction to the History of Law in California."⁴ Of its sixteen proposed chapters, only the last deals with personalities in the legal profession. The preceding chapters are grouped into four broad topics: the history of law and administration in "Earlier Eras"; the "Modern Institutional Structure" created by the Constitution and codes — as seen in the functioning of courts, the organized bar, and administrative agencies; the "Development of Modern Legal Concepts" reflected by the history and theory of the law itself; and "Today's Achievements and Tomorrow's Challenges," in which California's position as a national trendsetter is given early recognition.

As both a historian and attorney, the author emphasized the importance of "Introducing the Historian to Legal Data and Sources" commonly used by lawyers but unfamiliar to the academic historian. The outline also provided a wide-reaching guide to published and unpublished materials likely to be useful in researching the proposed work.

The formal transformation of the committee's charge occurred the following year. In August 1954, Chair McAuliffe requested Board of Governors' approval of a change in name to either the "Committee on the History of Law in California" or "Committee on California Legal History."⁵ The former name was adopted (with the word "the" before "History" variously

⁴ The complete outline is available in *Journal of the State Bar of California* 29:6 (Nov.–Dec. 1954), 486-495.

⁵ *Ibid.*, 486.

present or absent throughout the committee's existence). In his request, he informed the Board that, having previously undertaken the "necessary but tedious work of amassing historical data and bibliographical references," the committee had devoted the current year to "preparing an introduction to the legal history of California." He further explained that the work was necessary because "the need for paying greater attention to legal history has become more apparent," but attorneys "are too busy practicing and scholars shy away because they believe the subject too difficult."⁶

Three years later, McAuliffe announced that the committee's *Introduction and Guide to the History of Law in California* was available in mimeographed form at the State Bar office in San Francisco.⁷ The guide itself indicates that its more than 200 pages were being duplicated as quickly as possible for distribution to attendees of the 1956 State Bar Convention.

McAuliffe's 1957 report to the Board of Governors places the work of the committee in national context. He notes the founding of the American Society for Legal History in 1955 and the creation of the *American Journal of Legal History* at Temple University School of Law in January of 1957. He says that this new society and new journal "offer an outlet for the initiated," but that "California seeks to lure others into the field." He then asks assistance from California lawyers in distributing the *Guide*, and offers a brief overview to stimulate interest.⁸

McAuliffe's successor, Presiding Justice A. Frank Bray of the First District Court of Appeal,⁹ stated in 1958 that the *Guide's* purpose was "to introduce the scholar to legal data and the lawyer to the standard sources of the social scientist and historian." Like McAuliffe, he noted the growth nationally of interest in legal history, and he proposed a five-year plan for promoting interest in the legal history of California — "not so much to

⁶ Ibid., 485.

⁷ This consists of two separate works, the *Introduction* and the *Guide to Material on the History of Law in California* by Lawrence A. Harper, 1956. McAuliffe indicates that "Dr. W. N. Davis, Jr." (State Historian William Newell Davis, Jr.) was coauthor of the *Guide*. Copies are at present available in at least three California libraries: UC Berkeley Law Library, UCLA Law Library, and Stanford University Crown Library.

⁸ *Journal of the State Bar of California* 32:4 (July–Aug. 1957), 394.

⁹ Bray served from 1951 to 1981 as founding president of the Contra Costa Historical Society.

prepare legal histories as to stimulate others to work in the field.”¹⁰ Thereafter, the committee undertook a single major project of its own.

The final publishing project of the committee’s early years was the preparation of the two-volume *History of the Supreme Court Justices of California*, edited by J. Edward Johnson. Volume I, covering 1850–1900, appeared in 1963, and Volume II, covering 1900–1950, appeared in 1966.¹¹ Both are large-format, illustrated books with biographies of the Court’s justices from those periods. Most were written by Johnson and had appeared during prior years in the *State Bar Journal*.

The publisher’s introduction to the first volume states that the committee’s manuscript “made it clearly apparent to the publisher that this work was an important literary contribution,” and that it was not a work of fleeting importance, “but one that will endure for generations as an honest appraisal of a group of men who exerted major influence on the development of California jurisprudence.” The introduction to the second volume states that the work resulted from Johnson’s lifelong interest in judicial biographies: “For more than 35 years he has collected clippings, sought family papers and interviewed those who could add to our knowledge of California’s Supreme Court Justices.” A note indicates that the materials collected by Johnson remained in his own possession at that time, but that he had willed them to the Bancroft Library at UC Berkeley (where they are now located).¹²

During the late 1960s and early 1970s, the committee published a series of approximately fifty articles in the *Los Angeles Daily Journal* on historic California courthouses and jails.

The Later Years

The committee’s most recent period of productivity extended from the early to late 1980s. During this period, the committee described its charge

¹⁰ *Journal of the State Bar of California* 33:4 (July–Aug. 1958), 456–458.

¹¹ J. Edward Johnson, *History of Supreme Court Justices of California*, vol. I, 1850–1900, San Francisco: Bender-Moss, 1963; vol. II, 1900–1950, San Francisco: Bancroft-Whitney, 1966.

¹² At present, the Bancroft Library catalogue states that its collection of “J. Edward Johnson Papers” consist of 14 cartons of material, not yet arranged for use, and that inquiries “should be directed, in writing, to the Head of the Manuscripts Division.” It also indicates that Johnson’s album of photographs of 53 early Supreme Court justices has been transferred to the Bancroft Pictorial Collections.

as follows: “Works with the State Bar and its members to promote the study and preservation of legal history; conducts oral history interviews and programs; makes public presentations; and prepares publications in the field.”¹³ The notable addition to its earlier charge is in the area of oral history. Here, again, the committee’s evolution parallels that of society at large, in which the collecting of oral histories received increasing emphasis during the second half of the twentieth century.

The committee’s most ambitious project was the creation of a guide to the California legal history manuscripts held by the Huntington Library in San Marino. The project was initiated in 1983 under the chairmanship of Eric Chiappinelli and was pursued to completion by five succeeding chairs. Legal historian Gordon Morris Bakken was engaged to prepare the work, and the committee secured funding from foundations and law firms. The completed book was published in 1989,¹⁴ during the term of committee chair Rosalyn Zakheim. The occasion was marked by the appearance of an illustrated feature article in the *Los Angeles Daily Journal*, subtitled “A Scrappy State Bar Committee Chronicles the Development of California Law.”¹⁵

One outgrowth of the book project was a bibliographic essay by Fritz and Bakken on materials in the field of California legal history, published in 1988.¹⁶ Another — and the most recent — is the article by Peter L. Reich in the present volume of *California Legal History* that surveys additions to the Huntington collection in the years following publication of the committee’s book.¹⁷

In the area of oral history, the committee pursued three separate projects. The first was the recording of audiotaped oral interviews of leading lawyers and judges in 1987. Four such interviews were conducted, of which

¹³ “State Bar Report,” *California Lawyer* 8:11 (Dec. 1988),

¹⁴ Henry E. Huntington Library and Art Gallery. *California Legal History Manuscripts in the Huntington Library: a guide / by the Committee on History of Law in California of the State Bar of California*. San Marino, Calif.: The Library, 1989.

¹⁵ Arlene Silberman, “Our Story, Her Story, History,” *Los Angeles Daily Journal*, May 11, 1989.

¹⁶ Christian Fritz and Gordon Bakken, “California Legal History: A Bibliographic Essay,” *Southern California Quarterly* 70 (1988), 203-222.

¹⁷ Peter L. Reich, “California Legal History in the Huntington Library: An Update,” 5 *California Legal History* (2010), 323-336.

audiotapes and transcripts were deposited in research institutions for public use.¹⁸ The interviews were as follows:

Sharp Whitmore,¹⁹ interviewed by Ray Roberts,²⁰ January 9, 1987.

Leon T. David,²¹ interviewed by Ray Roberts, January 16, 1987.

George Yonehiro,²² interviewed by Ray Roberts, January 21, 1987.

Ruth Church Gupta,²³ interviewed by Rosalyn Zakheim,²⁴ Sept. 28, 1987.

A second project in the area of oral history was the creation of a booklet titled, “The Story of the State Bar of California” (1989) which consisted primarily of excerpts of audiotaped recollections by past State Bar presidents solicited by the committee. It included statements from twenty-three past presidents, ranging in years of service from 1937 to 1988, on the history of the State Bar and their terms in office.

The committee’s third, and best known, oral history project was the recording of videotaped interviews of leading California Supreme Court and Court of Appeal justices. Four such interviews were conducted. Transcripts of the first three were published in the *Hastings Constitutional Law Quarterly* in 1987 and 1988, and the fourth — of Justice Mildred Lillie — remained unpublished until its inclusion in the present volume of *California Legal History*. The first three were published as follows:

¹⁸ These were deposited in the State Bar Archives in San Francisco, the Bancroft Library at UC Berkeley, and the Department of Special Collections at the UCLA Research Library.

¹⁹ Whitmore served as president of the Los Angeles County Bar Association and was a member of the Board of Governors of both the American Bar Association and the California State Bar.

²⁰ Roberts was a retired judge of the Los Angeles Superior Court.

²¹ The interview of David commences with his playing an audiotaped self-interview recorded on July 31, 1977, in which he says he was serving at that time as chair of the Committee on History of Law in California. He was a retired judge of the Municipal and Superior Courts in Los Angeles County.

²² Yonehiro was then serving as a Superior Court judge in Placer County.

²³ Gupta was the first woman president of the Lawyers Club of San Francisco (1975–1976).

²⁴ Zakheim conducted the interview on behalf of the committee and also the Women Lawyers’ Association of Los Angeles (of which she was president, 1983–1984.)

“Oral History: Justice Bernard S. Jefferson,” *Hastings Constitutional Law Quarterly* 14 (Winter 1987), 225-287.

“Oral History: Justice Otto Kaus,” *Hastings Constitutional Law Quarterly* 15 (Winter 1988), 193-268.

“Oral History: Justice Joseph R. Grodin,” *Hastings Constitutional Law Quarterly* 16 (Fall 1988), 7-68.

Personal Accounts

The theme of oral history also provides the concluding section of this review of the committee's work. By good fortune, four of the later chairs of the committee agreed to share recollections of their periods of service on the committee. Personal accounts by past chairs Kenneth Crews (1985–1986), Laurene Wu McClain (1986–87), John Hanft (1987–1988), and Rosalyn Zakheim (1988–1989) are presented below.

Following these four accounts, further good fortune provides a final narrative by David C. Long, formerly director of research for the State Bar, who agreed to describe the creation in 1989 of the California Supreme Court Historical Society. As early as 1954, Chair McAuliffe had proposed seeking a foundation grant for the committee's activities, and thereafter to “establish a legal history society which can continue the activities after the foundation grant has expired.”²⁵ A grant does not appear to have been secured, and formation of the society was not pursued. In the late 1980s, when societies for legal history had become well established in other jurisdictions, the State Bar proposed such a society for California. The realization of this proposal is the subject of the concluding narrative by David Long.

— SELMA MOIDEL SMITH

²⁵ *Journal of the State Bar of California* 29:6 (Nov.–Dec. 1954), 486.

BUSY YEARS FOR THE HISTORY COMMITTEE

KENNETH D. CREWS,²⁶ CHAIR, 1985–1986

Without question I was privileged and challenged to have been surrounded by an extraordinarily fine and productive run of leaders. As chair during the year 1985–1986, I was in a mix with Eric Chiappinelli, Christian Fritz, and Laurene Wu McClain. We were active lawyers, but each with a strong and serious penchant for academia. Indeed, all four of us ultimately pursued careers in research and law teaching. With our studious inclinations and our scholarly zeal, we tended to seek out exciting projects — never satisfied with tasks that were handed to us.

We did attend to the committee's central mission to preserve the history of law in California. We addressed multiple concerns in that spirit. Professor Lawrence Friedman of Stanford Law School brought to our attention that the records of the Alameda County courts were at risk of destruction. We learned that the Federal Archives in San Bruno offered little realistic place for researchers to use the collections. We reached out to administrators, managers, and archivist to foster an open flow of historical resources.

Our committee, however, was too restless to be merely responsive. We wanted to shape our own projects. We wanted to create and capture resources that would facilitate new insights into California law. The first major self-imposed undertaking of our era was the oral history interview of Justice Bernard Jefferson. One member of the committee deserves most of the credit for getting the project underway. David Doyle, an attorney from Fresno, had come to know and admire Justice Jefferson and insisted that an oral history interview would be a valuable resource for future scholars. At first we did not realize how right he was.

We academics on the committee hesitated and analyzed. We pondered the proper methodology for oral history and enlisted support from professionals at the Regional Oral History Office of the Bancroft Library at UC Berkeley. We tried to nurture a clear vision of where this project might take us. At one meeting we pursued questions about the ownership of rights in

²⁶ Director, Copyright Advisory Office and faculty member, Columbia Law School.

the finished interviews and what we might do with any funds that the work could generate. Silly us. While we investigated, David Doyle would be neither deterred nor delayed. He pressed ahead with logistics and scheduling. Fortunately, he prevailed.

We booked a committee meeting at McGeorge School of Law in December 1984, invited the justice, and David conducted the interview. McGeorge kindly provided the rooms and the videorecording staff and equipment. We came away with an original product of the committee. David had done his work well, and he handed the finished recording to the committee. We were determined to get it into the hands of anyone interested in the subject. Justice Jefferson helped us prepare a clean transcript. I wrote an introduction and fired a roster of letters to law reviews in quest of a publication outlet. We found strong interest with the *Hastings Constitutional Law Quarterly*, which began a constructive friendship. The *Law Quarterly* published the Jefferson project as well as subsequent interviews.

The projects were also a means to connect with the wider legal community. Donald Wright, former chief justice of California, joined the committee. Loyola Law School in Los Angeles hosted an interview with Justice Otto Kaus, supplying the essential talent and equipment for videorecording. No accomplishment is without detractors. Even interviews of prominent jurists could not escape some controversy. Before we had barely started in 1984, our chair Chris Fritz reported that some officials of the bar had conveyed their concerns “with regard to the project’s political ramifications,” although Chris added that “the project’s historical and educational origins would appear to safeguard it from any such criticism.” The committee moved ahead with its plans, and the political concerns never materialized.

As we learned more about the needs of researchers, we found a wealth of relatively undiscovered materials in archives, libraries, and other repositories throughout the state. We were eager to expand awareness of these resources and invested the better part of a year in exploring possibilities for one more even more ambitious undertaking. A few committee members made the rounds of different archival collections, looking with an open mind for the right project for the committee to sponsor. We spent many days visiting repositories of court records and libraries of archival collections.

One prospect clearly captured our attention as early as 1983. The Huntington Library in San Marino was interested in developing an innovative inventory of its legal history collections. A meeting with Martin Ridge, the Huntington's director, allowed us to see that the Huntington was the right project. The collection was rich and little used by legal historians. A few scholars, such as John Phillip Reid of New York University, helped reveal the strength of the materials, but many more possibilities for historical discovery remained. The Huntington was ready to lend its support in many ways, from providing a work space for the researchers to publishing the finished study.

We knew that the project was enormous and it would require inventing a new form of guide through historical collections. We also knew that no one on the committee was prepared to actually complete the book-length study. We embarked on a diligent quest for funding to retain a professional historian. With contributions from foundations, firms, and individual attorneys, we were able to retain the skilled services of Professor Gordon Morris Bakken of California State University, Fullerton. Professor Bakken approached the Huntington collection with determination and élan. He knew that our committee project was groundbreaking. He also knew that perusing the collections would likely yield fodder for years of his own historical writings.

I always suspect that I was Bakken's least favorite collaborator. I was chair of the committee as the project came to completion. I wanted to see the effort at or near publication before I handed the committee to Laurie McClain. I spent many days and weeks scrutinizing drafts and making substantial suggestions for changes and rewrites. I typed letters of several pages and proposed restructured layouts. Gordon probably wisely picked what he liked from all of my words — and he brought a complex project to completion.

The resulting book — which demanded steady attention until finally published in 1989 — was warmly received by the Huntington and by scholars throughout the country. It offered detailed glimpses of the many different materials in one library that are certainly of interest to legal historians — documents ranging from property claims to litigation papers and criminal records. We also earned good press coverage, especially in the legal newspapers throughout the state. The Huntington set the stage. Gordon Bakken did the work. The committee used its good offices to conceive and support the project and prod it along the path to completion.

Service on the history committee in those years was an outlet for ambitious members who took seriously the study of legal history and who wanted to make a difference for other scholars who could benefit from our efforts. We also simply liked our work. We were ready to invest our time and skills. We gave heartily, but we also gained delightfully.

PRESERVING AND PROMOTING CALIFORNIA'S LEGAL HISTORY

LAURENE WU McCLAIN,²⁷ CHAIR, 1986–1987

I entered Boalt Hall School of Law in 1979 after having pursued an academic career at several colleges in Virginia and California. While taking courses at Boalt, I continued to teach college-level American and Chinese history. I graduated with a law degree in 1982 and began to pursue legal practice with a well-known San Francisco law firm. I left teaching. However, I found that the daily responsibilities of being a litigator required total focus on pragmatics with the goal of winning or at least settling cases for clients. While I worked with some of the best attorneys in San Francisco, the firm was so involved in doing its best job for clients that there was little time for reflective thinking about law as an intellectual discipline. I felt a need to join a group which could devote more time to the large questions of how our law had evolved, who were the major players in shaping that law, what were the myriad ramifications of decisions made by our courts, and how could the development of California law be best preserved and promoted. By 1983, the State Bar of California appointed me as a member of the Committee on History of Law in California. I had found a niche with colleagues who shared many of the same intellectual interests that I had.

Practicing attorney Eric A. Chiappinelli chaired the committee in 1983–1984. Christian G. Fritz who already had a law degree but was pursuing a Ph.D. at the University of California, Berkeley, succeeded Eric in 1984–1985, and lawyer Kenny Crews became chair in 1985–1986. I then

²⁷ Attorney and professor of history, City College of San Francisco.

served as head of the committee in 1986–1987, followed by law book editor John K. Hanft in 1987–1988.

The committee delved into several projects which fulfilled our goal of preserving and promoting California legal history. We were never paid for our work. We volunteered our time. We met in San Francisco, Sacramento, or Los Angeles, for meetings that lasted several hours, and in between those meetings, we conferred by telephone or by memos. Of course, we had no access to e-mail.

The committee launched “The California Bar Oral History Series,” which received the endorsement of several California law schools and firms. We received valuable advice from career oral historians Carol Hicke and Sarah L. Sharpe of the Regional Oral History Office at the University of California, regarding how to prepare for oral histories and how to edit transcripts for publication. We chose Justice Bernard S. Jefferson of the California Court of Appeal as our first oral history subject, and Otto Kaus, an associate justice of the California Supreme Court from 1981 to 1985 as our next interviewee. Both men gave generously of their time, and in turn, individual committee members did copious research on the justices and their opinions so that questions addressed to the justices at their interviews would be cogent, accurate, and thorough. To give the interviewer and each justice an environment that would be conducive to contemplation and an accurate account of experiences on the bench, only the questioner, the justice, and a cameraman were allowed in the interview room. The *Hastings Constitutional Law Quarterly* published both oral histories. Videotapes of the interviews were then lodged with law schools and the archives of the State Bar of California.

Since the Huntington Library in San Marino, California, had an extensive and valuable legal collection, but lacked a subject access guide, the committee decided to publish a legal manuscript resource guide for the library. This volume would provide easier access to Huntington’s materials, publicize the depth of Huntington’s collection, and further understanding of the development of California’s legal history. Dr. Martin Ridge, head of research at the Huntington, immediately endorsed the project and guaranteed partial funding from the Huntington. The committee solicited the remainder of the funds necessary to complete the project from attorneys, foundations, and law firms. The State Bar of California paid only for administrative expenses. The committee then hired legal historian Gordon

Bakken to prepare the guide. This volume entitled, *California Legal History Manuscripts in the Huntington Library: A Guide*, was published in 1989 by the Henry E. Huntington Library and Art Gallery, San Marino, California.

The committee was concerned about the loss of original documents in California courts, as many of those courts had limited storage space for case files, and had decided to preserve them only through microfilm or microfiche. Scholars complained to the committee that this trend left them with spotty research documents, as microfilm and microfiche often did not duplicate the originals completely or were full of extraneous spots and other markings. The committee did contact several county courts about this issue, but the trend of putting documents on microfiche or microfilm still remains a major problem for researchers today.

My term on the committee ended around 1988. I returned to college teaching but continued to practice law on a part-time basis. In the meantime, my colleagues Chris Fritz and Kenny Crews decided to pursue academic careers. Chris became a prominent legal historian and professor at the law school at the University of New Mexico, and Kenny decided to move from practicing law to pursuing advanced degrees at the Graduate School of Library and Information Science at the University of California in Los Angeles. Today, Kenny is the director of the Copyright Advisory Office at Columbia University in New York City.

RECOLLECTIONS OF THE COMMITTEE ON HISTORY OF LAW IN CALIFORNIA

JOHN HANFT,²⁸ CHAIR, 1987-1988

I served a three-year term with the Committee on History of Law in California and was fortunate to stay on for an additional year after my regular term ended. Serving on the committee was exceptionally rewarding, both because of the good work we were able to accomplish and the long friendships I established with some of my colleagues. The highlights of my time with the committee were (1) taking and publishing the oral histories

²⁸ Director, Witkin Legal Institute, West Group, San Francisco.

of Justices Otto Kaus and Joseph Grodin, and (2) a fascinating behind the scenes tour of the conservation facilities at the Huntington Library (in conjunction with the 1989 publication of *California Legal History Manuscripts in the Huntington Library: A Guide*, compiled by the committee).

At the request of David Long, the director of research at the State Bar, the committee investigated and drafted a proposal for the formation of a California Supreme Court Historical Society, similar to existing societies in the federal court system.

In my last year on the committee, we spent a considerable amount of time editing and compiling *The Story of the State Bar in California*, which was distributed at a dinner in January 1989 honoring past presidents of the State Bar. The publication included a brief history of the struggle to create a unified bar in California, excerpts from the published annual reports of past presidents, and personal reminiscences from living past presidents. Twenty-three past presidents prepared oral or written statements discussing the events, issues, activities, and personalities that were most significant during their respective terms as president. This project gave us the opportunity to collect and preserve information and insights, especially about the early days of the State Bar, which assuredly would have been lost otherwise. I feel very lucky to have been part of that endeavor.

REFLECTIONS ON THE HISTORY OF LAW IN CALIFORNIA COMMITTEE

ROSALYN ZAKHEIM,²⁹ CHAIR, 1988–1989

Serving on the History of Law in California Committee and chairing the committee in 1988–1989 was one of the most fulfilling volunteer activities of my thirty-five-year legal career, both at the time and in retrospect. My undergraduate degree at Smith College was in American Studies, and my interest in the subject did not wane over the years. Before my tenure on the committee, I had helped begin the Oral History Project for the Women Lawyers Association of Los Angeles (WLALA). Serving on

²⁹ Senior Judicial Attorney (ret.), California Court of Appeal, Los Angeles.

the committee allowed me to further my interest in history and to utilize lessons learned from the WLALA project. Special thanks to John Hanft, my predecessor, for his support and encouragement as well as for his many contributions to the committee.

The committee worked with other groups to accomplish mutual goals. We tried to have an impact on the preservation of court records, a project passed to the 1989–1990 committee. Reaching out to other groups, the committee continued to provide assistance and encouragement to local and minority bar associations to encourage initiation of their own oral history projects.

We held our first annual meeting with the Ninth Judicial Circuit Historical Society. The society's executive director, Chet Orloff, arranged for us to meet and tour the Ninth Circuit courthouse in Pasadena. We discussed possible joint projects, including a legal history award to be given for an essay of interest to western legal historians.

For the first time, the committee presented a program at the State Bar Annual Meeting, a short play written by GeriAnne Johnson and Rick Walden, based on a lawsuit involving Jack London and the right to intellectual property. The room was packed, and the feedback was very favorable.

In addition to new projects, we continued the work of our predecessors. Under John Hanft's leadership, the committee had compiled and edited tapes from the State Bar's past presidents. John and Leigh Shields continued with that work in 1988–1989 and conducted further research that resulted in the informative manuscript, "The Story of the State Bar of California," which was distributed to those attending the State Bar's past presidents' dinner on January 21, 1989, in San Francisco.

The committee also accomplished final editing and publication of *California Legal History Manuscripts in the Huntington Library: A Guide*, a project begun in the term of Eric A. Chiappinelli (1983–1984) and continued through chairs Christian G. Fritz, Kenneth D. Crews, Laurene Wu McClain, and John K. Hanft. Professor Gordon Bakken compiled information for the *Guide* and provided its introduction. The Huntington celebrated publication of the *Guide* with a reception on the afternoon of our visit to the Ninth Circuit and included an insiders' tour of the preservation facilities at the Huntington Library. *The Daily Journal* and other publications wrote articles about the event and the committee's accomplishments.

The committee's program of video oral histories added a transcript of the interview of Justice Joseph Grodin to those of Justice Bernard Jefferson, published in 1987, and Justice Otto Kaus, published in February 1988, all in the *Hastings Constitutional Law Quarterly*. We conducted an excellent entire day session with Hon. Shirley Hufstедler in July 1988, but the audio reception on the videotapes forced us to reschedule the session. Justice Mildred Lillie agreed to an oral history to be commenced during the 1989–1990 committee year.

The committee's audio oral history interviews also continued. Thanks to committee members Ray Roberts and John Hanft, the transcriptions of interviews with George Yonehiro and Sharp Whitmore were completed.

Finally, past work by the committee and current efforts by Frank Winston [Board of Governors liaison to the committee] produced the incorporation of a California Supreme Court Historical Society in 1989. I am grateful that the Society's journal is interested in a committee that has not existed for two decades. For those of us involved, the committee was very productive and made significant contributions to legal history in California.

THE CREATION OF THE CALIFORNIA SUPREME COURT HISTORICAL SOCIETY

DAVID C. LONG³⁰

In the late 1980s, when I was Director of Research for the State Bar of California, Herbert Rosenthal, the State Bar's Executive Director, suggested that California was giving short shrift to its legal history because, unlike many states, it lacked an organization devoted to the history of the state's judicial branch.

The State Bar itself had a Committee on History of Law in California, which was focused primarily on preserving oral histories of prominent members of the bench and bar. However, in contrast to supreme court historical societies in other states and jurisdictions, that committee lacked a

³⁰ California attorney, now in private practice.

nexus to the state courts and had less ability to involve both judges and lawyers in preserving judicial branch history.

Herb asked that I take on the project of laying the foundation for a supreme court historical society in California. We asked the State Bar's Committee on History of Law in California to consider recommending the creation of a California Supreme Court Historical Society, which the committee did. My office conducted research on the structure and functions of judicial branch historical societies in other states and jurisdictions; for example, both the United States Supreme Court and the Ninth Circuit Court of Appeals have active historical societies. We found that Chief Justice Malcolm Lucas and other members of the California Supreme Court were enthusiastic about the possibility of an historical society, and we offered to prepare draft articles of incorporation and initial bylaws for a new California Supreme Court Historical Society. This led to the formation of the Society in 1989.

Since the functions of the new California Supreme Court Historical Society included all those which the State Bar's Committee on the History of Law in California had performed, the State Bar discontinued that committee and encouraged committee members to become involved in the CSCHS. ★