



*Murals created by local students for the Santa Ana Courthouse depict actual published opinions.*

ALL PHOTOS COURTESY FOURTH DISTRICT COURT OF APPEAL

## *History on the Walls:*

### THE SANTA ANA COURTHOUSE MURALS

BY ELEANOR DIERKING\*

JUSTICE EILEEN MOORE isn't exactly sure how the idea of creating artwork for the walls of the Fourth District Court of Appeal came to her, but she suspects it may have been divine intervention.

When the court's Division Three moved in January 2010 to its new building in the Civic Center on Santa Ana Boulevard, Justice Moore had been asked by Presiding Justice David G. Sills to find artwork for the entrance hall, a seemingly straightforward task if she'd had a budget and staff for the job. But she had neither.

At first, she figured she would simply do what many American courthouses have done, that is, find museums with art languishing in their warehouses and display them on loan. When that, as well as an offer by Joan Irvine Smith, arts patron and great-granddaughter of

James Irvine, to display her plein air art in the courthouse raised ethical concerns, Justice Moore came up with the notion of a local art contest.

She asked William Habermehl, superintendent of the Orange County Department of Education (OCDE) if he would be interested in having students depict actual published opinions on canvas. Habermehl was more than enthusiastic.

"Mr. Habermehl told me that the whole way Orange County teaches art changed as a result of this project," Justice Moore said. "The kids were not, up until then, required to do any kind of critical thinking. This project required them to read these legal opinions and figure out . . . the best way . . . to render it on canvas."

Habermehl recruited OCDE's head art teacher, Ruth Rosen, who worked with Moore over eight months to produce 13 life-sized murals depicting local cases. The Division Three justices heard all but one of these; the remaining case, while arising in Orange County, was decided in the federal courts.

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*In re Alexander L.*  
(2007) 149 Cal.App.4th 605

THE DEFENDANT WAS CONVICTED OF VANDALISM BY GRAFFITI, FOR THE BENEFIT OF A CRIMINAL STREET GANG. THE COURT OF APPEAL AFFIRMED THE VANDALISM CONVICTION BUT REVERSED THE FINDING THAT THE VANDALISM WAS COMMITTED FOR THE BENEFIT OF A CRIMINAL STREET GANG.



*In re James Warner Eichhorn*  
(1998) 69 Cal.App.4th 382

THE PETITIONER, A HOMELESS VIETNAM VETERAN, WAS CONVICTED BY A JURY OF VIOLATING A CITY ORDINANCE BANNING SLEEPING IN DESIGNATED PUBLIC AREAS. THE COURT OF APPEAL HELD THAT HE HAD PRESENTED EVIDENCE SUFFICIENT TO SUPPORT A “NECESSITY” DEFENSE, AND SET ASIDE THE CONVICTION.



*People v. Protopappas*  
(1988) 201 Cal.App.3d 152

A DENTIST CAUSED THE DEATHS OF THREE PATIENTS THROUGH THE IMPROPER ADMINISTRATION OF GENERAL ANESTHESIA AND OTHER DEFICIENT MEDICAL TREATMENT. HE WAS CONVICTED OF THREE COUNTS OF SECOND DEGREE MURDER. THE COURT OF APPEAL AFFIRMED.

Rosen cast a wide net for mural artists, Moore recalled, suggesting “that a lot of the children who are arrested . . . do graffiti, and . . . that there was some real, genuine talent there among these kids.” Rosen asked Moore if they could enlist students at Otto Fischer High School, a juvenile court school in Orange where Rosen taught art to incarcerated youth. As a result, seven of the 13 murals were assigned to students at traditional high schools in Garden Grove, Laguna Hills, La Quinta and one middle school in Aliso Viejo, and the remaining six were painted by the students at Otto Fischer High School.

According to Rosen, a large majority of the students inside juvenile hall had never picked up a paintbrush, let alone worked together to turn a blank canvas into a piece of courthouse art.

Justice Moore culled an initial group of 51 Division Three opinions and gave them to Rosen, who worked with the students and teachers at each school to select the final 13 cases. Rosen also taught basic painting skills to the students at juvenile hall, who ranged in age from 12 to 18 years.

“These kids are so extremely talented,” Rosen said. “But the brainstorming part was mind blowing because we have so many analogies in the pictures — they’re so deep rooted, the emotions. Plus, . . . they got to learn a lot about the law through it, and they’re really interested because they’re incarcerated.”

In a dynamic mural depicting the opinion in *People v. Foranyic*, a bicyclist careens down the highway at 3 a.m., wielding an ax. The court in that case affirmed a lower court ruling holding that the police officer acted properly when he stopped the cyclist, reasonably suspecting that he was engaged in criminal activity.

The mural interpreting *Quigley v. First Church of Christ Scientist*, shows 12-year-old Andrew, who died as a result of complications from juvenile diabetes, carried to heaven by an ensemble of angels. Following his death, Andrew’s mother sued the Christian Science church and church members, including his grandmother, who treated him with “spiritual healing methods,” alleging that they had breached a duty of due care when they failed to refer the boy to conventional medical practitioners. The Court of Appeal called his death “tragic” but held that California law did not impose a legal duty to seek traditional medical treatment.

In *People v. Gilbert Garcia*, the court agreed with the defendant that he was improperly convicted of murder in light of exculpatory evidence that was illegally excluded from trial. The mural depicts 16 figures standing behind a large eyeball spanning the width of the canvas.

“The kids were learning the historical context of everything, which they should in the arts,” Rosen said. “The reason that [the paintings] are done so





*Quigley v. First Church of Christ Scientist*  
(1998) 65 Cal.App.4th 1027

A 12-YEAR-OLD DIABETIC BOY DIED AFTER BEING TAKEN TO CHURCH RATHER THAN A HOSPITAL TO BE TREATED BY “SPIRITUAL HEALING METHODS.” HIS MOTHER FILED A LAWSUIT ALLEGING THAT THOSE TREATING HIM “BREACHED A DUTY OF DUE CARE” WHEN THEY FAILED TO ADMIT HIM TO A HOSPITAL, EVEN AFTER IT WAS EVIDENT THAT THE SPIRITUAL METHODS WERE UNSUCCESSFUL. THE TRIAL COURT RULED AGAINST THE MOTHER; THE COURT OF APPEAL AFFIRMED.



*People v. Gilbert Garcia*  
(2005) 134 Cal.App.4th 521

DEFENDANT WAS SENTENCED TO LIFE IN PRISON WITHOUT THE POSSIBILITY OF PAROLE AFTER BEING CONVICTED OF FIRST DEGREE MURDER, ATTEMPTED MURDER, AND BEING A CONVICTED FELON IN POSSESSION OF A FIREARM. HE CLAIMED THAT “A HEARSAY STATEMENT WAS IMPROPERLY ADMITTED BY THE TRIAL COURT,” AND THE COURT OF APPEAL AGREED WITH THE DEFENDANT AFTER FINDING THAT SEVERAL WITNESSES IDENTIFIED ANOTHER PERSON NAMED GARCIA IN PHOTOGRAPHIC AND LIVE LINE-UPS IN 1995 AFTER THE CRIME WAS FEATURED ON AMERICA’S MOST WANTED.



*Hessians Motorcycle Club v. J.C. Flanagans*  
(2001) 86 Cal.App.4th 833

A SPORTS BAR DENIED ENTRANCE TO MEMBERS OF A MOTORCYCLE CLUB WHEN THEY REFUSED TO COMPLY WITH THE BAR’S POLICY REQUIRING THEM TO REMOVE THEIR “COLORS” BEFORE ENTERING. THE MOTORCYCLISTS SUED THE BAR, CLAIMING DENIAL OF THEIR CIVIL RIGHTS. THE TRIAL COURT DISMISSED THE ACTION AND THE COURT OF APPEAL AFFIRMED, NOTING THE BAR HAD A LEGITIMATE BUSINESS INTEREST IN EXCLUDING THE MOTORCYCLISTS SO AS TO PREVENT FIGHTS AND DISTURBANCES. THE COURT OBSERVED THAT THE BAR’S POLICY APPLIED EVENLY TO ALL, AND HENCE THE MOTORCYCLISTS COULD NOT SHOW THEY WERE SINGLED OUT FOR ARBITRARY TREATMENT.



*People v. Foranyic*  
(1998) 64 Cal.App.4th 186

THE DEFENDANT WAS DETAINED BY POLICE AFTER BEING SEEN HOLDING AN AX AND RIDING A BICYCLE WHILE INTOXICATED DOWN A ROAD AT 3 A.M. HE PLEADED GUILTY TO POSSESSION OF METHAMPHETAMINE AFTER THE TRIAL COURT DENIED HIS MOTION TO SUPPRESS EVIDENCE AGAINST HIM SEIZED FOLLOWING HIS ARREST FOR INTOXICATION.

ALL PHOTOS COURTESY FOURTH DISTRICT COURT OF APPEAL



*Mendez v. Westminster School District*

(S.D. Cal. 1946) 64 F. Supp. 544, 545; aff'd, (9th Cir. 1947) 161 F.2d 774

MR. GONZALO MENDEZ AND OTHER LOCAL MEXICAN-AMERICAN FAMILIES FILED A LAWSUIT AGAINST SEVERAL ORANGE COUNTY SCHOOL DISTRICTS, AS WELL AS THE ENTIRE COUNTY, IN AN ATTEMPT TO END THE SEGREGATION BETWEEN SUBSTANDARD "MEXICAN SCHOOLS" AND THE SUPERIOR INSTITUTIONS THAT ONLY WHITE CHILDREN WERE ALLOWED TO ATTEND AT THE TIME. THE CASE WAS THE FIRST OF ITS KIND CHALLENGING THE SEGREGATION OF SCHOOLS IN THE U.S. AND IS OFTEN CITED AS FORESHADOWING *BROWN V. BOARD OF EDUCATION*.

well is because they understood what it was about. It really takes time to go through everything and understand . . . the story that you're telling so that you can tell it correctly and do it in a beautifully aesthetic way."

Kenny Gen-Kuong was an eighth grader at Aliso Viejo Middle School when he was recruited to work on the *People v. Garcia* mural.

"They gave us a lot of material to look at," Gen-Kuong said. "It was like a group project, and I had fun doing art."

Although Gen-Kuong, now 22 and pursuing a degree in geology at UC Davis, has not seen the mural since its completion eight years ago, he believes the project greatly benefited his artistic skills and understanding of legal history.

One mural depicts a landmark Orange County case — *Mendez v. Westminster School District* — that was resolved in 1947 by the U.S. Court of Appeals for the Ninth Circuit. This 8 by 6 foot mural, serving as the courthouse's centerpiece, illustrates the story of a local family's struggle to end Orange County's school segregation.

"To have that picture there in the court — how proud does that make me? How proud does it make the families

and everybody to know that there it is to show what's possible by following the law," said 81-year-old Sylvia Mendez, who was just nine when her family sued in federal court.

Each day, Mendez had passed the manicured lawn and well-maintained buildings of the school for white children to reach the two-building shack that she and her siblings were forced to attend. At the "Mexican school," as she called it, girls were taught cooking, cleaning, and sewing, while boys were taught gardening and woodshop.

Mendez's father and other local Mexican-American families filed a class action lawsuit against several Orange County school districts, as well the entire county, alleging that the forced segregation of Mexican-American students into separate "Mexican" schools was unconstitutional. The *Mendez* decision was the first federal court ruling against school segregation and foreshadowed the United States

Supreme Court's 1954 decision in *Brown v. Board of Education*.

Sylvia Mendez still talks to students about the importance of education. "The students, I know they get tired of hearing that they're the [future] leaders of this country but they are," she said. "We are all equal under God and we all deserve the same quality of education. . . . It makes me feel so happy that [the incarcerated students] were given this opportunity to learn about the history of California."

The *Mendez* mural was painted by six students from Otto Fischer High School. One of those students holds a special place in Justice Moore's heart.

"The child that did the original drawing of this — I just knew that his name was Andrew." Although Justice Moore did not see Andrew again, she later learned that he pursued art at Orange Coast College after being released from juvenile hall.

Rosen has since retired from OCDE, as have many other teachers involved in the project.

However, one thing remains unchanged: the art that hangs on the Orange County courthouse walls, an accomplishment not due to divine intervention, but to the perseverance and hard work of Justice Moore and her team. ★