

CSCHS Board Member John Wierzbicki

BY MOLLY SELVIN

WHEN JOHN WIERZBICKI joined a San Jose law firm in 1987, soon after graduating law school, his new colleagues steered him to the shelf of Bernie Witkin's treatises on California law. This is where you start, they told the young lawyer. They surely meant, this is where you learn how to practice law. But Wierzbicki remembers that those volumes also piqued his interest in Witkin himself, eventually leading to his current position as co-director of the Witkin Legal Institute.

The path between his early practice experience and the Institute wound to graduate studies at the University of Virginia in nineteenth-century English political and religious history, free-lance writing and editing, and a growing expertise advising artists and other creatives on their legal rights, a group that would even include circus performers.

Wierzbicki, who joined the Society's Board of Directors last year, grew up in Saratoga, California — his father worked for IBM — and did his undergraduate studies at UC Berkeley. He left the Bay Area for Georgetown University Law Center thinking "there's no way I'm ever coming back," but now lives in San Francisco. A brief period as an employment and trade-secrets litigator didn't feel right. "I tend to like to bring people together," he said. "Those skills were not always appreciated in litigation."

After regrouping in Portland, Oregon, "where disaffected Californians tend to go," Wierzbicki opted for a master's program at the University of Virginia, writing his thesis on Benjamin Disraeli and the Millenarians. He explains his decision to enroll at UVA with characteristic droll humor: Having finally paid off his law school loans, "I decided that I needed to take on more debt."

Married and a father by then, he began to freelance as a legal writer and editor, and was published by Lawyers Cooperative Publishers Co., now part of Thomson Reuters. Gregarious, and with a hearty laugh, Wierzbicki has been with Thomson Reuters for 25 years in a variety of roles including product management, author relationships, copyright, and contract negotiation. He was also a director of operations, overseeing some of Thomson Reuters' most prestigious U.S. legal publications, including *Black's Law Dictionary*, *American Law Reports*, *American Jurisprudence*, and *Corpus Juris Secundum*.

Wierzbicki's office reflects a man given to whimsy and eclectic tastes. His bookshelves display bobbleheads of the late Justice Ruth Bader Ginsburg and legal writer Bryan Garner perched next to a bust of Theodore Roosevelt, a childhood purchase, and a beloved collection of hard-boiled detective fiction that includes early editions of Raymond Chandler, James Cain, and Cornell Woolrich.

In 2018, he was appointed to co-direct the Witkin Legal Institute. Founded in 1996, the Institute's mission is to "carry forward B. E. Witkin's lifelong commitment to

California law." Toward that end, the Institute maintains Witkin's writings and develops educational programs for California's legal community including local law libraries, bar associations, and judicial organizations.

Widely regarded as California's pre-eminent legal scholar, Bernie Witkin's relationship with Thomson Reuters began in 1979 when the corporation acquired Bancroft Whitney, which had been Witkin's publisher since the 1950s.

In 1981, Witkin identified and trained the first group of five editors who constituted a "Witkin group," which was responsible for updating his publications. This group became formalized as the Witkin Legal Institute, which was officially launched shortly after Witkin's death in late 1995. Witkin and his wife Alba also founded the separate Bernard E. and Alba Witkin Charitable Foundation, which continues to fund non-profit foundations in the Bay Area that assist children in need. Part of the proceeds from sales of the Witkin Library fund the Foundation's activities.

Wierzbicki regrets he never met Witkin and sees his mission at the Institute to tell Witkin's remarkable story to a wide audience. "Bernie nearly flunked out of law school, never did any of the things you'd think of as being successful as a lawyer, didn't practice except for short period, and wasn't a judge," Wierzbicki noted. "Yet during his life, he was the most influential person in terms of California law and there's a whole story of his life that has never been told." Wierzbicki's plans to write a Witkin biography led him to the California Supreme Court Historical Society once he discovered that Witkin had been a founding member.

He contacted President Richard Rahm, proposing that the Institute and the Society mark the 25th anniversary of Witkin's death, in 2020, by exploring his life and lasting influence on the Court and the practice of law in California. The COVID-19 pandemic has delayed those plans; in the meantime, the *Review* has published Wierzbicki's extensive account of Witkin's early life and career. Part I, which appeared in the Fall/Winter issue, at <https://www.cschs.org/wp-content/uploads/2021/01/2020-CSCHS-Review-Fall-Witkin-Early-Career.pdf> focused on the unlikely circumstances that led to his appointment as "law secretary" (judicial staff attorney) to Associate Justice William Langdon in 1930. Part II, in this issue, explores Witkin's years with Langdon, the published decisions in which he participated, and how his promising young career nearly ended. The goal, Wierzbicki said, is to "help a new generation of Californians to understand why Witkin is so important." ☆



John Wierzbicki bemused by a butterfly.
Photo courtesy of John Wierzbicki.

MOLLY SELVIN is the *Review* editor.