With the end of the transition period, I returned to my practice in Los Angeles, and her aide and closest personal friend, Steve Buehl, another stellar Stanford Law graduate, took over assisting her in her new job on the Court. For several years, I remained in contact with Chief Justice Bird and our interactions were warm and cordial. I had the honor of introducing her at several prominent bar functions, including an address at the annual Constitutional Rights Foundation dinner, and at a memorial dinner held in tribute to Justice Tobriner following his passing, to raise funds to endow an annual Tobriner Memorial Lecture at Hastings Law School. (Over the years, the annual lecture featured such prominent speakers as Justice William Brennan, Laurence Tribe, Anthony Lewis, John Hope Franklin and J. Skelly Wright.)

At some point, however, and I still have no clear notion of what prompted the break, Rose stopped communicating with me. It is possible that my partner Chuck Bakaly’s role in the election campaign against her caused her to doubt my own support for her retention. If that was, in fact, the reason, she was mistaken. I was a vocal and public supporter of her tenure on the bench and penned op/ed pieces in the Los Angeles Times supporting her retention.

There are also those who might attribute her actions to what has been characterized in her as a streak of paranoia and vindictiveness. That characterization seems to have first surfaced following a bitter dust-up Bird had with Bishop Roger Mahoney during the contentious farmworker negotiations. The irony is that it was Mahoney himself who relentlessly went after Bird following their clash in that encounter, testifying against her at the confirmation hearings, and publicly trying to undermine her credibility and reputation during her tenure on the Court, including through the election retention campaign and even after her removal.

It would be easy, therefore, to dismiss the charge as a projection of Mahoney’s own personality, but it is not that simple. In other instances where Bird felt that she was the target of unfair criticism, whether true or not, or where her authority or control was challenged, these traits clearly manifested themselves by lashing out at others or cutting them out of her life. These were certainly not dominant aspects of her personality, but there is no question that they were there.

Whatever the reason, I had no further contact with Rose up to her untimely death from cancer in December 1999. Along with many other of her former friends and associates, I attended the memorial service for her in Los Angeles.

I will always cherish my memories of Rose Elizabeth Bird. She was a passionate defender of the poor, the disadvantaged and the marginalized. She was a vigorous advocate of the rights of the accused, and a zealous defender of constitutional liberties. Her legal mind was superbly analytic and her opinions well-reasoned and well-written. When I think of her, I still see the twinkle in her eyes, her infectious laugh, and the genuine warmth of her interactions with friends. I miss her greatly.

Robert Vanderet is a Los Angeles Superior Court judge assigned to the Foltz Criminal Justice Center in Los Angeles. He was appointed to the bench by Governor Arnold Schwarzenegger in October 2008.

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UCLA SCHOOL OF MUSIC HONORS CSCHS BOARD MEMBER SELMA MOIDEL SMITH

Board Member Selma Moidel Smith’s legal accomplishments are familiar to her Society colleagues and readers of this publication. Admitted to the bar in 1943 at the age of 23, Selma practiced law for more than 40 years in Los Angeles and has been honored by the American Bar Association, the Women Lawyers Association of Los Angeles, and many other organizations.

Perhaps less well known, Selma also studied piano and music theory at UCLA and has written over 100 compositions performed in venues nationwide. In recognition of her talent and commitment to young musicians, the UCLA School of Music recently announced creation of a new endowment celebrating its former student while highlighting the work of composition students through an annual Selma Moidel Smith Recital. As part of its announcement, UCLA posted a video about Selma at http://uclamusic.info/SelmaMoidelSmith.

Now 102, Selma continues to edit the Society’s California Legal History journal, and her extraordinary copy-editing skill has improved every issue of the Review.

— Molly Selvin

Photo: Selma dancing to her own music in 2019; l.-r. Chief Justice Tani Cantil-Sakauye and Justice Kathryn Mickle Werdegar (Ret.).