

ORAL HISTORY
SHARP WHITMORE
(1918-2001)



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EDITOR'S NOTE

The oral history of J. Sharp Whitmore is one of four oral histories conducted by the former California State Bar Committee on History of Law in California in 1987. These were the final oral histories conducted by the committee, and they are published for the first time in the present volume of *California Legal History* (vol. 6, 2011). He was interviewed by committee member Raymond R. Roberts on January 9, 1987.

The oral history has been reedited for publication. Citations have been verified or provided, and the spelling of names has been corrected wherever possible. Explanatory notations in [square brackets] have been added by the editor. The sound recording and original transcription are available at The Bancroft Library, UC Berkeley. The oral history is published by permission of the State Bar of California.

Whitmore was a senior partner at Gibson, Dunn & Crutcher, a member of the State Bar Board of Governors, president of the Los Angeles County Bar Association, and County Bar delegate to the ABA Board of Governors. Two of his fellow partners at Gibson, Dunn agreed to prepare the brief reminiscence of Whitmore that appears below.

— SELMA MOIDEL SMITH

SHARP WHITMORE

KENNETH W. ANDERSON AND WILLARD Z. CARR

Strikingly and elegantly handsome in appearance, with a mellifluous baritone voice. One of our colleagues nicknamed his voice the “golden fog.” Never has a person looked and acted more in consonance with his name — Sharp. His influence in shaping the labor law environment in Southern California, particularly in the region’s most important economic activity at the time — the aerospace industry — was enormous. In an often contentious field, he always had the respect of the “other side,” a value he passed on to all of those who worked in the same area.

When Bill Carr came to Gibson, Dunn & Crutcher in the early 1950s, he joined an established Labor Department. Two of the stalwarts of the Department were J. Sharp Whitmore and William French Smith. Each had the distinction of having served as an officer in the U.S. Navy during the war and joining the firm in early 1946. One of the most appealing elements of Labor Law at that time was the involvement in real time issues affecting the dynamic growth of a postwar economy with all of its messy human aspects. Carr particularly remembers Sharp including the younger lawyers in the dynamics of the practice, meeting with clients, on the picket line, in negotiations and NLRB proceedings as well in court. We feel greatly indebted to Sharp for the substantive start he gave us in our practice.

Moreover, it was not all work and no play. Gibson, Dunn used to send a couple of associates each year to the annual meeting of the State Bar. In one earlier year, both Sharp and Bill Smith were sent. Each, of course, was given a modest personal expense account for the trip and meeting. At the end, Sharp found himself with a tremendous bar tab. The future U.S. attorney general, Bill Smith, had virtually no tab, having signed Sharp’s name for nearly all libations at the meeting, including those consumed by partners who were also attending the convention.

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Q: This is January 9, 1987. I am in the office of Sharp Whitmore of Gibson, Dunn & Crutcher to get his reminiscence and views on his involvement with the State Bar and law in California. Sharp, I'd like you to start with a little bit of your background of where you were born and when. if that's not too embarrassing.

WHITMORE: Well, I was born in Price. Utah. I came with my family to California in 1925 and after a few months in Berkeley moved to Piedmont. I went to grammar school in Oakland, California, high school in Piedmont, California, undergraduate school at Stanford University in Palo Alto and law school at the University of California, Berkeley, Boalt Hall.

Q: When did you go to Stanford?

WHITMORE: I graduated with the class of 1939.

Q: And did you immediately go to Boalt Hall?

WHITMORE: I immediately went to USC law school which I attended for one year.

Q: Why?

WHITMORE: Because I wasn't sure at that stage that I wanted to be a lawyer, and I had a job with the Shell Oil Company, and I knew relatively soon after entering law school that this was what I wanted to do, and the tuition at Boalt Hall was \$17 a semester, so I quickly transferred to Boalt Hall and completed my legal education there.

Q: Were any members of your family involved in law?

WHITMORE: No members of my family were involved in law or ever have been, to my knowledge.

Q: So your firsthand adventure into law or with law was when you went to law school.

WHITMORE: Yes, I think I had met one lawyer. I knew no judges. I think I had met one lawyer before I went to law school.

Q: In '39 you started at USC and lasted there until the Spring of '40 — is that correct?

WHITMORE: Yes, and then in the Fall of '40 went to Berkeley and continued there until March of 1942. I would have continued until the end of May of 1942, but World War II began in December of 1941, and I was very lucky in having at Boalt Hall two others who had commissions at the time, were in the same boat as I, and who had orders to report for active duty in March of 1942. I also had three professors who were very understanding of our situation, who stayed over Christmas vacation in 1941 and gave us our classes for our last semester over Christmas vacation and up until the 6th or 7th of March of 1942, when each of the three of us took our final examinations and completed our legal education and got our degrees and were able to report for active duty at the time our orders prescribed.

Q: Do you remember any of your professors at Boalt?

WHITMORE: I certainly do. Max Radin, for one, was certainly one of my favorites. He was a very approachable professor. Professor [Henry Winthrop] Ballantine.

Q: Let's stay with Max a minute. Do you remember the occasion when Max Radin was nominated by Governor Olson to be on the Supreme Court?

WHITMORE: That occurred while I was at USC Law School.

Q: Oh, right. So it was past history by the time you went to Boalt.

WHITMORE: It was past, and because it was past, I didn't get an opportunity to get to know Roger Traynor then, because it was Roger Traynor, as you remember, who was nominated when Max Radin's name did not clear.

Q: And both of them were teaching at Boalt?

WHITMORE: They both were professors at Boalt the year before I went there, and of course, Roger Traynor was gone when I entered.

Q: What did Max teach?

WHITMORE: I took a course in Jurisprudence from him. He didn't teach any first-year courses, to my knowledge. He taught Jurisprudence, Roman Law, and I'm sure other courses — but Jurisprudence was the only course I took from him.

Q: You mentioned Ballantine?

WHITMORE: Professor Ballantine, in Corporations, yes.

Q: Before he wrote the book [*California Corporation Laws*, 1932] or after?

WHITMORE: After he wrote the book. He was a distinguished and recognized authority on corporation law, particularly California corporation law, when I took the corporation law course from him at Boalt Hall.

Q: Any other professors that you remember?

WHITMORE: "Captain Kidd" [Alexander Marsden Kidd] was the acting dean my last year. He was a Commercial Law, Bills and Notes professor. To a greater extent than anybody else at the law school, he was the Professor Kingsfield type — a most interesting and pleasant, but somewhat unapproachable, individual. Professor [William Warren] Ferrier was the Property professor. I remember Professor Ferrier well. I admired him a great deal, although he was a little more aloof than some of the others I've talked about. Barbara Armstrong.

Q: Before she wrote the book [*California Family Laws*, 1953]?

WHITMORE: After she worked on the Social Security Act, and I guess, before she wrote the book, but her field was family law at that time — at least that was her primary field. She was very approachable and I thought the world of her. She, I thought, was a fine professor.

Q: Did you actually graduate in 1942? Were you given a diploma then?

WHITMORE: By mail. I was at Harvard Business School, taking my Navy Supply Corps Training at the time my class graduated. But I had completed my finals in early March. And so, yes, I got my degree with my class.

Q: And what was your frame of mind so far as taking the bar exam in 1942?

WHITMORE: Well, I knew that I wouldn't be able to take the bar examination with my class. I was terribly occupied at Harvard with my Navy training, and then in June or July of 1942, I reported aboard my first ship, The USS Gridley, a destroyer. And once I was aboard that ship, we immediately went to the South Pacific, and I thought only intermittently about the bar examination and how nice it would have been, had I been able to take it. I did take the bar, finally, after completing my tour on the Gridley. I took my examination in the fall of 1944, about five weeks after getting back to the United States. I got thirty days' leave. I spent virtually every one of those days in the Boalt Hall library, because I was reporting to the Mare Island Navy Yard for duty next. And I took the examination — a free ride, really, because I had no idea that the war would be over in a year, or five years, or how soon, if at all, I'd be able to practice law. But I took the examination and passed it in 1944, some considerable time after I'd started law school.

Q: Do you remember when it was that you heard of the Legislature in California allowing law students whose study was interrupted, to be passed on motion?

WHITMORE: The Waters Enabling Act? Yes, I'd heard about that Certainly, I didn't hear about it until after I'd taken the bar examination. I was stationed on Midway Island for the Navy when I did hear about it. And I had heard by then, of course, that I had passed the examination, so it didn't make as great an impression on me as otherwise it might have, until I reported, after World War II, to Gibson, Dunn. I had worked two summers at Gibson, Dunn before World War II. When I reported aboard to begin my legal practice. I learned that Homer Crotty, who had been chairman of the Committee of Bar Examiners during a portion of World War II, felt so strongly about not hiring people who had not passed the bar examination, that to the best of my knowledge, the firm during that period, even as a result of the Enabling Act to which you referred, never

did hire anybody who didn't pass the bar examination. So I felt lucky, of course, that I had taken it.

Q: I know one of your colleagues from many, many years ago — [Charles] DeSantis — actually took his bar exam aboard ship during the war. The only case I know where somebody took it outside the jurisdiction of California.

WHITMORE: I didn't know that. Chuck was one of five of us who started with the firm after World War II. Chuck DeSantis had gone to Loyola Law School, Henry Lippitt from Harvard, Bill Smith — William French Smith — from Harvard, Julian von Kalinowski, from Virginia, and I started as soon as the war was over.

Q: Some time prior to that, and after you started law school, you got married, didn't you?

WHITMORE: I got married after I finished my first year at USC Law School and before I moved up to Berkeley to attend Boalt Hall. In August of 1940 I got married. My wife, then Frances Dorr, was at Stanford with me — two years behind me. She attended seven quarters, dropped out of school, and we were married. So I spent my last two years of law school married. And, incidentally, the situation was so different then than it was when my son, who went to Stanford Law School, married at the end of his first year of law school. Half of his class were married. When I was at Boalt Hall, Franny and I were one of two married couples in a class of 120, during my second year of law school. The other married couple was Dick and Charlotte Hayden. You know Dick Hayden — he was a superior court judge in Los Angeles County. But that second year of law school, Dick and I were the only married members of the class. No, I take that back. We had one woman in the class — Doris Brin Marasee Walker and she was married. So I guess there were three of us instead of two — not half the class, as I guess is the situation now.

Q: Why did you choose Boalt, other than economics, in preference of Stanford, or continuing at USC?

WHITMORE: Well. I didn't know that I was going to go to law school when I got out of school. My undergraduate grades were such that my admission to Stanford Law School was not something that was assured. I didn't apply.

I might have been admitted; I might not have been admitted. I recall talking to Sam Haskins at the firm, after I had finished my first year of law school. I had done rather well at USC Law School, and I was talking to Sam Haskins — he was a member of the Board of Regents for the University of California. He asked if I had any interest in going to Boalt Hall. And I, for a number of reasons, only one of which was financial — I was raised in the San Francisco Bay area and I thought very highly of Boalt — I indicated my interest and he arranged for me to make application, and I was admitted during the summer of 1940.

Q: You said that for two of the summers that you were in law school, you worked at Gibson, Dunn & Crutcher. How did that come about?

WHITMORE: I had met John Cobb Macfarland, a senior partner at Gibson, Dunn, while I was at Stanford. And he asked me on one occasion, if I was going to law school, to stop by and see how a large law firm operated, that he'd enjoy introducing me around.

Q: What was a large law firm at that time?

WHITMORE: There were three law firms — one with 20 lawyers, one with 21 lawyers, one with 22 lawyers, as I remember, in Los Angeles. One was O'Melveny and Myers, one was Gibson, Dunn & Crutcher. The other was Loeb and Loeb. A large law firm then was a firm of between 20 and 22 lawyers.

Q: How did that compare with some of the firms in San Francisco?

WHITMORE: I don't know that I had knowledge at that time of the size in San Francisco. I'd be surprised if Pillsbury, Madison & Sutro was not larger than those three law firms at that time, although I don't have any specific recollection of that. I recall what was a very humorous episode to me, when I interviewed at Gibson, Dunn in the summer of 1940, or perhaps it was the Christmas before that — it was while I was in school. In any event, at Mr. Macfarland's invitation, I came down to the Banks Huntley Building in Los Angeles, where the firm was then housed, and I got in the elevator and I went up ten floors, to where the senior partners were officed, asked Miss Alexander, who was the receptionist — she'd been with the firm since 1902, or thereabouts — if she'd announce me to Mr. Macfarland. She did, Mr. Macfarland came out, we talked for a few minutes. He took me around

and introduced me to Mr. Gibson, Mr. Haskins, Mr. Crotty and perhaps several others. We went back into Mr. Macfarland's office. I thanked him very much. I left, I got in the elevator, I went down ten floors, found myself on Spring Street, and realized I hadn't asked the question I came to ask. So I got back into the elevator and went back up ten floors, and asked Miss Alexander to announce me again to Mr. Macfarland. And I went in and I said, "Mr. Macfarland, I forgot to ask you: Have you got a job for me this summer?" He laughed, excused himself, went around and talked to the lawyers with whom I had spent a few minutes earlier, came back and in substance said, "Yes, when can you start?" That was my introduction to Gibson, Dunn & Crutcher. Oh, there's one additional aftermath. I thanked him, indicated that I would come to work the first of June or thereabouts, got in the elevator, went down ten floors, found myself on Spring Street — without a nickel, without a wallet — and my dad's car in a parking lot across the street. So, I got back in the elevator, went up ten floors, had Miss Alexander announce me to Mr. Macfarland, I borrowed a dollar — or maybe it was only fifty cents, I've forgotten — got in the elevator, went down, got in my father's car and drove home. That was my introduction to Gibson, Dunn.

Q: I trust that sometime or other you repaid the money?

WHITMORE: I have asked myself that question many times, and I can assure you, I assume I did, but I'm not entirely certain.

Q: In your summer work at that time, there were no such things, or at least no title of paralegals, were there?

WHITMORE: No.

Q: What type of work did you do?

WHITMORE: I was housed in the library of the firm, along with a number of other lawyers — Fred Sturdy, George Jagels, Van Nivens, Walter Ely and George Whitney — and we did legal research for other associates and for partners in the firm.

Q: You did that type of work during the two summers?

WHITMORE: Yes, I did.

Q: And then, sometime or other, the war was over. Let's briefly discuss where you were in the South Pacific.

WHITMORE: Well, I'd spent over a year — I've forgotten exactly how long — on the USS Gridley in the South Pacific. It was ordered back to San Diego sometime in the fall, I would guess, or maybe the early winter of 1943. I was relieved of duty on the Gridley and reassigned to Mare Island Navy Yard. I was in Mare Island Navy Yard until December of 1944, when I was sent to Midway Island to the submarine base, and I spent the rest of the war there in that capacity. When the war was over, I got as far as Pearl Harbor. Honolulu, and found a tremendous traffic jam, and it took me maybe six weeks to get transportation from Honolulu, Pearl Harbor, back to California. Very soon after arriving in California I retrieved my wife who, with my son, was living with my wife's mother in Washington, D.C. We returned to California, and I started at Gibson, Dunn in January of 1946 as a lawyer.

Q: And at that time you had a son.

WHITMORE: I had a son who was born in October of 1942, who is now practicing in Palo Alto, California, with the firm of Whitmore, Kay, Stevens. It's a firm of, roughly, twenty lawyers that specializes totally in public sector labor law work.

Q: Now, I'll jump the gun a little bit and have to ask you about your daughter.

WHITMORE: My daughter is now thirty-two years old. She has a bachelor's degree in Psychology, a master's degree in Education, teaching the deaf. She has completed her first semester at law school, at Stetson University in St. Petersburg, Florida. And the reason she is there is that her husband, a college physics professor, teaches in St. Petersburg.

Q: So there is very little chance of the three of you practicing together in one firm.

WHITMORE: Well, there is absolutely none because I have retired from practice. Gibson, Dunn has a total no-nepotism rule, and my son loves Palo Alto, and my guess is he's going to stay with the firm he founded up there, and stay in Palo Alto.

Q: Now let's go back for just a moment, and test your memory — and this is not a test in that sense of the word — but your familiarity with Gibson, Dunn & Crutcher leads me to ask you the reason or reasons why it became one of the largest law firms in Southern California when it did — I mean, prior to World War II.

WHITMORE: Well, it was a large law firm prior to World War II. Its substantial growth, of course, has been since World War II. The firm was formed in about 1903 as a result of a merger of two firms — Gibson, Bicknell & Trask [sic; Bicknell, Gibson & Trask], and the firm of Dunn & Crutcher — two firms that represented different interests of Mr. Huntington and his railroad and other interests. Mr. Huntington requested that the two firms merge and in 1903 they did. He owned national railroad interests as well as interests in the Pacific Electric Line and Inter-Urban Railway Line in and around Los Angeles, and I believe at one time the Los Angeles Railway. When I joined the firm, we had what we called the Railway Trial Department. There were probably eight or ten lawyers who did very little other than represent the streetcar system in personal injury litigation — defense litigation. So I think a good part of the growth of the firm can be attributed to the interests of Mr. Huntington, but I think we were just very fortunate in getting some excellent litigators, like Norman Sterry and Henry Prince, and excellent corporate lawyers like James A. Gibson and Homer Crotty and Sam Haskins, and a very fine probate lawyer. Elmo Conley — lawyers who were what today we call rainmakers. Because of their abilities, they did develop substantial practices as the result of recommendations of their clients to their clients' friends.

Q: I remember reading that Gibson, Dunn & Crutcher, or at least the partners in Gibson, Dunn & Crutcher, played a major role in the reorganization of Richfield Petroleum Company. Do you remember some of the stories you heard about oil companies in Southern California?

WHITMORE: Well, I do remember hearing about Richfield Oil receivership, which the firm handled. We represented Mr. McDuffy, who was the receiver. And I know that I remember hearing stories about the part played by Herbert Sturdy, another of our very able corporate lawyers, and Homer Crotty and Norman Sterry, and I'm sure, others in the firm. That was, however, in the early thirties. I first showed my head in Gibson, Dunn in 1940, so I was never involved in the Richfield receivership, but I'd heard a good bit about it from the firm and also from Mr. McDuffy, the receiver, who I met through his son, who was a classmate of mine in undergraduate school.

Q: Well, subsequently, Richfield became one of the clients of Gibson, Dunn & Crutcher.

WHITMORE: Yes, I'm sure it did, but not to the extent of our being primary outside counsel for them. My guess is we're still doing some work for Richfield, but it has a substantial-sized legal department, as it has for some years, as I'm sure you can guess.

Q: You mentioned a name that brings back a lot of memories to some of the trial people in Los Angeles — Norm Sterry. You mentioned that he was one of the outstanding trial lawyers in Los Angeles, but he was noted for things other than his ability inside a courtroom.

WHITMORE: Well, he was our big, old, gruff bear. He was one of the most conscientious case preparers I've ever run across. He kept ledgers, and everything he read and every note he made, he had in a bound ledger. Norman was a very difficult taskmaster when he assigned a research project to you.

Q: Would he allow you to digest a case, or did he just want the name of the case and would read it himself?

WHITMORE: He wanted you to digest the case and to summarize it, and he read the whole of every case ever cited to him in any memorandum that he received from any lawyer in the firm.

Q: And, at least immediately after World War II, he was probably the dean of trial lawyers in Los Angeles. Couldn't you characterize him like that?

WHITMORE: Oh, I would certainly characterize him that way. He and Irving Walker — there were two or three of them, and certainly Norman was one of them — were, I think, generally considered to be the deans of trial lawyers.

Q: I've heard stories that sometimes when Norm Sterry was involved in a lawsuit with co-counsel, they used to send notes to each other, rather than to try and socialize in the hallway or have lunch.

WHITMORE: Norman was, by nature, all business. There was relatively little socializing in Norman's nature. He also had a personality that made it difficult for him to commend or compliment young lawyers who did work for him. I remember I never did get a compliment from him in all of the years I was at Gibson, Dunn. But I remember, also, he knew my wife and her family prior to my marrying my wife. And we, over the course of my early years at Gibson, Dunn, always went to one Christmas party in

common. Again, Norman would see me, and would be very civil, very nice, say hello — probably wouldn't remember my name — but he would get my wife, take her over in a corner and tell her what a good job I was doing. But he wouldn't tell me that.

Q: Let me go back then, on another tack. Just before World War II, in the thirties, there were a lot of labor problems in Southern California. And the L.A. Railway was involved in some of those. There was at least one major strike of the railways. Do you remember when that was?

WHITMORE: Well, I wasn't at the firm at that time, and this is the lore of J. Stuart Neary, the first lawyer in the firm to perform labor work, and the senior member of the firm under whom I began the practice of labor law. I believe it was after Roosevelt became president, and before the Wagner Act was passed in 1935. In other words, during the one- or two-year period that the N.R.A. was in effect. There was a strike at the L.A. Railway. Stuart Neary, a marvelous lawyer and a very gregarious guy, born and educated in Head, South Dakota, was at the firm and through Mr. Haskins, who I believe was then president of the Los Angeles Railway, was asked to handle, as the lawyer, the labor matters for the L.A. Railway. There is a story — I certainly was not there to see it, and I cannot certify it to be true, though I believe it to be true — that after the strike had been underway for some time, without substantial prospects of early settlement, the railway decided it would begin operations again from the railway headquarters at 12th and S. Broadway or thereabouts, up to the City Hall and back. The conductor on that first run of a streetcar up Broadway was J. Stuart Neary, who then weighed perhaps 300 pounds, had a shock of gray hair, was a very impressive and significant guy, who looked the part, as was the case, of being an ex-football player. Stuart had wires strung around the underpinnings of the streetcar — he stood in the motorman's spot, opened the front door with several steps between the street and the level of the streetcar, and if somebody was about to cause any trouble, his right foot was available to eject that person, I'm told, from the streetcar. And he got the name, then, of Slugger Neary. He was a very likable person, and I'm sure there was probably nobody, in years following that, who was more admired and better liked by union people and union representatives and their counsel in Southern California than Stuart. Stuart played football at Creighton

University, where he went to law school. He had a most unusual way, again, the lore of J. Stuart Neary — and I'm reasonably certain it's true. He worked his way through Creighton Law School by being freshman football coach.

Q: I've heard it said that J. Stuart Neary actually wrote the Blue Eagle Pact, or whatever they called the guidelines for the N.R.A., so far as street railway transportation for the whole United States. Is that correct?

WHITMORE: That could be so. I can't assert that it's so. I don't recall ever hearing Stuart, himself, refer to that.

Q: Now, going back to the time then that you joined the firm, after the war, what is your impression, or memory, so far as labor law and labor law firms in Southern California, or in the nation, for that matter.

WHITMORE: Well, there were relatively few labor lawyers, and all of them had begun their practice in that field after the passage of the Wagner Act in 1935. There were one or two management labor lawyers at the O'Melveny firm. There was Stuart Neary, Dave Evans, and Fred Field at Gibson, Dunn, practicing in that area when I returned to the firm in January 1946. I have no present recollection of any other management labor law practitioner in the Los Angeles, or Southern California area. I do have a recollection of a number of labor lawyers representing labor organizations, however, at that time.

Q: Who were some of the outstanding firms in that area?

WHITMORE: Well, I guess the one I saw most of was John Stevenson, who was attorney for the Teamster's Union. There were several lawyers at the firm of Margolis, McTernan & Tyre, who represented labor organizations. I had forgotten one management labor lawyer, who had been regional director of the National Labor Relations Board in Los Angeles. His name was Leonard Janofsky and he was practicing in the labor field at the end of World War II. Now, the other management, the other union lawyers — I remember a lawyer named Lou Wolf, who represented the United Auto Workers Union and several others. I remember one in San Francisco, who I had occasion to deal with on a number of occasions, named Mathew Tobriner, who subsequently went on the California Court of Appeal and the California Supreme Court. But I limited myself to the period immediately after World War II now. I'm sure there are others I have not thought of, but those are all, at the moment, that come to my mind.

Q: Going back then to when you joined Gibson, Dunn & Crutcher, after the war — you said that there were a number of lawyers engaged in defense work for the railway. And that was, I presume, personal injury and property damage.

WHITMORE: Yes.

Q: Was the firm, at that time, departmentalized? Was there a tendency for lawyers to specialize?

WHITMORE: Yes. I think not to the extent that it is presently departmentalized, if that's the proper word, but at that time all of the lawyers that represented the streetcar company were on the eighth floor of the Banks Huntley Building. With the possible exception of Max Eddy Utt, all of the work done by the lawyers on the eighth floor was streetcar defense work. There were perhaps eight or ten of them — I don't remember. Max Utt did streetcar defense work, but in addition he did do some work with the City Council in connection with municipal ordinances and city government. Other than that, departmentalization was not terribly formal. There were corporate lawyers. There were probate lawyers. There were the three labor lawyers that I mentioned. We then had no tax lawyers at the firm until Bert Lewis came at the end of World War II. He was the first tax lawyer we had at the firm. And to the extent that their practice was separate, there was departmentalization, although every lawyer worked far more closely with every other lawyer than is possible in a firm the size of Gibson, Dunn today.

Q: In the trial department, those of you who represented the railway — did you handle both municipal and superior court cases?

WHITMORE: Well, those of us who were new — like I was at the end of World War II — handled municipal court cases. The answer to your question is yes. The firm handled both, although there were relatively few of us who handled municipal court cases, and it was perhaps six or eight months with the firm during which I tried municipal court cases before I was given a superior court case to try.

Q: Do you remember the jurisdictional limitation in municipal court at that time?

WHITMORE: My recollection was that it was \$2,000.

Q: Do you remember if on any occasion you actually tried jury cases in municipal court?

WHITMORE: I tried jury cases against some of Los Angeles's fine plaintiff lawyers in the municipal court.

Q: Do you remember any of them?

WHITMORE: I remember trying one municipal court case to a jury against Lowell Dryden, who was then certainly one of Los Angeles's most significant plaintiff trial lawyers and others, but that's the one that comes to my mind right off.

Q: It's hard to realize or appreciate the fact that there were jury trials in a jurisdictional amount of less than \$2,000.

WHITMORE: That's right, there were. And there were enough involving the streetcar company to keep three, perhaps four, lawyers quite busy.

Q: Do you remember any of your colleagues in your junior trial department when you first started?

WHITMORE: I remember Ernie Zack. Ernie came at, I think, just before the end of World War II, after having spent some time in the FBI. He came to work with Gibson, Dunn. My recollection is that he was there when I got there at the end of the war. Ernie and I shared an office and we did very little other than try municipal court cases — jury and nonjury — involving the streetcar company. John Binkley is another young lawyer, a fine trial lawyer, who tried streetcar cases with Ernie and me. John did that for several years with Gibson, Dunn, and then together with Bill Gray, now a senior federal district judge, and Morris Pfaelzer, now deceased — the three of them formed the firm of Gray, Binkley and Pfaelzer, Pete being the corporate or business lawyer and John Binkley being a labor lawyer and litigator and Bill Gray being primarily a litigator.

Q: Now, getting back then to the manner of conducting a trial in that era, were you and all law firms essentially on a five-day week then, or was it a little bit different than it is today?

WHITMORE: Well, during the two summers I spent with the firm prior to World War II and for a number of years after — I returned in 1946 — the normal schedule at Gibson, Dunn & Crutcher was the five weekdays plus

Saturday morning until 1:00 P.M. But my recollection is that all lawyers didn't work every Saturday. We worked most Saturdays, but periodically took off a Saturday morning.

Q: The courts weren't open on Saturday, so what was the primary purpose of being open or having an office open on Saturday?

WHITMORE: Case preparation.

Q: I presume, then, that a lot of depositions were handled on Saturday?

WHITMORE: I don't have the recollection that any great number of depositions were scheduled on Saturday. My recollection of that period, in the time I spent, was doing research for other lawyers, or preparing my own case for that next Monday morning if I knew about it on Saturday. Occasions did arise then, as far as municipal court cases are concerned, where a lawyer would be ill or for one reason or another a case was being called and the lawyer who had prepared the case was not available. I would be given a file at 8:00 in the morning by Philip Sterry, Norman's brother. Philip was in charge of the railway trial department. I'd be given a file at 8:00 and be told that the investigator would meet me in Division 1 with the witnesses. I would read the file, I would go up and spend what time there was waiting for my case to be called, talking to the investigator, reading written statements he'd taken and hopefully, spending some time talking to the witnesses who I would be calling. We don't operate that way now. We did operate that way then, but we had a lot of tools to help us. I remember being given, soon after I started trying municipal court cases, railway cases, a book that had citations for virtually every proposition that might arise in a streetcar case in the law of evidence or tort law that would be applicable to cases of that type. When I started trying superior court cases for the railway, I had available to me a second book, called a jury book, which gave me biographical and vital information on prospective jurors. So I had that information in front of me, to assist me, when selecting or challenging prospective jurors.

Q: How long did you stay in active trial work?

WHITMORE: The Taft-Hartley Act was passed in April of 1947. Bill Smith was approached by Stuart Neary at the same time that I was approached by Stuart Neary. Bill was doing corporate work; I was doing litigation. Stuart

had a very substantial overload of labor law work. Dave Evans had just left the firm to start his own.

Q: Incidentally, he continued to specialize in labor law after he formed his own firm.

WHITMORE: Yes, he did. Fred Field was doing less and less labor work and so Stuart needed help, and Bill Smith and I and John Binkley in about April of 1947, indicated to Stuart that we would be happy to help him with his temporary overload which never disappeared, incidentally, and entirely as a matter of choice, Bill and I stayed in the labor area.

Q: Tell me a little bit about Bill Smith.

WHITMORE: Well, Bill Smith joined the firm the same week as I did, in January of 1946. He had worked the summer of 1942 in the office as a clerk, prior to taking the bar examination in the fall of 1942. He had gone to Los Angeles High School where I understand he graduated first in his class. He then went to UCLA for his undergraduate training where, I understand, the same was true. He then went to Harvard Law School, graduating in the class of 1942, and he returned to Gibson, Dunn, after having spent that 1942 summer there, as he was released from active duty in the service. That's basically Bill's background.

Q: Tell me, then, about the transition, or rather, the development of what eventually became the labor law department.

WHITMORE: When Bill and I joined Stuart we, at that stage, thought we had a labor department. We three — plus John Binkley — we four — were it. And our workload, the amount of labor law work available to the firm continued to grow until now, I'm guessing, we have perhaps forty-five lawyers who practice.

Q: Essentially what did you do in the field of labor law? What were the nuts and bolts?

WHITMORE: Well, the bottom line, Ray, is that what we did in 1946 and for quite a number of years thereafter is really quite different from what labor lawyers at present are doing. Our time, in 1946, and for quite a few years after, was spent negotiating collective bargaining agreements, consulting with employers and preparing personnel policies and practices, trying cases — unfair labor practice cases or representation cases before the National

Labor Relations Board — handling litigation, whether injunction matters, contempt matters, or a variety of things, before state and federal courts, and handling arbitration cases under collective bargaining agreements for our clients. In addition, we counseled and worked with unorganized employers to assist them in connection with the personnel policies and practices. I think today the practice has changed a great deal. Considerably less time is spent in negotiating collective bargaining agreements. Basically, corporate personnel directors do most of this and they consult with lawyers by telephone or otherwise. Some collective bargaining agreements are still negotiated, however, by lawyers in the firm. The amount of unfair labor practice and representation case business has diminished substantially over what it was in the earlier days of the forties and the fifties and the sixties when a very substantial percentage of employers were unorganized or were in the process of being organized. Today, with class action, with Title VII of the Civil Rights Act, with our substantially expanded discovery procedures in the state, and under the federal rules, a considerably greater amount of time is spent by labor lawyers handling discrimination matters, handling class action lawsuits, preparing for complex, substantial, protracted, litigation. Far more time is spent doing that than was the case when I started practice. Other than Title VII of the Civil Rights Act, the recent development of the law with respect to termination at will or termination of employees — which results in an incredible amount of litigation — that was handled by arbitration or not handled at all. During the early days it was assumed an employer, absent a collective bargaining agreement providing otherwise, or an employment contract providing otherwise, had a right to terminate employees at will. And now so many terminations of organized or unorganized employers result in the courts. It's difficult for someone who has been away from it for a little while as I have to realize the extent of the practice in that area.

Q: Can you remember or pinpoint some of the difficult labor negotiations or strikes that were involved soon after World War II?

WHITMORE: When one does this, he tends to emphasize, because of his recollection and its limitations, his own activity. The most significant strike I recall was in the summer, fall and early winter of 1963, involving the employees of what was then known as North American Aviation, now Rockwell, Inc., at its plants in Southern California and Columbus, Ohio.

It was an 83-day strike. It involved virtually every aspect of the practice of labor law you can imagine — negotiation, litigation, substantial labor board activity, unfair labor practice cases, and even decertification petitions filed against the United Auto Workers at the company's plant in Columbus, Ohio, that involved me in Ohio for a substantial period of time. That was the largest in terms of thousands of people getting involved. The first very large case which I handled by myself — I remember a number of cases where substantial violence was involved. I remember developing a substantial distaste for representing employers with largely female working forces because my experience was strikes involving organized women were bitter, sometimes more violent than strikes involving a predominantly male work force.

Q: Were you involved in any of the Jergens matters?

WHITMORE: I was not. John Binkley and Stuart Neary, if my recollection was right, handled the bulk of Jergens matters. That was a client of Stuart's and not one that I have any recollection of being particularly close to.

Q: Any other cases or incidents or involvement that you had that you can recall at this time?

WHITMORE: Well, it's terribly hard to single any out. I remember scores of strikes — of my clients, of Bill Smith's clients, of Stuart's clients. I remember strikes at American Potash and Chemical Corporation, for example. I remember strike settlement negotiations. I remember an arbitration where I was a member of the arbitration board. The company, after an illegal or unauthorized strike, had terminated a number of employees who were largely responsible for the strike which was in violation of the agreement. And I remember spending many weeks in Trona, California, in connection with that strike.

Q: You don't go back there to vacation, do you?

WHITMORE: I have been there since I have become of counsel to my firm, but it surely is not what you would call a vacation, although it is certainly historically, geographically and geologically a very significant area. I thoroughly enjoyed the time I spent in Trona and I will enjoy my visits back there.

Q: The era beginning 1946, following World War II — is it fair to say that among the major law firms in Los Angeles, or California for that matter, that there were very, very few women lawyers?

WHITMORE: The first woman lawyer of whom I was aware was a woman named Helen Kemble who was a partner of Chuck Beardsley, who was then president of the State Bar. There had been a woman at Gibson, Dunn & Crutcher during World War II. I was not aware of any women lawyers at any other law firms other than Helen Kemble, with Chuck Beardsley and later with the firm of Beardsley, Hufstedler and Kemble. And the one who was at our firm during the war. I was not aware of any other women lawyers until well into the fifties.

Q: Did the acceptance, for instance, of women lawyers — was it a gradual process or does it seem precipitous so far as your observations?

WHITMORE: Well, it certainly was not precipitous. The lawyer who had been with our firm the longest, Marsha McLean Utley was hired because she was a truly outstanding person. She was editor-in-chief of the *UCLA Law Review* and clerked for Chief Justice Roger Traynor. I'm sure her work at Gibson, Dunn was very helpful in getting more women into the firm. She was accepted by her clients, she was a litigator, she has been a very, very successful practitioner. We, of course, now — I'll bet forty to forty-five percent of new lawyers we hire are women.

Q: But it's been a gradual process from Marsha's hire until today. And I presume that the reflection of this firm is a reflection of society as a whole at that time as far as hiring minorities of any kind.

WHITMORE: We like to think that we were involved in the forefront and hired women and minorities a little faster than most other firms. But yes, I would certainly say that what's happened since 1964 when Marsha was hired until today, our situation is reflective of what's happened in society and what's happened in the legal profession in Los Angeles and Southern California.

Q: In the ten or fifteen years that you were directly or involved in state court trial work and up until, say, 1964, do you remember any women trial lawyers?

WHITMORE: I remember the name of Gladys Towles Root, primarily or exclusively a criminal lawyer. I had no occasion to oppose her or to be involved in any professional dealings with her.¹

¹ See, in this issue, Richard A. McFarlane, "The Lady in Purple: The Life and Legal Legacy of Gladys Towles Root."

Q: How about in the field of tort litigation. Do you remember of hearing of any woman lawyer in that era?

WHITMORE: I don't recall any at the moment. Can you think of some that might refresh my recollection?

Q: No, not at all. I had heard at the time that women were — even women lawyers — were reluctant to try jury trials because they felt there was a prejudice on the part of the jury against women lawyers because they were going into a man's field where they didn't belong.

WHITMORE: I do remember during that period after World War II a female superior court judge named Georgia Bullock, but I didn't ever appear before her. My recollection was that she spent her work largely in Adoption Court and matters involving juveniles, but since I had no dealings with her, I could be incorrect in that respect.

Q: Did you ever appear in front of May Lahey?

WHITMORE: Oh, that's another name I know. No, I never did appear before her. But I remember the name.

Q: I will gratuitously throw in that she's one of the finest judges that I have ever known.

WHITMORE: There was also a woman judge appointed sometime in the fifties named Ernestine Stahlhut who had formerly been an employee of the State Bar of California and I had known her in her State Bar capacity. I didn't ever appear before her, but I knew her during her period of time on the bench.

Q: Do you remember when you first were aware of the fact that a Black was hired by a major law firm?

WHITMORE: Well, let me digress just a moment, and say that I do remember quite well in the early fifties when the bylaws of the Los Angeles County Bar Association were changed.

Q: I want to come back to that in a minute. But I'm just talking about hiring practices now.

WHITMORE: I don't ever remember hearing of a black applicant for employment at our law firm or any law firm in Los Angeles until Sam Williams

was hired by Chuck Beardsley and Seth Hufstedler. And I can't tell you when that was, but my guess is that it was twenty-five years ago.

Q: Did you or do you remember any black law students at either USC or at Boalt Hall?

WHITMORE: When I was at Boalt Hall, there were no black law students. There had been one who would have entered with me in the class of 1939 had I gone directly to Boalt in 1939, but if my recollection is right, by the beginning of the second year of law school he was at Hastings. My recollection of Boalt Hall when I was there was that there were no black students. There was one Asian in my class and there were two women. At Stanford, for example, I don't remember any black students or in USC Law School the year I was there. No, there were just very few women applicants, and fewer blacks.

Q: I guess, in reflection of the times, is the fact that you're old or young enough to remember when it was quite a phenomenon to talk about a black football player, even at a state university.

WHITMORE: That's true. If my recollection is right, there were no black undergraduates at Stanford when I was an undergraduate. I recall some of the fine black athletes at UCLA who were there when I was an undergraduate at Stanford, among them, Kenny Washington, Jackie Robinson, Tom Bradley, that I recall.

Q: Woodrow Wilson Strode.

WHITMORE: Yes, Woody Strode, that's right. But I remember none at Stanford and very few at other schools. I'm sure there were fine black athletes at Berkeley at that time. I don't have the recollection of them as I do of the group at UCLA.

Q: Now, I want to go back and talk about the development of law firms with the bar. Was it a fact that most major law firms felt an obligation to encourage some of the juniors in the firm to participate extensively in state and local bar activities?

WHITMORE: Well, I can tell you it was the policy of Gibson, Dunn & Crutcher — I don't know about other firms — to encourage participation in state and local bar work. I recall in 1947 when the State Bar Convention was held in Santa Cruz. Homer Crotty, I think, was largely responsible for the firm determining to send two young lawyers from Gibson, Dunn

& Crutcher to that convention. The two lawyers were myself and William French Smith. I recall the convention very well, and I recall the interest that Bill and I rather immediately developed in the group then known as the Junior Barristers, or the Junior Bar of California — lawyers under 35 — now known as the Young Lawyers. I recall that the next year after that 1947 convention, of the four officers of the Junior Bar of California, Bill Smith and I were both vice presidents — we were two of them.

Q: At that time, and I presume that it's basically true today, the bar conventions and Conference of Delegates met alternatively in the northern or southern part of the state, and I presume that it was more pronounced at that time — the switching back and forth.

WHITMORE: Yes, it was, just as it was during that period after the war. The rule was followed without fail, which was the president of the State Bar was one year from the north, and the next year from the south. And it rotated, and that continued until the late sixties or early seventies.

Q: Now, when you went to the State Bar in 1947, you went as delegates?

WHITMORE: I just went as a member of the State Bar, not as a member of the House of Delegates to the convention. I recall that the Taft-Hartley Act was in the process of being considered, or just had been. I recall that President Truman vetoed it but it passed Congress over his veto, and Senator Robert Taft was one of the speakers of the Santa Cruz convention. I recall the picketing of Senator Taft outside the building at which he spoke. I recall the speech he gave. I have no recollection of attending the Conference of Delegates at that convention, although my guess is that I did. I was a delegate from the Los Angeles County Bar Association for many years starting soon after that, to the Conference of Delegates, but I have no recollection of the 1947 session of the Conference of Delegates.

Q: As I recall you and a fellow by the name of William French Smith were instrumental in changing the bylaws so far as the election of the officers of the Junior Bar was concerned.

WHITMORE: Well, I recall that we were instrumental in accomplishing a number of things. I'm not a bit sure I understand exactly what you have in mind.

Q: Let's talk about your involvement, formally, with the Young Lawyers. Were you ever an officeholder?

WHITMORE: Yes, I went through the chairs, starting, I believe, in about 1948, and I was chairman or president of the California Junior Bar in about, I would guess, 1950.

Q: At that time, was there an age limitation of the Junior Bar?

WHITMORE: Yes, it was quite a different organization than it is presently. The age limitation, and I guess it is still the case, was thirty-five years. You had to be thirty-five years or younger. One of the jobs of the president of the Junior Bar was going before the State Bar Board of Governors, requesting a budget for our activities. And for all of the activities of the Junior Bar in that year, I asked for and received a budget of \$2500. That covered travel to meetings of the Council of the Junior Bar, to the Convention — the annual meeting of the State Bar — and for whatever other purposes or activities the Junior Bar was involved with. I recall that the members of the State Bar Board of Governors before whom I appeared were Chuck Beardsley, Herman Selvin, Joe Ball, a group of people whom I knew well and had great respect and regard for and who I saw much more of after that appearance than before.

Q: Was Homer Crotty on the Board at that time?

WHITMORE: Homer had been president of the State Bar shortly after World War II and was no longer on the Board of Governors.

Q: He certainly remained active in the State Bar activities until his demise.

WHITMORE: And activities of the American Bar Association, where he was a member of the Council of the Section of Legal Education and Admissions to the Bar, having been chairman of the Bar Examiners Committee in California as well as president of the State Bar, had a continuing interest in legal education, admissions matters, and related subjects. But, Homer was not the politician that most people assume the president of the State Bar would be. Homer was more interested in issues. As you know, he didn't smoke, drink, drive a car, swear. He never drove an automobile. And Homer's interests were in the profession and in particular issues, and he was a very persuasive individual and a very hard worker for causes that he felt strongly about.

Q: I presume that you were, of course, a member of the State Bar at the same time that you were active with the Young Lawyers or the Junior Bar-risters. When is the first time that you got involved in any particular committee work or other work with the State Bar as such?

WHITMORE: A year or two after I had completed my term as chairman of the Junior Bar, I was appointed to the Committee of Bar Examiners. If my recollection is correct, that was in 1952 or 1953.

Q: Before we get on to some more reminiscences and talk about the Board of Bar Examiners, I want to read you a little excerpt from a book called "Lawyers of Los Angeles," and this will be by way of background for some more questions that I want to ask you. It was talking about the institution of one of the first law schools in California. It says at page 270:

At this time and for long years before and long years after, applicants for admission to practice in all the courts of the State had only to go before California's Supreme Court and be examined orally. The Justices of this court made semiannual visits to Los Angeles for the benefit of southern California applicants. Instead of seeking a law school, the young man who wanted to be a lawyer got a job in the best law office he could as clerk or stenographer and "read law" there preparatory to going before the Justices of the Supreme Court. Or, lawyers who came to California from states where admission requirements were even easier than California's, or perhaps nonexistent, their quick entrance into the legal field in California was, from the present day viewpoint, scandalous. Written examinations as a prerequisite to Bar admissions were not required by law until 1918. The "diploma privilege" of certain California law schools whose graduates were admitted to the Bar without examination was abolished by statute in 1917. Not until January 1, 1918, were California applicants required to submit proof of having studied law for a definite period, and not until 1919 was the Board of Bar Examiners created. The Examiners themselves were first appointed in 1920 by the Supreme Court. When the integrated State Bar was created in 1927, the present Committee of Bar Examiners was set up. Since then, admissions and requirements year by year had been tightened.

That's the end of the quotation. I take it from that that Homer Crotty must have been one of the foremost people, right from the beginning, in bar examinations. Is that correct?

WHITMORE: I would certainly assume so. He was a very bright, conscientious and hardworking individual. And that was one of the areas of his interest. He served a full term on the Committee of Bar Examiners in California during the late thirties and early forties, and was chairman of the Committee.

Q: He wrote extensively, didn't he, articles for the bar journals?

WHITMORE: I've read a number, and I'm sure you're correct in that respect, yes.

Q: There was an organization that grew up during this period called the Breakfast Club. Are you familiar with it?

WHITMORE: I was chairman of the Breakfast Club for a while.

Q: And what was its relationship to the selection of officers in the State Bar?

WHITMORE: The function of the Breakfast Club, when it was formed and initially chaired by Frank Belcher, was to make certain that at least one qualified person was nominated for each vacancy from Los Angeles on the Board of Governors of the State Bar.

Q: And in time their importance or their prestige was almost enough to make it tantamount that if nominated, they would be elected.

WHITMORE: I don't recall any opposition to the Breakfast Club candidate until sometime in the late 1960s. For example, when I ran for the Board of Governors, Gus Mack from Los Angeles and I were the two nominees that year. We were elected, each of us, without opposition, although I was a little distressed to find when I heard the vote results that in my case — although, being a lawyer I shouldn't have been too surprised — Jimmy Hoffa got four votes, and Caroline Kennedy, who had just been born, got one.

Q: I take it that for good reason you thought Jimmy Hoffa's votes were antagonistic to yours. In any event, the Breakfast Club was sort of an extra-legal adjunct of the State Bar, at least for the purposes of seeing that candidates were nominated.

WHITMORE: Well, yes, and a number of candidates decided to run on their own. But the only function of the Breakfast Club was to make certain that there was, at least in the estimation of the members of the Breakfast Club, at least one qualified candidate nominated for each position in Los Angeles County.

Q: Was Homer Crotty a member of the Breakfast Club?

WHITMORE: Yes.

Q: Any other members of your firm or other people that played an active part that you remember?

WHITMORE: Well, I was in the Breakfast Club from the late forties on. I was chairman for several years. I would guess that would have been in the middle sixties or the early sixties. There were other lawyers from our firm other than Homer Crotty who were members and active in it. I remember Bill Smith, Bob Warren, and I'm sure there were others. I just at the moment cannot think of them.

Q: Coincidentally with your membership in the State Bar, you were active in the Los Angeles County Bar Association, were you not?

WHITMORE: Yes.

Q: Beginning in 1948, the Los Angeles County Bar Association was a volunteer bar association, is that correct?

WHITMORE: It still is.

Q: At that time, was there either formally or at least a de facto policy of exclusionary rules so far as membership is concerned.

WHITMORE: Black people, as I understand it, were not eligible for membership until the late forties or early fifties. I'm not sure of the year. I do remember those who, I believe, carried the ball in getting the bylaws amended to exclude that.

Q: The notes that I made indicate that the first vote to permit Negroes, as the word was used then, to the L.A. Bar, was in 1945 and at that time, the vote was 768 "no" and 604 "yes." And then there was a further plebiscite in 1947 and a third plebiscite in 1950. And by 1950, the vote was almost two to one "yes." Now the period from 1946 to 1950 was a period in which you were quite active in the L.A. Bar, were you not?

WHITMORE: Not as much in the Los Angeles Bar as I was in the State Bar, because of my work with the California Junior Bar, an entity within the State Bar of California.

Q: Do you remember any of the background, or incidents, or anything else about this feeling of exclusion.

WHITMORE: Well, I recall several people who were very active in getting this discriminatory exclusion provision changed — three in particular. I remember hearing Herman Selvin speak before the Association very eloquently and very persuasively.

Q: Have you ever heard Herman Selvin when he wasn't eloquent and persuasive?

WHITMORE: No, certainly not. But he felt very strongly about this situation and was very persuasive in his arguments to change. Grant Cooper was another Los Angeles lawyer active in the Association at that time and thereafter president of the County Bar who was very active. I have a lesser recollection of hearing Joe Ball speak, but I know he was actively involved to get it changed, also. The reason, and probably the only reason that I remember Joe's participation as being somewhat different from Herman and Grant's was that Joe was a lawyer in Long Beach and not in downtown Los Angeles where Herman and Grant and I and most other lawyers who were involved in that vote were involved.

Q: The number of people voting indicated that there was an increase in membership between 1956 and 1960, and I heard it said that there was a movement in which a lot of people refused to join the L.A. Bar in protest because of the black exclusionary rule. Were you aware of the fact that there was such a dissension?

WHITMORE: Vaguely, and I'm not a bit surprised by it. I'm sure there was a significant number who felt sufficiently strongly about it to manifest their displeasure by resigning from membership, or not joining.

Q: I want to throw in a personal note to see if you'll agree with it. I remember I refused to join the L.A. Bar Association for that reason, and you and a fellow by the name of William French Smith persuaded me that the only way to ever change the rule was to join and vote.

WHITMORE: Vote from within, that's right.

Q: At that time, were there women members of the L.A. Bar?

WHITMORE: There were, but certainly not in significant numbers, as is the case today.

Q: And certainly, I guess it would follow that to your memory there were no officers of the L.A. Bar as such who were women.

WHITMORE: Helen Kemble might have been chairman of the committee, but no, I don't remember any officers. When I was on the Board of Trustees of the County Bar Association in '57 or '58 or thereabouts, there were no women.

Q: The first time you were elected to the Board of Trustees of the L.A. Bar, do you remember who the president was?

WHITMORE: Grant Cooper was president one year, Steve Halsted and Hugh Darling, if my recollection is right, were those that I served under when I was a member in the fifties. Then I went back as an officer in about 1968. I served with different presidents then.

Q: Early on, it appeared to be the practice that people were elected to the L.A. Bar on the Board of Trustees and served a period of three years and from the senior class, a president was chosen. And I've heard it said that because of the tremendous talent that was available, a lot of people thought that it was just a shame that people had to go off the Board when they were first becoming extremely useful. And one of the first people that I think was reelected and primarily for the purpose of electing him president was Walter Ely — isn't that true?

WHITMORE: I have some recollection of that.

Q: So was Walter Ely before your time?

WHITMORE: Walter Ely was president before I was president and he went on the Board, if my recollection is right, at about the time I was first on it, or shortly after that.

Q: Now, how many years did you serve on the Board of Trustees on the L.A. Bar?

WHITMORE: Well, I served that term in '57, '58 or thereabouts. I assume that was three years. I then went on in 1968 as a junior vice president and

then served as the senior vice president and the president. So I guess I served two three-year periods, if my calculations are correct.

Q: Do you remember any of the other names other than those that you mentioned? Steve Halsted was on with you, wasn't he?

WHITMORE: Yes, I served with Steve on both the State Bar board and the L.A. County Bar board. When I returned to the Board of Trustees, Ira Price was president. Ed Shattuck had just been president. Glen Tremaine had just been president. Leonard Janofsky succeeded Ira Price. Seth Hufstедler succeeded Janofsky. I succeeded Seth. Stuart Kadison succeeded me.

Q: When did Sam Williams become active in the L.A. Bar?

WHITMORE: Well, I'm sure Chuck Beardsley and Seth Hufstедler persuaded him to become active upon his entry into the practice of law in Los Angeles. He was president of the County Bar — I can't tell you the year. Well, it was in the seventies, I'm sure, because after serving as president of the Los Angeles County Bar Association he served on the Board of Governors of the State Bar and as president of the State Bar. And that was some years ago — five or six years ago, at least.

Q: Do you recall any of the other names of people that served with you on the L.A. County Bar?

WHITMORE: Well, I recall the four of us who went on the board when I went on in '57 or '58 who were Loyd Wright, Jr., George Harnagel, Paul Hutchinson, and myself. At the end of our three-year term, Loyd Wright, Jr., was nominated to be the junior vice president. The next year, or maybe it was two years later, Loyd Wright became very ill and died. He was either replaced or would have been succeeded by Paul Hutchinson, who was in my class on the board.

Q: Well, tell me a little bit about Grant Cooper, because I think that he is one of the few people who specialized in criminal law who became quite active in State Bar work.

WHITMORE: Yes. He had been a prosecutor in the D.A.'s office and he went into practice, largely a criminal defense practice. He suffered under a great disability when he was president of the Los Angeles County Bar Association. He was, during most of that time, trying the Finch case. Dr. Finch, as you recall, was charged with murdering his wife, I think. In any

event, that case, if I recall correctly, was tried three times. Grant tried it the first two times, and his partner, Ned Nelson, tried it the third time. And I must say I admired Grant more than you can imagine, because trying a high publicity, lengthy, complex case like that is at best difficult, and Grant did it, and in addition presided over meetings of the Los Angeles County Bar Association Board of Trustees and served in a most commendatory way as president during the period of time when he was occupied morning, noon, night and weekends, with the Finch case.

Q: Not only that, but I think Grant Cooper does not have a large backup firm or other lawyers

WHITMORE: But he had one thing that a lot of lawyers with a lot of normal backup didn't have. He had a wife who was a lawyer. His wife, Phyllis, was a lawyer, and was very helpful to him, and he had a partner during this period, Ned Nelson, who I'm sure was helpful to him. But if my recollection is right, that was the extent of his law firm.

Q: By way of background, so that people can appreciate it, can you tell me about the work of the Board of Trustees of the L.A. Bar — how often do they meet and what occupies their time, at the time that you were active?

WHITMORE: During the fifties when I was on the County Bar board we concerned ourselves with matters as you would suspect — financial matters, personnel matters involving the staff of the Association. We spent a good bit of time on resolutions which we would propose, support or oppose before the Conference of Delegates of the State Bar. We concerned ourselves with the work of the committees of the Association. Among the other things that the L.A. County Board of Trustees did during the fifties was to take appropriate action with respect to recommendations of committees of the Association. That, of course, was before the Association had sections. At that time it did have active committees.

Q: Do you remember how many affiliate associations there were at that time?

WHITMORE: In the fifties, I don't have a recollection that formal affiliations existed. I do recall that the name of the Association was changed from the Los Angeles Bar Association to Los Angeles County Bar Association during the incumbency of Walter Ely as president of the Association. And if my recollection is right, the formal affiliation of the seventeen or

twenty associations presently associated with the L.A. County Bar Association came about after the name change.

Q: Well, there were at least geographical associations. You mentioned Joe Ball.

WHITMORE: Oh, the Long Beach Bar Association existed; the Pasadena Bar Association existed; the Beverly Hills Bar Association existed; I'm sure there were a number of them. I'm sure that participation as a result of affiliation of these other associations in Los Angeles County has become greater as time has passed. I don't have a distinct recollection of the nature and extent of the participation with the Board of Trustees of these associations in the fifties.

Q: Now there are affiliate associations other than geographic, are there not?

WHITMORE: Well, there's a woman's association [Women Lawyers Association of Los Angeles], and there are some ethnic associations that I understand are affiliates here.

Q: Now, do you remember, or do you have any recollection as to the percentage of lawyers in Los Angeles County that belonged to the L.A. Bar?

WHITMORE: I don't have a recollection as to the percentages of those in the county. I do recall that in 1970, when I was president, we got our 10,000th member of the Los Angeles County Bar Association. And my recollection, and it's certainly indistinct, was that there were at least twice that many lawyers practicing in Los Angeles County.

Q: So far as volunteer bar associations are concerned, by the time that you were a member of the board, the Los Angeles County Bar Association had a delegate to the American Bar Association. did they not — or do you remember?

WHITMORE: I think the answer is "yes." I know that I filled that position for six years, and I had several predecessors, among them Gus Mack, who was the delegate from the Los Angeles County Bar Association for six years. I'm sure there were others.

Q: So far as membership in the American Bar Association, of bar associations, it is only the very, very large volunteer bar associations that have delegates — is that not true?

WHITMORE: That's correct. Well, there are also delegates from state bars.

Q: Yes.

WHITMORE: Whether voluntary or integrated, and from city and county local bar associations, they only have a delegate in the House of Delegates of the ABA after they achieve a certain size of 2,500 members or something like that.

Q: Tell me something of the work that you did with the American Bar Association. What committees were you on, or what did you do as a delegate?

WHITMORE: Well, my first exposure to the American Bar Association was when I was elected chairman of the National Conference of Bar Examiners. Because of that office, I was a member of the House of Delegates of the American Bar Association for one year. That was in 1957 or thereabouts. I thereafter was on the Professional Grievance Committee of the Association and in the early seventies I became a member of the Council of the Section of Legal Education and Admissions to the Bar in about 1972, during which period I was also the delegate from the Los Angeles County Bar Association to the ABA House of Delegates. And I believe I held that delegate position from about 1968 to 1974.

Q: You missed the two conventions in London, then.

WHITMORE: I attended the one in 1957 in London. I missed the next one. Then I attended the last one in 1985. I did go over for that. In 1957 I recall being at one of the Inns of Court at dinner when the American lawyer at the head table was called upon for a response, and instead of speaking extemporaneously, he pulled a ten-to-fifteen page speech out of his coat pocket and it seemed, under the circumstances, at least to me, to be quite inappropriate. Well, to go on with my ABA activity. I was in the House of Delegates to the ABA from '68 to '74 as the delegate from the Los Angeles County Bar Association. Starting in 1974, I became the delegate from the Section of Legal Education and Admissions to the Bar. A most interesting position because that section is the entity in the United States that is responsible for the accreditation of law schools and the establishment of standards for the accreditation of law schools. And we had many fights in the House of Delegates, as you can imagine, over matters involving the standards for approval. In 1985 I was elected to the Board of Governors of the American Bar Association. a position I presently hold and it's a three-year term. I will be finished with that in August of 1988.

Q: Then, as a prelude to that particular work with the American Bar Association, you were active with the Committee of Bar Examiners in California, were you not?

WHITMORE: Yes. I was a member from, I believe from 1953 through 1958. I do recall the term of office on the committee was four years and mine was extended one year because I was elected chairman of the National Conference of Bar Examiners.

Q: Would you tell us, if you can, a little of the inside of the work that is done by the Committee of Bar Examiners — how they go about getting questions or graders.

WHITMORE: I can tell you how it was handled when I was on the Committee. And it's done in a far more sophisticated and, I believe, efficient way today than it was in the 1950s. The questions that are used in the bar examination are solicited from out-of-state professors in each subject. They are paid to prepare questions and an analysis of each question. These questions and the accompanying analyses were then considered by the seven-person Committee of Bar Examiners in a three- or four-day meeting.

Q: Was this done by staff?

WHITMORE: It was done by the Committee. And the Committee went over the questions and the analyses, and we always got maybe twice as many, or two-and-a-half times as many questions from professors as we needed for use in the examination. We would then compose the examination. If we found duplication in one question and another question submitted by another professor, we would change one of the questions to eliminate the duplication. We also, sometimes, expanded the question or restricted it if we felt that it was too narrow or too broad. That was done by the seven members of the Committee. And, I must say, with the advice and assistance of George Farley who was then secretary of the Committee of Bar Examiners, later a superior court judge in Los Angeles County. The examination was then given and after the examination was completed, the Committee — each member — would read about a hundred books to help determine if there were grading problems.

Q: You mean you would read every answer submitted in those hundred books, or a hundred answers?

WHITMORE: Well, let me start out and put it a little more clearly. The reader which the Committee had for each question, and I was on the Committee when there were sufficiently few applicants to make it possible to have only one reader for each question — the reader would read a hundred books, the staff would take the grades given by that reader in those hundred books, would chart the grades by number and then you'd be able to compare for different questions how each reader graded that applicant's paper. The Committee of Bar Examiners, then, would take those hundred applicants and their books. And my recollection is not clear that we read all of one hundred applicants' books for each of the questions. But I do recall spending many, many days reading in preparation for that meeting with the readers. We would sit down for three or four days and spend a couple of hours with each reader for each question, determining upon grading problems, ambiguities — any problems that existed in connection with the grading, or any variation from what appeared to us to be an appropriate norm for grading of one reader as against another. For example, if one reader graded everything and averaged out at about 60, and another averaged out at about 80, we went into that very, very carefully to make certain that there was a justifiable reason or necessity for it. After this meeting with the readers, the graders then went ahead with their work. The one hundred books were initially tentatively graded, in order that we could have our meeting regarding grading problems, ambiguities and the like, and when that three- or four-day meeting was over, then the readers or graders went off and engaged in their grading process. Then all applicants whose grades averaged between 65 and 70 percent, as I remember, had all of their books reread by a Board of Reappraisers to determine if, overall, they met the minimum requirements and should be determined to have passed or failed. When the reappraisal process was all completed, then for the first time, the code, the numbering system that was on the books was broken, and the identity of the people whose books were being read was established. And thereafter, of course, notices were sent out to the applicants as to who passed and who failed. That was the process we went through then. There was no practice or lawyering skills component to the examination as there is now. We had a degree of consistency from examination to examination, in order that it not be justifiably said that standards were being raised or lowered. It seemed a very simple way of conducting a

bar examination then, when you consider the nature of the problems and the extent of the studies that are conducted to make certain that it's appropriately done now.

Q: Were you active when the criticisms first started that the bar exam might be tilted in favor, well, not tilted in favor of, but tilted against, certain ethnic or cultural groups because they weren't as familiar with the language or idioms or things of that nature, as the middle-class American would be?

WHITMORE: To the best of my recollection that came considerably after my term on the Bar Examiners Committee. We had relatively few women or minorities taking it. I don't remember any substantial criticisms at all of the examination or our grading process, or anything in connection with the examination based upon race or ethnic background or sex.

Q: Were you subject to any criticism from any source concerning the fact that the Bar Examiners created a closed union shop and only allotted a certain percentage to pass each year?

WHITMORE: I read that in the paper: I heard it stated by people as far back as I can remember. I was so totally persuaded, however, as a result of my time on the Bar Examiners Committee that this was not the case, I answered questions about it in a very forceful way. I have no recollection that this was a prevalent feeling during the time I was on the Bar Examiners Committee. But I remember reading stories that in other states, as well as possibly in California, there were too many lawyers, and so the Bar Examiners Committee was tightening up in the grading process. I didn't pay much attention to it because I knew the extent to which we went to make sure that wasn't the case.

Q: I want to go back and talk to you for just a couple of minutes about another subject. And that is that certainly the bar association as such or the legal profession, or perhaps society in general has been criticized for their actions or exclusions in the forties and fifties, and certainly before that. Now, at the same time that the bar association was excluding Blacks and doing a lot of things that certainly are condemned now, I think that we forget that they were doing a lot of laudable and notable things that are no longer necessary. For instance, do you remember who took care of the representation of indigents in the federal courts? Do you remember how those were handled before there was the regular public defender?

WHITMORE: I know the Bar Association was always very active in doing what it could to encourage its members and others to perform that type of function, not only in the federal courts but elsewhere. Also, I recall the activity of the L.A. County Bar in connection with representation through the Legal Aid Society or otherwise of indigent people in civil cases. This has always, at least during my lifetime in the Bar, been one of the great concerns and activities, and I think one of the activities most constructively carried out, of the Los Angeles County Bar Association.

Q: I want to bring up the name of a colleague of yours in that regard — Maynard Toll. Do you remember some of the activities he had?

WHITMORE: Maynard Toll was a senior member of O'Melveny and Myers, and a very good friend of mine for many, many years and still is. He was always active in connection with the representation of the poor. If I remember correctly, he was chairman of the ABA's committee dealing with legal aid and indigent defendants' representation. He was president of the American Bar Foundation. Yes, Maynard was certainly one of the leaders, as I consider Joe Ball to have been, in connection with provision of legal services in both the criminal area and the civil area to indigents in our area.

Q: Another couple of names I'd like to mention just so that we can get things in the proper perspective is Lou Elkins and Stan Johnson. Can you tell me their roles?

WHITMORE: Well, Lou Elkins was the secretary, the paid head, of the Los Angeles County Bar Association for many years prior to my becoming a member of the Los Angeles County Bar Association, and Lou Elkins, upon his retirement, was succeeded by Stanley Johnson, who continued on as secretary of the Association, until about 1972 or '73 when, if my recollection is correct, he was replaced by Andrea Sheridan Ordin who had worked in the Attorney General's Office, who, again, is now in the Attorney General's Office, working in one of the first or second slots under Attorney General John Van de Kamp.

Q: The Los Angeles Bar Association, then, early on, was a completely organized bar association with a paid staff and was — correct me if I'm wrong — but I'm led to believe that they were one of the foremost volunteer bar associations in the country to be organized and to conduct the activities they did on that scale.

WHITMORE: I think that's right. I recall the first office of the L.A. County Bar Association of which I was familiar, in the Security Building at 4th or 5th and Spring Street in Los Angeles. Lou Elkins was there. There were, I guess, at most a half-dozen other employees, secretaries, and otherwise. When I was president of the County Bar, Stanley Johnson was secretary and we had moved over to a building on the south side of Pershing Square in Los Angeles, and we had a lunchroom for our members, and my estimate is that we had forty or thereabouts paid staff, handling lawyer reference service matters, arbitration matters, membership matters — all manner of things — for the Association. And my guess is, although I don't have the number, is that the number of paid staff of the Association is now several times what it was in 1970. But, yes, the Los Angeles County Bar Association, among local bar associations, has always, together with the Association of the Bar of the City of New York, and the Chicago Bar Association, been the innovator and the leader in the profession. I should include the San Francisco Bar Association in that, too. They have made many, many valuable contributions.

Q: You talked about the work that you did with the Committee of Bar Examiners and the various offices you had with the State Bar, and the local bar associations. Were there any other activities that you had with reference to the organized bar that we haven't talked about?

WHITMORE: One thing you might be interested in is the change in the work of the Board of Governors of the State Bar over the early sixties when I was a member of it and today. From 1962 to 1965 when I was on the State Bar board, the Board of Governors itself conducted the investigations and evaluated all prospective nominees to state and appellate court positions in California. Now, as you know, it's a separate statutory body which conducts the investigations and makes the evaluations. In addition, when I was on the board all discipline matters were finally argued before the Board of Governors and the determination was made directly by the Board of Governors. Now, as you know, there is a State Bar Court. There are thirty or forty or more lawyers who represent the State Bar in presenting matters, discipline matters. It's handled in quite a different way. The function of the Board of Governors has changed a great deal. The legislative matters before the board have become more significant and I guess occupy a good bit of more time of the State Bar than they did when I was on the board. There

really has been quite a change. The staff of the State Bar from '62 to '65 under Jack Hayes as the top staff person has increased in size and in the scope of the work they did by so many times that it's difficult for me to realize the extent of the change. I recall when I was first involved with the State Bar. Its offices in Los Angeles were in the Rowan Building, and relatively few square feet were devoted to their activities, and in San Francisco they were also in rented quarters. They then in San Francisco moved to what was then the State Bar Building on the corner of McAllister and Franklin Streets in San Francisco, which they still occupy, but a building three or four times that has been built next door to take care of their staff and activities in San Francisco, and in Los Angeles the same is true. They built a building on West Third Street which amply took care of their staff and their activities when I was on the board, and now a building next door to it which is three or four times the size of the original building has been added, and I understand that the State Bar is at this stage again wanting for space. One interesting story in connection with the acquisition of the building next door — the land next door in San Francisco on which the addition was built, and the land next door on West Third Street in Los Angeles where the addition was built. In San Francisco when I was on the board we realized we were running out of space and attempted to negotiate with George Davis, a prominent San Francisco lawyer who owned the space and we had difficulty, considerable difficulty, in our negotiations, and while I was on the board never did succeed in arriving at a price agreeable to Mr. Davis and to the State Bar.

In Los Angeles it was quite different. When Grant Cooper and several others — Herm Selvin, if my recollection is right, Frank Belcher, if my recollection is right, probably Joe Ball, although I have no specific recollection of that — realized that when the West Third Street State Bar office was built that the State Bar would be expanding and would need more space. So those gentlemen or some among them bought the property next door, and when the State Bar needed it they sold it at the price they bought it, with a very small, if any, addition to the purchase price. In fact, I'm told they bought the property initially so it would be available to the State Bar when they needed it. So the problem of acquisition of adequate space was quite different in the south than what it was in the north.

Q: I guess we've covered most of your activities. I know that you are too modest to volunteer it but certainly you have been recognized for some of

those activities, so will you tell me some of the times that you have been so recognized.

WHITMORE: Well, other than election to positions on the board of the state and local bar associations in which I was active and in the ABA, I must say the one thing that comes to my mind which was most satisfying to me was when I was selected as the recipient of the Shattuck-Price award being given by the Los Angeles County Bar Association each year. That was recognition that I was very proud of, and it was a very significant thing to me. [See photo, next page.]

Q: I remember at least one occasion in Sacramento when you were honored in a different type of activity.

WHITMORE: Yes, I have received an honorary degree from McGeorge Law School in Sacramento.

Q: That was in recognition of the work that you did with the Committee of Bar Examiners, wasn't it?

WHITMORE: Well, in connection with legal education and admission to the bar — work I had done in California and with the ABA.

Q: You mentioned at the beginning of our talk today that when you joined Gibson, Dunn & Crutcher there were, I think you said, twenty-two members.

WHITMORE: My recollection is that the three firms I mentioned each had between twenty and twenty-two lawyers.

Q: I think that it was the practice in those days that every member of the firm, in fact every lawyer in the firm, was named on the stationery.

WHITMORE: Either above the line or below the line. That's right. The line was important.

Q: What sort of a letterhead would be required today to list the names of every member of Gibson, Dunn & Crutcher?

WHITMORE: Well, as of today, January 9, 1987, I do not know how many lawyers there are at Gibson, Dunn & Crutcher. I have been of counsel at the firm for five years now and have not been on the executive committee of the firm or involved in hiring for that period of time, but I would guess we have about 600 lawyers or maybe slightly in excess of that number. A

letterhead obviously listing all lawyers would be impossible — that's the growth that's occurred in our firm and certainly in many of the other significant firms in California over the period of my time and prior.

Q: With 600 members, how does it compare with the larger firms in the United States?

WHITMORE: Well, I can't be sure of this but I believe I heard one of our active partners indicate that Gibson, Dunn & Crutcher is now the fifth largest firm in the country.

Q: And how many offices do you have? Well, let's go back, how many did you have in 1948?

WHITMORE: In 1948 we had one, on South Spring Street in Los Angeles. We had had during World War II a temporary office in the San Fernando Valley for use by several lawyers in working with defense contractors and subcontractors located there, but about the time of the end of the war that temporary office was closed. We opened our second office, which was the first permanent office away from Spring Street, in 1962 in Beverly Hills. Six of us went up to Beverly Hills to open that office. I can't tell you in what order we opened subsequent offices but our third office was in Orange County in Newport Beach. We now have offices in Saudi Arabia, London, Paris, Washington D.C., New York, Dallas, Denver, San Diego, San Francisco, San José, Seattle; we have 13 or 14 offices now.

Q: You mentioned to me previously that you had a list of the 1986 class of hires (or those who were hired). How many people did the firm hire in 1986?

WHITMORE: Overall, all of our offices, it's about 80 for 1986.

Q: Have you any sort of an educated guess as to the total number of employees that the firm has?

WHITMORE: I guess it would approximate two non-lawyers for every lawyer, but, no, I don't have any exact figures.

Q: The growth in at least geometric proportions since the time that you joined the firm is mildly fantastic. To what do you attribute the fact that not only this firm but other firms have grown in such huge numbers?

WHITMORE: The nature of the practice of law has changed. Our clients in the 1940s, for example, were largely local — California companies,

companies doing business in California. That isn't the case now. Gibson, Dunn has opened offices in new areas when our existing clients had need for legal services in those areas. As our clients have become involved more in nationwide or worldwide activities the availability of lawyers to them from Gibson, Dunn & Crutcher had to be expanded, so we had lawyers



SHARP WHITMORE RECEIVES THE 1982 SHATTUCK-PRICE MEMORIAL AWARD OF THE LOS ANGELES COUNTY BAR ASSOCIATION, WITH (FAR RIGHT) U.S. ATTORNEY GENERAL WILLIAM FRENCH SMITH, HIS FORMER PARTNER AT GIBSON, DUNN & CRUTCHER, AND WHITMORE'S SON, ATTORNEY RICHARD SHARP WHITMORE, AND DAUGHTER, ANN WHITMORE — AT A NOON LUNCHEON ON MAY 21, 1982, AT THE BILTMORE HOTEL IN LOS ANGELES.

elsewhere in the United States and outside of the United States to take care of the expanded activities of our clients.

Q: The last thing that I'd like you to comment on is the fact that at least this firm, through William French Smith and others, has produced in recent years lawyers who have been on loan to the government or governmental activities. Can you comment on all that?

WHITMORE: Well, certainly there have been a number of others from Gibson, Dunn & Crutcher. We had a fine lawyer in our litigation department who is now a member of the Securities and Exchange Commission. Her name is Aulana Peters. We have had Frank Wheat, one of the senior members of our firm in the early seventies, serve a full term as a member of the Securities and Exchange Commission. Ted Olson, a partner in our Washington office, was director of the Office of Legal Counsel of the Department of Justice. Ken Starr, who served as counsel to the attorney general of the United States and then was appointed to the United States Court of Appeals for the District of Columbia, is presently serving in that capacity. We've had a number of people at the Washington level from the firm who have performed significant federal service, and certainly the same is true of our firm and others with respect to positions in state government such as activity in the corporation commissioners' offices and the like.

Q: How about Warren Christopher, did you know him?

WHITMORE: Oh I've known Chris since he first got out of Stanford Law School, and certainly few people have made a greater contribution to our federal government than Chris has. He has served as the deputy attorney general of the United States, and he also has served as the under secretary of state in the Department of State, and as I'm sure you remember, Ray, was our chief negotiator for the release of the hostages from Iran during the latter days of Jimmy Carter's administration.

Q: I guess then that you and I, among others in the legal profession, can still be proud of the fact that the legal profession donates or makes possible the fact that a number of lawyers can contribute and without regard to the compensation that they get.

WHITMORE: Well, I certainly think it's true that lawyers, probably more so than members of any other profession or activity, lend themselves,

certainly at financial cost to themselves, to further the constructive activities of the state and local governments. Yes, that's not only true of our firm and Warren Christopher's firm but certainly of many others. I remember, for example, Dana Latham from the firm of Latham & Watkins taking time away from his activity as one of the two senior members of that fine and large law firm to be commissioner of Internal Revenue in Washington, and Charlie Walker was involved in the Treasury Department in the significant policymaking position who left the firm for a significant period of time to go to Washington to perform that function, and I'm sure there are many other examples.

Q: Any other memories or anything else that comes to mind that you want to preserve for posterity?

WHITMORE: Certainly, one other member of the Los Angeles legal community who has made a very, very significant contribution to our country is Shirley Hufstedler, who is presently a partner in the firm of Hufstedler, Miller, Carlson & Beardsley. Shirley was a superior court judge, a judge in the United States Court of Appeals for the Ninth Circuit. She resigned from that life tenure position to serve as secretary of education, the first secretary of education, in the Jimmy Carter administration. She is now back practicing law in Los Angeles. There are few people, I'm sure, who could compare with Shirley in the contribution they have made and are still making. And I'm sure there are others; I just at the moment can't think of them.

Q: On behalf of the Committee on History of Law in California I want to thank you for taking the time to tell us about these experiences because I think that these insights will be a great means of looking back and analyzing what happened during this period in the progress of the law.

WHITMORE: I've rarely done anything that I enjoyed more than reminiscing as we've had a chance to do today.