

HISTORICAL
DOCUMENTS

BURIED TREASURES:

California Legal History Research at UC Hastings College of the Law Library

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AND MARLENE BUBRICK*

Had it not been for a minor section in the California legislative act that created and funded the UC Hastings College of the Law,¹ this first legal academy west of the Missouri River might have been located in present-day Berkeley, rather than neighboring San Francisco. Founded out of need for a law school in the rapidly maturing American West — the then-nearest law school being nearly 2,000 miles away in Des Moines, Iowa — the school was a brand-new endeavor. As the newly created University of California did not have a research collection capable of supporting a law school, section 12 of the founding act compelled the Law Library Association of the City of San Francisco to provide UC Hastings students access to their library. Even though the college outgrew this library quickly, it cemented the close relationship that Hastings would share with the institutions in the Civic Center, leading to the 1901 residence of the college in the magnificent new City Hall of San Francisco. Five years later, after the great earthquake

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¹ “An Act to create ‘Hastings’ College of the Law’ in the University of the State of California” (Stats. 1878, ch. CCCLI, at p. 533), adopted March 26, 1878.

and resulting conflagration, the college, and nearly all documents and records of the first twenty-eight years would be ashes under the ruined dome of City Hall. In a fortunate twist of fate, one document survived.

The following years were characterized by recovery and rebuilding, with Special Collections at UC Hastings College of the Law Library being developed under the care of various librarians. Currently, portions of the collections are being added to our new Digital Repository. This article highlights some of the items that constitute our “buried treasures.”

1. THE UC HASTINGS ORIGINAL MINUTE BOOK

Removed from City Hall shortly before the earthquake, this book of minutes of the Board of Directors, the aforementioned sole document to survive the destruction of City Hall, reveals much about the administrative requirements of founding, staffing, and running a law school. Early entries deal with the appointments of deans and professors, the setting of salaries (\$300 for the first professor to be hired), establishment of curricula, and the number of lecture hours required of each professor. On January 10, 1879, the Board unanimously voted not to admit women to the college after considering the application of Clara Shortridge Foltz — who would promptly sue and gain admission with a ruling by the California Supreme Court.² The hiring of John Norton Pomeroy, who would later develop the “Pomeroy System” of instruction that was used at the college, is described.³ In 1878 Pomeroy accepted the position of professor of municipal law at Hastings College of the Law and was responsible for teaching most, if not all, of the students who studied at the college during its first four years. During this time Professor Pomeroy not only wrote a significant treatise on equity jurisprudence, he edited (with one of his sons) the West Coast Reporter, and contributed a number of essays and book reviews to this publication.

The minute book proved to be an important source of information for Thomas G. Barnes in the research and writing of his history of the college, *Hastings College of the Law: The First Century*.⁴


² Foltz v. Hoge, 54 Cal. 28 (1879).

³ Thomas Garden Barnes, *Hastings College of the Law: The First Century* (University of California, Hastings College of the Law Press, 1978), pp. 104–105.

⁴ Barnes, op. cit.

2. THE 65 CLUB COLLECTION

The 65 Club at UC Hastings was created out of crisis.⁵ On July 25, 1940, Dean William M. Simmons died unexpectedly from complications of surgery. Dean Simmons was not only the dean of the college, but he also taught three courses that were to begin in August of 1940. Acting Dean David E. Snodgrass, who subsequently served as dean from 1940 to 1963, did not have time to vet younger instructors and the college did not have a pension plan with which to attract them. At this time across the country, many colleges and universities had mandatory retirement at the age of 65. Not all prospective retirees were ready to retire.

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A. M. CATHCART
FALLEN LEAF LODGE,
LAKE TAHOE CALIFORNIA

CRITICAL EMERGENCY RESULTING FROM DEAN SIMMONS DEATH NECESSITATES IMMEDIATE EMPLOYMENT PROFESSOR OF CONSTITUTIONAL LAW FOR PERIOD COMMENCING AUGUST TWENTY SEVENTH AND ENDING MAY TENTH. WOULD APPRECIATE YOUR WIRING CARNEGIE FOUNDATION FULL PARTICULARS OUR EXPENSE AND ADVISING MINIMUM BASIS ON WHICH YOU WOULD ACCEPT POSITION. OUR BOARD VERY ANXIOUS TO OBTAIN YOUR SERVICES.

DAVID E. SNODGRASS
ACTING DEAN HASTINGS COLLEGE OF L

TELEGRAM FROM ACTING DEAN DAVID E. SNODGRASS OF HASTINGS COLLEGE OF THE LAW TO A. M. CATHCART, RECENTLY RETIRED FROM STANFORD LAW SCHOOL, THEN VACATIONING AT FALLEN LEAF LODGE, LAKE TAHOE, AUGUST 7, 1940 —

“CRITICAL EMERGENCY RESULTING FROM DEAN SIMMONS DEATH NECESSITATES IMMEDIATE EMPLOYMENT PROFESSOR OF CONSTITUTIONAL LAW FOR PERIOD COMMENCING AUGUST TWENTY SEVENTH AND ENDING MAY TENTH. WOULD APPRECIATE YOUR WIRING CARNEGIE FOUNDATION FULL PARTICULARS OUR EXPENSE AND ADVISING MINIMUM BASIS ON WHICH YOU WOULD ACCEPT POSITION. OUR BOARD VERY ANXIOUS TO OBTAIN YOUR SERVICES.”

⁵ See “The 65 Club” at <http://library.uchastings.edu/research/special-collections/65-club.php> (accessed November 26, 2013).

In the course of one week during August 1940, letters and telegrams were exchanged nearly daily, sometimes crossing each other en route, between Dean Snodgrass and two other men: Orrin Kip McMurray and Arthur M. Cathcart. Orrin Kip McMurray had been professor and dean of the School of Jurisprudence at UC Berkeley. Arthur M. Cathcart was a professor at Stanford University. Both men faced mandatory retirement. Although they were willing to continue to teach, the records show the concern both professors had that taking a position at UC Hastings would jeopardize the pensions they were receiving from their previous employers. It was quickly determined that as long as the hours worked and the resultant compensation were less than half of what they had been at their last place of employment, the professors could keep their pensions. With two weeks until classes began, the crisis had been resolved.

World War II brought a dramatic drop in enrollment. In the 1940–41 school year, there were 272 students; by 1943–44 there were 37. The end of the war saw an equally dramatic increase in the number of students. In the first semester of 1945–46 there were 72 students; in the second semester of the same year there were 211, and by 1949–50 there were over 900 students at UC Hastings. The increase in law students required the services of more professors, and the supply could not meet the demand as law schools across the country saw increased enrollments. Dean Snodgrass, however, had his pick of deans and law professors, many with decades of experience yet forced into retirement. The records indicate that the biggest obstacles Dean Snodgrass faced were difficulty in finding housing in the city and reluctance on the part of prospective faculty to face a foggy San Francisco summer.

Beginning in 1948, UC Hastings instituted a policy of hiring distinguished law professors and deans who had been forced into retirement at other institutions. Each new member of the 65 Club brought decades of experience and knowledge to the classroom. Such was the caliber of the 65 Club that Roscoe Pound, dean emeritus of Harvard Law School, declared UC Hastings to have “the strongest law faculty in the country.”⁶ In 1994, the federal Age Discrimination in Employment Act was passed prohibiting mandatory retirement. Without needing to move for work after reaching the age of 65, law professors remained at their institutions. In 1995, the 65

⁶ “For Ageless Wisdom,” *Newsweek*, April 15, 1957.

Club was brought to a close. The last member of the 65 Club was William Ray Forrester who, after many years as professor and dean at Tulane, Vanderbilt, and Cornell, spent twenty-five years teaching at UC Hastings until 2001. For a complete list of 65 Club members, please see the Appendix.

The 65 Club Collection contains archival materials for nearly every member. Over the years various library staff members have researched 65 Club members and compiled bibliographies, biographical information, and other materials to supplement the archival materials. There is a collection of books authored or owned by 65 Club members, many of which are annotated. The smaller 65 Club archival collections are often composed of correspondence and other writings from the professors' time at UC Hastings. There are a number of larger collections from 65 Club members that extend beyond their time at UC Hastings. For these collections, finding aids are in development.

Selected Contents of the 65 Club Collection

A few representative samples from the collection are described below. The dates indicate the years in which the professor was a member of the 65 Club. These professors, and a number of others, are profiled more fully in the article, "Sixty-five Club Members' Biographical Summaries," which appeared in 1978 in the *Hastings Law Journal*.⁷

BENJAMIN F. BOYER (1969–1975), who came to Hastings on retiring as dean of Temple University School of Law. He was considered a pioneer in the fields of legal aid and in establishing clinical programs for law students, and he was a founder of the *American Journal of Legal History*. His collection includes photographs and personal memorabilia.

MIGUEL DE CAPRILES (1974–1981), who had served as dean of New York University School of Law and executive vice president and general counsel of NYU. He published widely in the field of Corporate Law. He was also well known as a medal-winning member of the U.S. Olympic fencing team from 1932 to 1951. His collection includes awards, articles, and news clippings.

⁷ "Sixty-five Club Members' Biographical Summaries," 29 *Hastings Law Journal* 1041 (1977–1978).

LAURENCE H. ELDREDGE (1971–1979), who had been a private practitioner and also a professor at the University of Pennsylvania. He was recognized as an authority in the field of Torts, in which he published the casebooks, *Modern Tort Problems*. His autobiography, *Trials of a Philadelphia Lawyer*, appeared in 1968. His collection includes casebooks on Torts with annotations.

JEROME HALL (1970–1989), who came to Hastings after thirty years at Indiana University where he retired as Distinguished Service Professor of the University. He served simultaneously as president of the American Society for Political and Legal Philosophy and the American Section of the International Association for Philosophy of Law and Social Philosophy. He was also a director of the American Society for Legal History.

Hall's collection contains correspondence from 1930 to 1980 with James L. Adams, Jerome Frank, Lon Fuller, John H. Wigmore, the German Symposium on the New German Penal Code, the U.S. State Department, and the California Department of Justice regarding the Caryl Chessman case in 1960. His collection also holds class lecture notes, photographs, scrapbooks, awards, and honors.

RALPH A. NEWMAN (1957–1974), who had held professorships at St. John's University and American University, and served two terms as president of the American Society for Legal History. His prior areas of expertise were Legal History, Labor Law, Law in Society, and Trusts and Equity. At Hastings, he turned to Comparative Law, in which he developed a new specialty, and delivered lectures in Luxembourg, Liege, Frankfurt, London, Paris, Jerusalem, and Brazil.

Materials in Newman's collection include general correspondence from 1950 to 1970, writing and correspondence on Legal History (including the Pacific Coast Society of Legal Education (1960s), and the American Society for Legal History), correspondence with John S. Bradway (1966–1970), correspondence with Ben Goldstein (1960s) and with Giorgio Del Vecchio, notes and drafts for "Freedom of Government," unpublished writings, notes for lectures given in Paris, Luxembourg, and Israel (1960s), Comparative Law course materials, and materials on Equity, Legal Process, and Legal History.

ROLLIN M. PERKINS (1957–1975), who came to Hastings from Vanderbilt and UCLA. He published at least two dozen casebooks on criminal law and procedure until his death in 1993 at the age of 104, with new editions carrying his name as recently as 2007. His collection includes the 1951 typescript of “Cases on Criminal Law and Procedure” with many edits and annotations.

RICHARD R.B. POWELL (1963–1973), who served on the faculty of Columbia Law School for thirty-eight years before coming to Hastings. His specialty was Real Property, and he became well known for succeeding volumes of “Powell on Real Property.” Of particular interest to the field of California legal history is his last major work, *Compromise of Conflicting Claims: A Century of California Law 1760–1860*, published in 1977. His collection provides a comprehensive archive of his professional papers, as follows:

Teaching materials in his collection range from his course notes on “Elements of the Law” (ca. 1940) to later course notes and lectures on Agency, Estate and Gift Tax, Fiduciary Administration, Future Interests and Trusts, Property, Trusts and Estates, Wills, and Legal Method.

The earliest of Powell’s works in the collection is his master’s thesis, “The Doctrine of Fraud in the Roman and English Laws” (ca. 1912). His *Restatement of Property Law*, on which he commenced work in the late 1920s, is represented by memoranda, correspondence, and drafts of the restatement. From his 1955 trip to the Soviet Union, one finds his manuscript and typescript for “Reflections from Behind the Iron Curtain” and other papers related to the trip. For his 1977 history of law in California, there are research notes and manuscripts, as well as the notation that the material “includes interesting info on California History Research Project abandoned in progress.” There are also notes for a work in progress on “Drafting of Trusts.”

Texts of Powell’s speeches from 1920 to 1980 have been preserved in the collection. These include an unpublished address to the Allegheny County Bar regarding Act 550 which temporarily established community property in Pennsylvania in 1947, and research and manuscript notes for speeches on Race and Property from 1963 and 1964.

His involvement in current affairs is indicated by a letter and supplementary materials regarding Angela Davis and the controversial donation to her legal defense fund by the Presbyterian Church. Also found are the

typescript and correspondence related to Powell's 1967 Report to the California Law Revision Commission on Powers of Appointment.

Powell's wife, Alice Thompson Powell, is represented by the outline and manuscript of a talk given by her to the Hastings Law Wives in 1969 on "The Role of Law and Other Social Factors in Influencing the Content and Availability of Children's Books." And, finally, the collection includes Powell's own scrapbooks.

Oral Histories

In 1985, Dorothy Mackay-Collins, curator and archivist for the college, began recording 65 Club oral histories. Recordings and transcripts have been completed for the following members of the 65 Club:

Paul E. Bayse

Kent Britton and John Britton (sons) on behalf of William E. Britton

William Ray Forrester

Geraldine K. Green (wife) on behalf of Milton D. Green

Jerome Hall

William B. Lockhart

Russell D. Niles

Alice Thompson Powell (wife) on behalf of Richard R.B. Powell (who recorded his own memoirs, and they are also transcribed)

Stefan A. Riesenfeld

Marvin J. Anderson (former dean of UC Hastings)

3. ROGER J. TRAYNOR COLLECTION

The Hastings Law Library is honored to act as the repository of the papers and memorabilia of the late Chief Justice Roger J. Traynor of the California Supreme Court, who served as a justice of that court from 1940 to 1970.

Roger John Traynor was born in Park City, Utah, in 1900, and in 1927 he received simultaneous doctorates in Political Science and Law from the University of California, Berkeley. The following year he commenced teaching full time in both departments, becoming a full professor at Boalt Hall School of Law in 1936. He was a consulting tax counsel for the California

State Board of Equalization (1932–1940) and the U.S. Department of the Treasury (1937–1940), and a deputy attorney general of California (January to July, 1940) under Attorney General Earl Warren. In 1940 he was appointed to the California Supreme Court by Governor Culbert Olson. He served as chief justice of California from 1964 until his retirement in 1970.

Traynor was responsible for several notable decisions, among which are *Perez v. Sharp*,¹ which made California the first state in the country to strike down its law prohibiting interracial marriage, and *People v. Cahan*,² which banned the use of evidence obtained in violation of the Fourth Amendment. He is also credited with creating the area of law now known as Product Liability. Following his retirement, Traynor returned to teaching, accepting several visiting positions in the United States and abroad. In 1971 he joined the 65 Club faculty of UC Hastings College of the Law. During this time, he also served as the chairman of the American Bar Association Special Committee on Standards of Judicial Conduct, responsible for the development of the Code of Judicial Conduct. In addition, he served as chairman of the National News Council. Chief Justice Traynor died on May 14, 1983.

Of interest in this collection are various papers, books, photographs, reprints of law review articles, all of his more than 900 opinions, and scrapbooks and memorabilia belonging to Traynor and his wife, Madeleine Lackmann Traynor. This collection was assembled by Mrs. Traynor with the assistance of then–archivist/curator Dorothy Mackay-Collins after his death. Also included are oral histories from those who knew and worked with him.

Traynor Oral Histories

Donald P. Barrett: senior attorney at the California Supreme Court during Traynor's tenure

Mrs. Roscoe Barrow (Ruth): friend of the Traynor family

Sister Jacqueline Graham, PBVM: daughter of a friend of Mrs. Traynor's mother

Professor Kurt Lipstein: teaching colleague of Chief Justice Traynor's at Cambridge University

¹ 32 Cal. 2d 711 (1948).

² 44 Cal. 2d 434 (1955).

Suzanne L. Marr: student at UC Berkeley, who visited the Traynor family (niece of Sister Jacqueline Graham)

Dean and Mrs. Robert McKay (Kate): New York University colleague and personal friend

Professor Jeffrey B. Russell: Department of History, UC Santa Barbara, childhood friend of Michael Traynor and personal friend of the Traynor family

Mrs. George Scheer (Ruth Weston): officer in the National League of Women Voters and personal friend of the Traynor family

Justice Raymond L. Sullivan: fellow justice on the California Supreme Court and faculty colleague at UC Hastings

Professor Samuel D. Thurman: colleague at UC Hastings and personal friend

Eleanor van Horn: UC Berkeley Political Science Department secretary when Traynor was a doctoral student and instructor

Kristian D. Whitten, Esq.: UC Hastings student of Traynor's

4. JUSTICE A. FRANK BRAY RADIO TRANSCRIPTS

Justice Absalom Frank Bray, UC Hastings Class of 1910, was a dedicated public servant of the state of California for nearly six decades. He served first as assistant district attorney in Contra Costa County, then as city attorney of Martinez, Pinole and Concord, all while maintaining a private practice. He was appointed to the Superior Court of Contra Costa County in 1935. Twelve years later he was appointed an associate justice of Division One of the First District Court of Appeal, and after another twelve years became the presiding justice of Division One. He was an active supporter of UC Hastings, serving on the Board of Directors for nearly thirty years, as well as president of the Hastings Alumni Association.

The Bray Personal Papers consists of a collection of 182 scripts of a radio series about early California legal history broadcast over radio station KLX of Oakland, California, between May 1936 and February 1945. The series was titled "Human Aspects of Early California Supreme Court Cases." These cases came from all over the state of California, and spanned

the years 1850 through 1929. Topics include cattle running in Santa Clara, city water systems, feeding of prisoners in county jails, a husband's responsibility in his wife's buggy accident, and lying in bed with one's clothes on in a hotel. Justice Bray's analysis and commentary give glimpses into the lives and issues of early Californians, and are told in a light and entertaining yet informative style.

5. HASTINGS COMMUNITY PUBLICATIONS

Hastings Alumni Bulletin

The *Hastings Alumni Bulletin* began in 1951 as a publication of the Alumni Association of Hastings College of the Law. The college was in the process of constructing its first permanent home and the *Bulletin* was another means of creating a distinct community after seventy-eight years of nomadic existence and a complicated relationship with the University of California, Berkeley. The *Bulletin* kept alumni aware of the activities of their former college and classmates. Over the years, the magazine has had several names as it shifted from a publication of the Alumni Association to one of the college. Today, the magazine is known as *Hastings* and is published by the college for all of the Hastings community — alumni, faculty, staff, students, donors, and friends. This publication was selected to be the first collection for digitization with the intent of making it accessible in 2013 to the public via the UC Hastings Institutional Repository.

Voir Dire

Voir Dire was a publication of the Associated Students of Hastings College of the Law that ran from 1962 to 1970. In 1961, a group of Hastings students were suspended for cutting classes. A Hastings student passed the story on to local newspapers that ran the item. The resulting perceived bad publicity from the story was seen as damaging to the reputation of the school and, hence, damaging to the reputations and prospects of all Hastings students. In the first issue, editors Norse N. Blazzard and Steven Guralnick proclaimed, "*Voir Dire* has as its chief purpose the reflection of the professional student. More specifically, it will act as a sounding board for the students in this school who have something to say and who deserve to

America's Most Comprehensive Law School Newspaper

"To deprive a man of his opinion is to rob poverty and the existing generation. If it be right, then they are deprived of enlightening error for truth. If it be wrong, they are deprived of illuminating the impression of truth as it collides with error."
—JUSTICE BRANDEIS

Voir Dire



Hastings College of the Law

San Francisco, California

November 15, 1966

Volume 6, No. 3

'JAKE' IMPANELS JURY—MORE TO FOLLOW

By PAUL ROGERS

Last Friday, November 11th, San Francisco's own colorful trial lawyer and legal author Mr. J. W. "Jake" Ehrlich demonstrated to a capacity audience how to impanel a jury. At his own suggestion, and in an effort to more fully explore his subject, Mr. Ehrlich will return to Hastings to complete his labors. I believe his whole audience affectionately anticipates this soon to be announced return engagement.

THE SPEAKER

Since Mr. Ehrlich was admitted to the Bar in San Francisco in 1922, he has become one of the country's most celebrated trial lawyers. Although his reputation as a colorful criminal lawyer is widely known, he is nonthe-

less noted for his varied practice in the field of civil litigation. During this time he has also authored at least eleven books devoted to the historical as well as the philosophical analysis of the law.

WRITINGS

His Ehrlich's Blackstone, Ehrlich's Criminal Law, and Ehrlich's Criminal Evidence are standard scholarly legal works that are frequently

used by judges and lawyers as courtroom guides. Such works as What Is Wrong With The Jury System, The Lost Art Of Cross-Examination, The Educated Lawyer, and The Contested Divorce Case give evidence of his practical mindness and of his attempt to help raise the effectiveness of the legal profession.

Mr. Ehrlich's competence as a scholar is exhibited in The Holy Bible And The Law, and in a series of his essays with the apt title of A Reasonable Doubt. He has written an autobiography A Life In My Hands, and he has been the subject of NBC's television series Sam Benedict, which has depicted some of his civil and criminal litigation experience. He is also the subject of the biography Never Plead Guilty.

Mr. Ehrlich continues to write for the University of California's Continuing Education of the Bar series, as well as for the American Jurisprudence Trial Series. He is much in demand throughout the U. S. as a speaker before Bar Associations as well as law schools. He is well known for his civic-mindedness, and just this November he was honored as the City of Hope Man of the Year.

THE DEMONSTRATION Working with fourteen

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California Justice Mosk

LAW FORUM SCHEDULE

Friday, December 2nd, in classroom B at 11:30 a.m.: Jack F. Wolfson, a retired Vice President of General Motors and general manager of its Oldsmobile Division, will speak on the newly developed science of "Communology."

Friday, December 9th, in classroom B at 11:30 a.m.: Mr. Norman Macleod, Esq., a noted British collector, will speak on "The Judicial System and Legal Professions in England."

LAW FORUM PRESENTS MOSK AND EHRlich

MOSK LOOKS AT CRIMINAL ADMINISTRATION

By PAUL ROGERS

Justice Stanley Mosk of the California Supreme Court addressed the Hastings Law Forum on Friday, November 4th, on the topic of "Court Decisions: Effect on the Administration of Criminal Law."

Justice Mosk is a graduate of the University of Chicago School of Law, and he was admitted to the California Bar in 1933. From 1929 to 1942 he served as executive secretary and legal adviser to Governor Olsen. In 1942 he was appointed to the Bench as a Judge of the Superior Court in Los Angeles where he served until 1959. In 1959 he was elected Attorney General of California with a 74 to 26 plurality, and was re-elected in 1962.

AUTHOR ATTERNEY

As Attorney General he issued nearly 2,000 written opinions, appeared before the U.S. Supreme Court in the Arizona v. California water case, and argued other landmark matters before the California Supreme Court. He also was the author of some of California's most progressive legislative proposals in the field of criminal law. Senator Ernie North Carolina, on the floor of the Senate, referred to Mr. Mosk as "one of the finest constitutional lawyers in the United States." (Cong. Rec., Aug. 5, 1964, p. 17823.)

REMARKS

Mr. Mosk, after serving five

matters as judicial problems—not mere or political problems. He opined that "judicial decisions are not dictated by the will of the majority but by the law, and they are decided not by popularity but by constitutionality." He exhorted the legal community to explain the judicial process to the populace so that they will have some basis for a rational understanding of this "current hysteria."

Justice Mosk also addressed himself to the current criticism "that courts are handicapping the administration of justice by their recent criminal case decisions," with reference to the recent U.S. Supreme Court's Escobedo and Gideon decisions. He felt that law enforcement has not broken down, but in fact has been considerably helped by these decisions. Justice Mosk stated that this criticism is not borne out by the facts, and he cited statistics to support his contention.

Over the period of 1959 to 1965 the number of defendants charged with crimes in California has considerably risen; yet the percentage of court convictions has remained at a constant 84 to 86 percent level. He opined that "the administration of justice has become more efficient and effective in conviction and administration as a

—Continued on Page 14



San Francisco Attorney "Jake" Ehrlich

THE UC HASTINGS LAW STUDENT PERIODICAL, VOIR DIRE, ISSUE OF NOVEMBER 15, 1966. THE TOP LINE OF THE MASTHEAD READS, "AMERICA'S MOST COMPREHENSIVE LAW SCHOOL NEWSPAPER."

be heard.”³ Dean Snodgrass welcomed the new student publication stating, “There always has been a need for a ‘Safety Valve,’ for a medium through which student opinion can express itself, and (on occasion) for a member of the faculty to respond.”⁴

Over the years, the paper mostly covered events and activities of UC Hastings students, faculty, and administration, but also covered more broadly legal issues around the state of California. The 1960s were a transformative decade for the country, and *Voir Dire* reported on events from the perspective of a law student. The paper ended in 1970, but the independent voice of the Hastings student soon found a new outlet in the *Hastings Law News* publication that ran until 2002.

Voir Dire was the second collection to be digitized for the UC Hastings Digital Repository. It is intended that *Hastings Law News* be digitized and added to the repository soon.

6. CALIFORNIA INITIATIVES AND PROPOSITIONS

Advocates for the legalization of marijuana went door to door seeking signatures on twenty-two occasions from 1966 to 1995 until voters approved use of the substance for medical purposes with Proposition 215. Chiropractic regulation and vivisection prohibition were hotly debated during the 1920s. Efforts to reduce the salaries of government officials, determine appropriate punishments for firearm felonies, and set policies for forest management and many other concerns have regularly made their way through the system of California voter initiatives.

Since its inception 102 years ago, 1,800 initiatives have circulated throughout the state. Of these, about 70 percent failed to qualify for the ballot, with only 30 percent of those qualified receiving approval by voters. From 1911 to the end of 2013, only about 100 initiatives have ended up as California law — a 5 percent success rate.⁵ However, much important legislation has derived from this process. In 1914, voters successfully amended section 12 of article

³ “Editorial Viewpoint,” *Voir Dire* (February 17, 1962), p. 2.

⁴ “From the Dean’s Office,” *Voir Dire* (February 17, 1962), p. 1.

⁵ Kevin Shelley, *A History of California Initiatives* ([Sacramento: State of California], 2002) pp. 10–13.

XIII of the California Constitution so that the state could never levy or collect a poll tax. After many failed starts, the observation of daylight saving time took hold in 1949, and vast areas of California's coasts, mountains and woodlands have been set aside for conservation, all through voter initiatives.

Voter initiative is but one way for a statewide ballot measure (or proposition) to come before the voters. The California Legislature has four types of measures that it may place on the ballot: a legislative bond act, a legislative constitutional amendment, a legislative initiative amendment, and a legislative statute amendment. The Legislature may also propose a question to the voters, asking approval or denial of an action. Voter initiatives are likewise divided by measure type — bond acts, constitutional amendments, statutes and referendums — used to amend or defeat a proposed legislative statute that has not yet been made law.⁶

Librarians at UC Hastings compiled a database with nearly all of California's initiatives and ballot measures, beginning in 1999, with funding assistance from a federal Library Services and Technology Act (LSTA) grant. In December of 2011 an unfortunate series of server crashes wiped out most of the collected data.⁷ After two years of reconstruction, Hastings is ready to re-launch the database as part of our newly created Digital Repository. Contained in the database are both voter initiatives and ballot measures, dating from 1911. The text of many initiatives has been lost, and further searching through the archives will be required to make the collection more complete.

Research of ballot measures and initiatives presents a challenge because of inconsistent numbering conventions and inexact titling of measures. The ability to search by keyword, as digitizing the collection will enable, will make it easier for the researcher to locate the measure being sought.

With the roll-out of our Digital Repository, located at <https://repository.uchastings.edu>, we are just beginning to make publicly available the riches in our Archives and Special Collections. This has given us an excellent opportunity to delve deeply into our formerly "buried treasures."

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⁶ Tony Miller, *A Study of California Ballot Measures* ([Sacramento: State of California], 1994).

⁷ Chuck Marcus and Peter Gigante, "Beyond the Shelves: Researching California Ballot Measures," *The Recorder*, Friday, April 05, 2013.

APPENDIX:

MEMBERS OF THE 65 CLUB FACULTY

(Dates indicate the years in which each professor was associated with Hastings after reaching the age of 65. An asterisk indicates “visiting professor.”)

Ralph Aigler, 1955–1956	Everett Fraser, 1949–1964
Edward S. Bade, 1962–1963	George W. Goble, 1956–1963
Paul E. Basye, 1966–1985	Arthur J. Goldberg, 1974–1975
William W. Blume, 1963–1971	Leon Green, 1958–1959
George G. Bogert, 1949–1959	Milton D. Green, 1966–1978
Benjamin F. Boyer, 1969–1975	William G. Hale, 1949–1952
John S. Bradway, 1960–1965	Jerome Hall, 1970–1989
Millard S. Breckenridge, 1963–1965	Moffatt Hancock, 1976–1979
William E. Britton, 1954–1963	Albert J. Harno, 1958–1965
John U. Calkins, 1957–1959	Dan Fenno Henderson, 1992–2000
Richard V. Carpenter, 1967–1975	John B. Hurlbut, 1970–1975
Arthur M. Cathcart, 1940–1949	Adrian A. Kragen, 1974–1983
Elliot E. Cheatham, 1959–1960	Norman D. Lattin, 1963–1973
Albert Brooks Cox, 1951–1972	Julian H. Levi, 1980–1996
Judson A. Crane, 1954–1964	William B. Lockhart, 1977–1994
Stephen R. Curtis, 1964–1971	Ernest G. Lorenzen, 1948–1951
Miguel De Capriles, 1974–1981	James P. McBaine, 1952–1957
Augustin Derby, 1947–1952	Oliver L. McCaskill, 1946–1953
Edwin D. Dickinson, 1957–1959	Dudley O. McGovney, 1948–1949
Allison Dunham, 1979*	Orrin Kip McMurray, 1940–1941
Laurence H. Eldredge, 1971–1979	James A. MacLachlan, 1960–1963
Judson F. Falknor, 1966–1972	Joseph Warren Madden, 1961–1971
Merton L. Ferson, 1956–1961	Calvert Magruder, 1959–1960
William Ray Forrester, 1975–2001	Frederick J. Moreau, 1964–1973

Ralph A. Newman, 1964–1973	Lewis M. Simes, 1959–1972
Russell D. Niles, 1972–1985	Theodore A. Smedley, 1980–1984
Rudolph H. Nottelmann, 1961–1967	David E. Snodgrass, 1959–1963
Charles B. Nutting, 1974–1977	Roscoe T. Steffen, 1961–1973
George E. Osborne, 1958–1973	Julius Stone, 1974–1980
William B. Owens, 1953–1956	Frank R. Strong, 1973–1974*
Rollin M. Perkins, 1957–1973	Raymond Sullivan, 1977–1994
Harold G. Pickering, 1954–1963	Russell N. Sullivan, 1967–1978
Richard R. B. Powell, 1963–1973	Joseph M. Sweeney, 1988–1996
William L. Prosser, 1963–1972	Sheldon Tefft, 1969–1978
Max Radin, 1948–1949	Samuel D. Thurman, 1986–1992
John W. Richards, 1966–1968	Edward S. Thurston, 1943–1948
Stefan A. Riesenfeld, 1975–1999	Roger J. Traynor, 1971–1983
Rudolf B. Schlesinger, 1975–1994	Clarence M. Updegraff, 1964–1972
Louis B. Schwartz, 1984–1996	Chester G. Vernier, 1946–1949
Warren A. Seavey, 1961–1962	Harold E. Verrall, 1970–1978
Warren A. Shattuck, 1974–1995	Lawrence Vold, 1948–1965
Arthur H. Sherry, 1975–1985	John B. Waite, 1952–1955

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PERSONAL REMINISCENCES OF THREE STATE BAR LEADERS

EDITOR'S NOTE

In 1989 the former State Bar Committee on the History of Law in California recorded the reminiscences of twenty-three past presidents of the State Bar, spanning the years 1937 to 1988. They appeared in a limited-circulation booklet titled, *The Story of the State Bar of California*, prepared under the chairmanship of John K. Hanft. Three of these have been selected for presentation here. They appear with the permission of the State Bar of California and have received light copyediting for publication. The first discusses a special occasion in State Bar history, the second highlights the founding of the California Appellate Project, and the third offers a first-hand account of the Bar's origins and early years.

— SELMA MOIDEL SMITH

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WILLIAM P. GRAY¹

President of the State Bar, 1962–1963

The highlight of 1963 was the annual meeting in San Francisco when we had the members of the Supreme Court of the United States in attendance as our guests.

As we began to plan for the meeting, in the spring of 1963, we became aware that the meeting would occur at just about the tenth anniversary of Earl Warren's becoming chief justice of the United States. With the approval of the board, I wrote to the chief justice and invited him and Mrs. Warren to come to the annual meeting and join with us in celebrating this anniversary. We were delighted to receive his prompt acceptance, and we set about to plan the program.

In the previous summer, the American Bar Association had its annual convention in San Francisco. At one of the general sessions, the president of the ABA, John Satterfield of Mississippi, had two members of the Supreme Court on the stage and took that occasion to excoriate the Supreme Court for some of its recent decisions in the field of civil rights and desegregation.

¹ Born, Los Angeles, 1912; B.A., UCLA, 1934; LL.B., Harvard; President, Los Angeles County Bar Association, 1956; U.S. District Judge 1966–1991; died, Los Angeles 1992.

All of us felt that this was an insulting performance and we determined that the theme of our convention would be to do honor to the Supreme Court of the United States and the Supreme Court of California and to the other members of the federal and state judiciary. We visualized this as an opportunity to give a response by the members of the State Bar to the “impeach Earl Warren” campaign that was then at its height through the efforts of the John Birch Society.

The Board of Governors concluded that the lawyers of California would be delighted to contribute the money that would make it possible for us to invite all of the members of the Supreme Court, with their wives, to come to San Francisco, enjoy the facilities of the Fairmont Hotel during the week of the convention, and participate in all of the activities of the convention as the guests of the members of the bar. Arthur Connolly, one of our third-year members from San Francisco, was designated chairman of the Arrangements Committee for the convention, and he and I were sent by the board to Washington to meet with the chief justice, describe our plans to him, obtain his approval, and ascertain his own desires with respect to the meeting. On March 26, 1963, Art and I found ourselves in the Supreme Court Building. In the morning, we went through the memorable ceremony of being sworn in as members of the bar of the Supreme Court, and in the early afternoon we had our meeting with the chief justice. He readily agreed to the program that we presented, which included his making a major address at a general session. He embraced our plan to invite his colleagues to attend, and he also agreed to share honors with Chief Justice Gibson and the members of the California Supreme Court. That afternoon, Art and I went to the nearby Senate Office Building where we met with Senators [Thomas] Kuchel and [Clair] Engel and invited them to participate in the anticipated celebration. They readily agreed to come.

Upon my return to Los Angeles, I set about to prepare letters to the associate justices of the Supreme Court which would tell them of our plan and invite their participation. I worked rather hard on the letter, going into some detail as to what would occur on each of the days, in order that the justices would know what to expect and be attracted accordingly. Inasmuch as I had been acquainted previously with Justice Brennan, I directed the first letter to him and then simply told my secretary to prepare similar letters to each of the other justices. The letters were prepared and signed

and mailed. The next day, I looked over the office copies and almost fell out of my chair. One of the letters was addressed to Honorable John M. Harlan, Supreme Court of the United States. And then in about the second paragraph it read, "and we of the State Bar of California would very much like to have you and Mrs. Brennan come to San Francisco and spend a week at the Fairmont Hotel."!! I telephoned Justice Harlan's chambers and asked his secretary if she had heard from me in the morning's mail. I told her that she would receive a letter shortly and advised her as to what it contained. She laughed and asked if I wanted her to destroy it. I said, "No, tell the justice that we would like to have him bring his own wife and that Mrs. Brennan would otherwise be taken care of."

When the time for the annual meeting came, all of the justices and their wives came to San Francisco, with the exception of Justice Harlan, who expressed his sincere regrets but was obliged to attend a meeting of the Judicial Conference of the Second Circuit. A member of the Board of Governors had previously been assigned as individual host to each of the justices, and specially picked members of the San Francisco bar were given similar assignments as local hosts. Rule number one that we imposed upon the justices was that they were to do whatever they wanted to do and were not to do anything that they would prefer not to do. With that qualification they were invited to, and did, sit in on the meetings of the Conference of Delegates, were present throughout the general session of the bar on Wednesday [September 24], attended the various law school luncheons, went shopping, played golf and tennis, attended Kelly's (Justices Brennan and Stewart proved to be very good assistant bartenders), and had a good time in general.

On Thursday evening there was a general session to which the public was invited. It began with several musical renditions by the Men's Glee Club of the University of California at Berkeley. As they left the stage, they disclosed, seated behind them, Chief Justice Warren, seven of his active colleagues (and retired Justices Reed and Whitaker), Chief Justice Gibson and each of his six colleagues of the California Supreme Court, and the five officers of the State Bar. Each of the justices was introduced, along with his wife who was sitting in the audience with the local host. Welcoming remarks were made by Governor Pat Brown and formal speeches were presented by Chief Justices Warren and Gibson.

At the end of the meeting, my wife and I walked back to the Fairmont Hotel with Chief Justice and Mrs. Warren. As we emerged from the auditorium, members of the John Birch Society were marching up and down the sidewalk carrying “impeach Earl Warren” signs. The chief justice approached one of the women and said, “Why do you want to impeach me; what do you have against me?” The woman got a rather puzzled look on her face and finally responded, “Well, if you don’t know, I’m not going to tell you!”

On Thursday evening there was a black-tie dinner attended by the justices and their wives, Governor and Mrs. Brown, and the members of the Board of Governors and the local hosts and their respective wives. This was followed by a formal reception in the ballroom of the Fairmont Hotel, where each of the justices and his wife were presented at an individual receiving line, which was followed by dancing. On Friday evening the justices and wives were taken by their hosts to a performance by the San Francisco Opera in which Leontyne Price sang the leading role.

We believe that the entire affair was worthwhile because it caused the justices to realize that the members of the State Bar of California had great respect for the institution of the Supreme Court and had regard for the individual members as warm human beings.

ANTHONY MURRAY²

President of the State Bar, 1982–1983

PRESIDENTIAL OUTREACH

Throughout the year, I made approximately one hundred speeches up and down California on a variety of subjects, principally judicial independence and legal services for the poor. I spoke to as many local bar associations as I could reach. Many speeches were made to small county bar associations where a State Bar president had never spoken. In addition to bar associations, I spoke in numerous public forums such as Town Hall in

² Partner, Loeb & Loeb LLP; President, California Appellate Project (1983 to present); Fellow, American College of Trial Lawyers; Life Fellow, American Bar Foundation.

Los Angeles, the World Affairs Council in Los Angeles, and service groups such as Rotary clubs. Coupled with speaking engagements were dozens of press conferences and radio and television appearances to maximize the effectiveness of the outreach program.

CALIFORNIA APPELLATE PROJECT

In 1983, the governor [George Deukmejian], over opposition of the State Bar, the Supreme Court and most Courts of Appeal in California, reduced by 50 percent the budget of the State Public Defender. The reduction threatened to create a crisis in the representation of indigents in capital appeals before the Supreme Court. The Supreme Court asked the State Bar for help. The president's committee, consisting of the members of the third-year class on the board, convened and discussed a solution.

The result was formation of the California Appellate Project (CAP), a nonprofit corporation designed to recruit and train competent lawyers to handle capital appeals. CAP has been an outstanding success. It has been heralded in California and other states as an innovative and effective model that can be emulated across the nation. In 1984, CAP received the Harrison Tweed Award from the National Legal Aid and Defender Association and the Standing Committee on Legal Aid and Indigent Defendants of the American Bar Association. The award recognized and commended CAP for its public service in providing competent legal representation to indigent persons accused of capital crimes.

Today [1988], CAP operates an eight-lawyer office in San Francisco and an eight-lawyer office in Los Angeles that will soon expand to thirteen or fourteen lawyers. The lawyers in both offices recruit and assist lawyers from the private bar in representing indigents. The work of the San Francisco office is limited to handling cases before the Supreme Court. The Los Angeles office works with cases in the Second District Court of Appeal; in 1988, it will handle approximately 75 percent of the Second District appeals, some 1300–1400 cases.

I am the president of CAP. The other members of the board of directors are the other four members of my class on the Board of Governors and Herbert Rosenthal, executive director of the State Bar.

PRIVATE CLUBS

In May of 1983, the board adopted a resolution to sponsor federal legislation prohibiting discrimination based on race, religion, color or national origin in private clubs which derive substantial income from business sources. The board's position has since been vindicated by decisions of the United States Supreme Court.

GILFORD G. ROWLAND³

President of the State Bar, 1937–1938

ADMISSION TO THE BAR

Prior to 1927, the qualifications for admission were minimal. Anyone who was a citizen of the United States, a resident of California, twenty-one years of age, of good moral character, and had studied law for at least three years in the manner and subjects prescribed by the Supreme Court could be admitted. Until 1919, the examination was oral by the justices of a district court of appeal. Attorneys who were admitted under that system have told me that the examination by the justices was brief and quite inadequate to ascertain the legal ability of the applicant. One attorney who had been examined by the justices of the third district court of appeal told me that there were twelve or fifteen in the group, lined up before the justices. He was fourth or fifth in the line. Justice Hart asked the applicant next to him "What is a negative pregnant?" The applicant did not know and the question was repeated down the line and back to my friend who was able to answer the question because he had accidentally stumbled upon it when he had opened his Blackstone the night before. This was the only question asked of him. In 1919, the Legislature authorized the Supreme Court to appoint a board of bar examiners consisting of three attorneys who were directed to conduct the examination, which could be wholly or in part

³ Born, Sheraton, Iowa, 1899; A.B. Stanford 1923; J.D. Stanford Law School, 1925; admitted August, 1925; private practice (retired 1985); dean, McGeorge College of Law (1933–1937); died, Sacramento, 1989.

written. By 1925 when I took the examination, there was a brief oral interview followed by two days of written examination.

CREATION OF AN INTEGRATED BAR

Prior to the State Bar, about the only time that an attorney was ever disbarred or suspended followed a conviction of a crime. By statute, an attorney could be removed or suspended after conviction of a crime involving moral turpitude, for willfully disobeying an order of court involving his duties as an attorney or willfully and without authority appearing as an attorney for a party or lending his name to be used as an attorney by a person not admitted, and for the commission of any act involving moral turpitude, dishonesty or corruption. The procedure for enforcement of these rules required a verified accusation held by a trial in and conviction by a court.

The inadequacy of existing laws and procedures to enable the bar to meet the problems facing the profession led the leaders of the legal profession in California to rally behind the movement for the establishment of an integrated bar, and the State Bar Act was enacted in 1927. The tasks facing the first Boards of Governors were monumental but they wasted no time. The Committee of Bar Examiners was appointed and directed to conduct the bar examinations. Rules of professional conduct were adopted and for the first time violation of these rules could lead to discipline. Local administrative committees were appointed and the procedure for discipline was publicized. And last but not least in importance, the sections and committees of the State Bar to study and promote the science of jurisprudence and the improvement of administration of justice were appointed and directed to proceed.

DISCIPLINE

The inadequacies of the old system were demonstrated quickly after the local administrative committees were ready to receive complaints. The dedication of the bar to the weeding out of the unfit in its ranks was amply demonstrated by the many volunteers who spent untold hours in performing the unwelcome task of hearing and investigating these complaints.

Joseph J. Webb, the first president of the State Bar, declaring that a license to practice law is intended to be and should be a guarantee that

the lawyer is qualified as to learning — but of more importance — that he is an honest man, urged the disciplinary committees to weed out the dishonest practitioners. I was told by members of the earlier boards that often the calendar of disciplinary matters consumed almost all of the time of the monthly meetings. A large proportion of the complaints were without merit and were dismissed. The records will show that as many as forty-five to fifty disciplinary recommendations would be on a single board meeting calendar. By the time I went on the board the backlog had been reduced and the board had more time to consider other pressing matters.

UNAUTHORIZED PRACTICE

In the late 1920s, the unlawful practice of law was rampant. Banks and trust companies advertised that they would prepare wills and trust instruments, would probate estates and administer trusts. Title companies and real estate companies advertised that they would prepare deeds, mortgages, deeds of trust, contracts of sale, and all other title documents. Adjusters licensed by the state to represent insurance companies in the settlement of fire and other casualty matters claimed that their license entitled them to solicit and represent personal injury and property damage claimants. Actions were filed to enjoin the unlawful practice of law, but it was soon found that the required litigation would be beyond the resources of the State Bar. Separate committees were appointed to enter into negotiations with banks and trust companies, with title companies, with the adjusters' organizations, and with other groups engaged in the unlawful practice of law. They tried to agree upon the legitimate activities of the banks, trust companies, title companies, and others, and reduce the unlawful practice of law. Before my term as president began, agreements were reached with these various groups and the unlawful practice of law was substantially eliminated.

ATTEMPT TO ABOLISH THE INTEGRATED BAR

During the first decade, there were numerous attempts to curtail the functions of the State Bar or to destroy it. Assemblyman William Hornblower of San Francisco gutted any increase in the educational qualifications for admission to the bar by securing the passage of a bill which prohibited the

Supreme Court or the State Bar from imposing any educational qualifications. James Brennan, an assemblyman from San Francisco, was elected to the Board of Governors and worked on the board and in the Legislature to repeal the State Bar Act. He and Assemblyman Hornblower were able to induce the Assembly to create a committee to conduct a plebiscite of the attorneys on the question, "Do you favor repeal of the State Bar Act?" The plebiscite was conducted in April, 1935, and resulted in the overwhelming approval of the State Bar by the attorneys. There were 1,899 yes votes and 5,457 no votes.

The State Bar was enthusiastically supported by a vast majority of the attorneys. The Legislature sought its advice and help with legislation involving procedural matters, court reform and matters involving the administration of justice. Alfred L. Bartlett, the tenth president of the State Bar, was able to report in his last message that the State Bar and the act which formed it had weathered every kind of storm. All phases of the act had been subjected to the scrutiny of the courts. The State Bar itself has been the subject of legislative investigation. Two years ago [1986], a committee of the Legislature took a plebiscite of all lawyers of the state to determine their attitude, and the vote overwhelmingly endorsed the State Bar.

BAR EXAMINATION

In 1933, the son of one of the justices of the Supreme Court flunked the bar examination and this triggered a full scale investigation of the bar examination procedures and content by the Supreme Court. I am happy to report that the Committee of Bar Examiners came through this investigation with flying colors. I wish that I could adequately express my admiration for the giants of the legal profession who preceded me and for the diligence and intelligence which they devoted to the solution of the problems which confronted them.

CONFERENCE OF DELEGATES

The first meeting of the Conference of Delegates was in 1934. It gained popularity as attorneys and local associations recognized that it provided the means by which they could secure consideration of their ideas and

programs. When it created the conference, the board feared that as time went on, the conference would seek to make its action on resolutions binding on the board. During its brief existence, these fears had begun to be realized and the board, during my regime, felt compelled to remind the conference officers that the board considered resolutions adopted by the conference in the nature of recommendations only.

LAWYER EDUCATION

The Committee for Cooperation Between Law Schools and the State Bar presented to the 1937 convention at Del Monte a proposal that the State Bar assume the responsibility for referring the newly-admitted lawyers to a system of postgraduate instruction. For a number of years, the Stanford Law Society had sponsored such a program for the newly-admitted Stanford graduates. The board enthusiastically approved and authorized me to appoint a committee to work out a plan. I appointed a committee composed of representatives from the law schools and attorneys who had experience in the bar examination procedures and in legal education. This committee worked out the plan which was the forerunner of the present Continuing Education of the Bar program.

JUDICIAL APPOINTMENTS

The election of supreme and appellate court justices became history when our present system of appointment and confirmation was adopted. The board, during my tenure and for some time afterwards, advocated the adoption of the so-called Missouri Plan, under which a committee composed of lawyers, judges, and laymen would select three qualified attorneys for each vacancy and the governor would be required to appoint one of these three candidates.

PUBLIC RELATIONS

In an address to the Long Beach Bar Association in the fall of 1934, President Norman Bailey pointed out that public relations was a job of every lawyer. His concluding remarks were:

Let us be our own publicity agents for a while. We must sell the bar to ourselves before we can sell it to anyone else. We must live our ideals twenty-four hours a day, 365 days in the year. We must, one and all, become active parts in the civic life of our several communities. We must preach the State Bar of California and its work throughout the length and breadth of this state. When we live and do these things, we need have no worry about public relations, but until we do that, all the publicity agents in the world will do us no good.

Those who favored a State Bar public relations program continued their efforts, and resolutions demanding action by the board were adopted by the annual conventions.

President Alfred Bartlett, my immediate predecessor, appointed a committee on public relations and it recommended that the State Bar create a department of public relations. The advocates of State Bar action on this subject never presented a concrete proposal. Some wanted group advertising, some wanted radio programs explaining the role of attorneys in the administration of justice, and others wanted to promote favorable publicity in the news programs of newspapers and the radio. The board authorized me to appoint a committee to make recommendations on the subject.

Ewell D. Moore of Los Angeles was appointed chairman. The members of the committee were appointed from the principal geographical locations of the state. While this committee was deliberating, the board created a department of public relations, with the secretary of the State Bar as its administrative head. At that time, our dues were \$5 per year and our budget was about \$130,000 annually. These funds were barely enough to pay for our mandated activities. Nothing could be spared for new programs. The Moore Committee presented a resolution to the 1938 annual meeting requesting that dues be increased from \$5 to \$10 per year and \$2.50 of that be earmarked to finance a public relations department. The resolution was not adopted and the next year the board changed the name of the public relations department to the Committee on Bar Activities but, without a budget, it withered.

LEGISLATION

In those days, the Committee on Administration of Justice determined what matters would be put on the legislative program of the State Bar, and

that committee was instructed that legislation should be confined to procedural matters and that substantive legislation, particularly that involving social or political issues, should be avoided.

By the time I was elected to the Board of Governors, the State Bar had gained the respect and confidence of the legislators, and its program was generally successful. The Legislature did not meet during my term as president. We spent a great deal of time on the consideration of the measures which would be a part of the State Bar's legislative program at the 1939 session. We were very careful to avoid involving the State Bar in political and social issues and so long as it followed that policy, it was respected and its opinion was given due consideration. However, when it became involved in such social and political issues, as evidenced by advocacy of no-fault insurance, legalization of prostitution, legalization of marijuana, and sanctions against South Africa, the bar lost respect and invited attacks by those who held opposing views.

In my opinion, the difficulties which the State Bar has encountered in the Legislature in the 1980s are almost entirely due to the fact that it has not confined its legislative program to procedural matters. Having said that, I must say that I have no regard for the attorneys in the Legislature who have attempted to change State Bar policy by holding it hostage on its dues bill.

LOCAL BAR ACTIVITIES

During my tenure, I visited all of the local bar associations in my district and urged bar members to attend the annual meetings and become interested in State Bar affairs. During my term as president, I notified all of the local bar associations that my successor on the Board of Governors would be elected at the election in 1937 and urged them to canvass their membership to ascertain whether there was anyone interested in becoming a candidate. Sacramento has the largest lawyer population of any community in our district and there is a tendency for attorneys in the smaller communities to feel that they would have no chance against a candidate from Sacramento. Unfortunately, we have had very few governors from other cities in this district and I feel that that has lessened the interest in the State Bar in the outlying communities. It is unfortunate that there have not been more governors from such communities as Stockton, Vallejo, Napa, Santa Rosa, and Woodland.

I feel that each governor should canvass the sentiment in all communities of his district and try to get more widespread interest in State Bar affairs.

In the early days, each *State Bar Journal* reported local bar association activities. I believe it would be helpful if the *California Lawyer* would devote the required space to report local bar association activities.

SACRAMENTO BAR ASSOCIATION

It has been suggested that I might tell about the history of my involvement with the State Bar and how I happened to become president. I will do so, not because it will reflect credit upon me, but because I believe it reveals a weakness in the method of selection of members of the Board of Governors. I have given considerable thought to possible changes but have been unable to come up with any that I thought would be satisfactory.

When I started to practice in Sacramento in 1925, the Sacramento County Bar Association was an organization in name only. The annual meeting was held in a justice's courtroom in the basement of the courthouse, and the old officers would suggest a slate of new officers and they would be elected. Nothing would happen until the next annual meeting when the process would be repeated. Shortly after I began to practice, the president refused to call a meeting to elect his successor. A small group of the younger practitioners thought they might breathe some life in the Sacramento County Bar Association and formed an organization called the Sacramento Inns of Court. This group was finally able to unearth a copy of the constitution and bylaws of the Sacramento County Bar Association and was able to call a special meeting and oust the old president. No one could understand why the old president wanted to continue. In Sacramento County, the president of the bar association is chairman of the county library committee, and when this president passed away, it was discovered that his library was made up mostly of county library publications.

ELECTION TO THE BOARD

Arch Bailey, from Woodland, was the member of the Board of Governors from our district. He announced that he would not seek another term as he would run for judge of the Superior Court of Yolo County. The younger

attorneys in the Inns of Court thought that an attorney from Sacramento should succeed Mr. Bailey. Several of us were appointed to a committee to inquire of the older and more prominent attorneys in Sacramento whether they would be interested in running for election to the office and we made inquiries through friends in Stockton, Vallejo, Santa Rosa, and other communities, and found that no one appeared to be interested.

At a meeting of the board of directors of the Inns of Court, we reported that we had been unable to find any of the older attorneys who were interested. Finally, one of the other attorneys on the committee said, "Gil, why don't you run?" After discussing the situation with my wife and determining that we could scrimp by financially, I agreed to make the effort. I was elected to the board in the fall of 1934. At the time of my tenure on the board, rivalry between San Francisco and Los Angeles was deep-seated and the board had adopted a policy that the presidency would be alternated between the north and south. And when the election in 1937 approached, it was the north's term to have the presidency. Most all of us on the board wanted Webster Clark of San Francisco to run for president but he positively refused. Other than Webster, it developed that I was the only northern member, and I was elected president at the board meeting at Del Monte in 1937. This was the greatest honor that was ever bestowed upon me during my sixty-odd years of practice.

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