

JOHN R. WIERZBICKI

Knowing Bernie:

The Witkin Oral History Project

Despite the many entreaties for him to do so, Bernie Witkin never agreed to be interviewed for an oral history about his life. One oral history came perilously close – the time Dorothy Mackay-Collins interviewed Witkin about his friendship with Chief Justice Roger Traynor for the Roger J. Traynor Memorial Collection on September 3, 1986. During the interview, in which MacKay-Collins got Witkin to begin talking more about himself than he liked, Witkin grumbled: “If we don’t get on to Traynor pretty soon I’ll think that you are coming here under false pretenses.” He later refused to allow the interview to be published. Whatever Witkin’s motives, his reticence left a significant gap in our understanding of his life and role in California law.

In January 2020, following the 25th anniversary of Witkin’s death, the California Supreme Court Historical Society launched an oral history project focusing on Witkin’s influence on California’s legal system from those who knew him best, especially during the 1970s until his death in 1995. The primary goals of the project were to:

- Identify and record interviews with those who have the most extensive information about, and connection with, Bernie’s life.
- Collect stories, anecdotes, and other personal remembrances of Bernie.
- House and preserve this material and make it available for scholars.
- Increase public awareness of Bernie’s life and his contribution to California law.

The initial project team consisted of retired California Supreme Court Justice Ming Chin, legal historian and former *L.A. Times* staff writer Molly Selvin, and Witkin scholar John Wierzbicki. It also partnered with other organizations, such as the California Judges Association, in getting word out about the project. Major funding for the project was generously provided by the Bernard E. and Alba Witkin Charitable Foundation (witkinfoundation.org).

Many of those who knew Witkin well had passed away in the quarter century since his death. Despite this, the project was able to identify and obtain interviews with sixteen individuals, each of whom had significant personal knowledge and experiences to relate about Witkin. The youngest of these were in their late 60s and the oldest was 99 years old at the time of the interview. Most were in their 80s. The interviewees had known Witkin in many capacities, including as the following:

- His co-author on *Criminal Law*.
- His personal advisor in the last years of his life.
- Two justices of the California Supreme Court.
- Four California Court of Appeal Justices.
- The judicial appointments secretary for Governor Deukmejian.
- Two trial lawyers, including a former state bar president.
- Three legal editors with the Witkin Department of Bancroft Whitney.
- A collaborator on his treatises in the 1970s.
- Two brothers whose family had known Witkin since the 1930s.
- A legal journalist for *California Lawyer* who profiled him.
- Witkin's attorney during the 1970s.
- The son of Chief Justice Roger Traynor, a close friend of Witkin since the 1940s.

The major topics discussed during the interviews are listed below.

Because there exists little scholarly work about Witkin, research emphasis was almost exclusively on primary material. The Witkin Archive at the Judicial Center Library in San Francisco was the primary source of documents for research, supplemented by those provided by individuals and Witkin personal papers that were housed at other locations. From these, outlines were created, and documents selected, for the interviews.

The project adopted a set of interview protocols. The interviews were orally recorded and an initial transcript prepared from the recording, which was edited for accuracy and readability. The interview candidates had 30 days from receipt of the initial transcript to make edits or alterations. The final

transcript was then created from the initial transcript and incorporated edits. None of the interviewees were paid for their interviews, and the CSCHS owns the copyright to the final transcripts.

Interviews were conducted with the sixteen interviewees. All but one were with a sole interviewee – the exception was a combined interview with the three editors in the Witkin Department. The pandemic proved to be a barrier, but one that was overcome. Although we conducted in-person interviews where possible (with appropriate protocols), several took place using online video conferencing. Over 37 hours of recordings were obtained, with the longest interview lasting 5 ½ hours and the shortest 41 minutes. This resulted in a final transcript of about 368 printed pages (at 350 words per page).

The core mission of the California Supreme Court Historical Society is to recover, preserve, and promote California’s legal and judicial history, with a particular emphasis on the State’s highest court. This project fulfilled that mission through preserving knowledge about one of the most influential individuals in California history on the state’s legal system. The criticality of the project was recently highlighted by the recent passing away of Witkin’s co-author, Norman Epstein. Thankfully, we have maintained for future generations an important piece of California legal history, in the words of those who participated in it.

INTERVIEW TOPICS

The following are the major topics that are covered in the interviews.

- Treatises
 - Citations to
 - Influence of
 - on law students
 - on lawyers
 - on judges
- As writer
 - Style and content
 - Coauthoring *Criminal Law*
 - Writing process
- As public speaker
 - Qualities
 - Engagements in Fresno
- Publishing activities

- o Witkin Department at Bancroft-Whitney
 - o Continuing Education of the Bar
 - o Bill Rutter and the Rutter Group
 - o Center for Judicial Education and Research benchbooks
- As Employer/Collaborator
- Influence on judicial appointments
 - o Under Jerry Brown
 - o Under George Deukmejian
 - o Under Pete Wilson
- Criminal law views
 - o Controversy regarding
 - o Influence on Proposition 8
- Legal Reform
 - o Futures Commission
 - o Judicial education
 - o "Media speech"
- California Supreme Court
 - o Relationship, generally
 - o Advisor to Judicial Council
 - o Roger Traynor
 - o Rose Bird
 - o Malcolm Lucas
- Other relationships
 - o Ralph Klepps
 - o S. I. Hayakawa
- Marriages
 - o Gladys Witkin
 - o Jane Witkin
 - o Alba Witkin
- Personality
 - o Generally
 - o Sense of Humor
 - o Science Fiction
 - o Roller Derby
- Death and legacy
 - o Generally
 - o Renaming of State Law Library

INTERVIEWS CONDUCTED

James Ardaiz (Interviewed July 27, 2022)

James Ardaiz is a former Administrative Presiding Justice of the Fifth District Court of Appeal. A graduate of U.C. Hastings College of Law, Ardaiz joined the Fresno County District Attorney's office, and went on to become Chief Deputy District Attorney. He was elected a municipal court judge at age 32, and then was named as one of the youngest appellate court judges in California history. Ardaiz was the principal author of the California Three Strikes Law and created the Adult Offender Program, resulting in significant changes in criminal punishment as an alternative to incarceration. He was named California Jurist of the Year by the Judicial Council and is a four-time recipient of the Kleps Award for Judicial Administration. He retired from the judiciary in 2011 to enter into private practice.

Ardaiz on being with Witkin:

Bernie could be a very social guy and there was no pretense to him that I ever saw, even though he was always treated very deferentially. Which I think he felt was his due. <Laugh> But among a closed circle of people, he was very much an average guy. When he walked into a room, he would know everybody and he would tell the same jokes. There were never any new jokes. But they were always funny. I don't know why. I'd heard the joke, maybe 50 times. And it was always funny.

Ardaiz on Witkin's influence:

Bernie was a guy that, well, he made careers. I don't know that he broke anybody, but I know he definitely made careers. If you were going to go up in the judiciary, Bernie Witkin was the guy whom governors called. I know he did it for other people. There are a lot of people who owe the advancement of their careers to Bernie and probably don't even know it. He never talked to you about it. He never said, I'm going to go call so and so. He never did that.

Marvin Baxter (Interviewed November 19, 2021)

Marvin Baxter is a former associate justice of the Supreme Court of California. A graduate of Hastings College of the Law, Baxter joined the Fresno County District Attorney's office. After two years, he went into private practice in Fresno. He served as president of Fresno County Young Lawyers and the Fresno County Bar Association. Governor George Deukmejian named Baxter as Appointments Secretary and his principal advisor on all

gubernatorial appointments made to the executive and judicial branches of government. Baxter served in that capacity for six years and assisted in the appointment of more than 700 judges. He was appointed as an Associate Justice of the Court of Appeal, Fifth Appellate District, and then served as an Associate Justice of the Supreme Court of California for 14 years, until his retirement in 2015.

Baxter on replacing Chief Justice Bird and two other justices after the 1986 retention election:

I did reach out to Bernie in that case, and I did receive his input. Another area where I thought Bernie could provide help, or at least the possibility of help, was in terms of administrative abilities. I certainly reached out to him when it was time to consider the replacement of the chief justice. Of course, the Governor himself had personal knowledge of Malcolm Lucas's abilities. But Bernie certainly confirmed that. That would've been an instance where I recall a specific conversation with him and I thought his input was very helpful.

Dave Bonelli, John Hanft, and Lee Nicolaisen
(Interviewed March, 3 2023)

Dave Bonelli is a former co-director of the Witkin Legal Institute. Bonelli worked for Bancroft Whitney as an attorney editor, and was transferred to the Witkin Department, which Bancroft Whitney had created in 1981 to support Witkin in writing his treatises. After Witkin's death in 1995, Bonelli was named founding co-director of the Witkin Legal Institute.

John Hanft is a senior principal attorney editor with Thomson Reuters. Hanft was an attorney editor at Bancroft Whitney. He was an original member of the Witkin Department and was later named founding co-director (with Bonelli) of the Witkin Legal Institute.

Lee Nicolaisen is a former attorney editor with Bancroft Whitney and was also selected as an original member of the Witkin Department at Bancroft Whitney. She and Dave Bonelli are married.

Bonelli on working in the Witkin Department:

At Bancroft Whitney, working for Bernie was the pinnacle of the kind of work you could do in legal publishing. It was the most prestigious publication for California attorneys. So I felt like the daily work was really important for the bench and the bar of California, and I couldn't let them down.

Hanft on being edited by Witkin:

He wanted things to be clear and concise from the beginning. But he had many style rules and peculiarities. Sometimes he would get quite agitated reviewing the manuscript because we would keep doing something that he didn't like in trying to follow the rules and hoping to be consistent. So you can see him looking at a chapter and getting more and more anxious. On page one, he would correct something you did and by the time he got to page 25, he'd be fuming: "Why do you continue to do this?" <Laugh>

Hanft on Witkin's humor:

Bernie liked to tell jokes. He liked to be the center of attention. And his humor was appropriate for the Borscht Belt in the thirties and forties, not for the corporate environment in the eighties and nineties. Certainly not the two thousands, certainly not later. There were many circumstances where Bernie would tell a joke that was either a little off color or not politically correct. I think the tendency of all of us in the department was to let it go because he was well-intentioned.

James Brosnahan (Interviewed November 30th, 2021)

James Brosnahan is a Senior Trial Counsel at Morrison & Foerster in San Francisco. A graduate of Harvard Law, Brosnahan has more than half a century of trial experience, having tried more than 150 civil and criminal trials to verdict. He has been named among the top 30 trial lawyers in the United States, was inducted into the State Bar of California's "Trial Lawyers Hall of Fame," and received the Samuel E. Gates Award by the American College of Trial Lawyers, the American Inns of Court Lewis F. Powell Award for Professionalism and Ethics, and the California Lawyers Association Bernard E. Witkin Medal.

Brosnahan on Witkin's personality:

With all of his erudition, all of his scholarship, and all of his writings, he was a party person. People really admired him, not just for his scholarship, but for his camaraderie and his jokes. I saw this for years. He could tell jokes and get a crowd going. He'd tell a funny joke about *res ipsa loquitor* and they'd be falling out of their chairs. He had that ability.

Brosnahan on citing to Witkin as legal authority:

I have no memory of citing Witkin and then losing. That's an exaggeration, but you get the idea. The gravitas of the name was in some ways more important than any other judge whom you could cite. I would always try, as lawyers do, to cite a judge that held this, that really is well respected. Witkin was above all that in his persuasive gravitas, when judges heard what Witkin said. The case might not be decided. He would say that certainly. He might even say, maybe it's going to be this way or that way. But when he said it was this, then it was that. Trial judges, especially where I spent a lot of my time, didn't want to go up to the California Supreme Court against Bernie Witkin.

Ming Chin (Interviewed December 16, 2022)

Ming Chin is a former Associate Justice of the Supreme Court of California. A graduate of the University of San Francisco, School of Law, Chin served two years as a Captain in the United States Army, including a year in Vietnam, where he was awarded the Army Commendation Medal and the Bronze Star. He then served as a deputy district attorney for Alameda County, then felony trial deputy, before leaving for private practice. Chin was also the first Asian-American to serve as President of the Alameda County Bar Association. Chin served as a judge of the Alameda County Superior Court, and then was appointed an associate justice of the First District Court of Appeal, where he became Presiding Justice of Division Three. Governor Pete Wilson later appointed Chin to the California Supreme Court, where he served for 24 years. He is an author of treatises on employment litigation and forensic DNA evidence.

Chin on Bernie recommending his elevation to the California Supreme Court:

I was astounded, frankly, that Bernie would call me at all. It was after we had a dinner in San Francisco with Bernie and Alba. That was the last day that I spent with Bernie. I was surprised that, number one, that he would call me and ask me, and number two, that he would even think of calling the governor and recommending me. He was such a good friend. I don't know how I deserved it. He was a hero to me.

Norman Epstein (Interviewed October 26th, 2021)

Norman Epstein was the former presiding justice of the Second District Court of Appeal, Division Four. A graduate of U.C.L.A. School of Law,

Epstein was a deputy attorney general with the California State Department of Justice, then the first general counsel of the California State University System. He was appointed a municipal court judge for Los Angeles County, then a superior court judge. Epstein was appointed associate justice for the Second District Court of Appeal, Division Four, and later became presiding justice for that division. He served on the Court of Appeal for 28 years and as a judge for 45 years. He was a consultant to Witkin on his two criminal treatises, then became Witkin's co-author on the combined *California Criminal Law*. He also wrote the *Digest of California Cases* and co-authored *Civil Trials and Evidence*. He received the Jurist of the Year Award from the Judicial Council, The President's Award from the California Judges Association, and the Bernard Witkin Medal from the California State Bar. Epstein passed away on March 24, 2023.

Epstein on getting a call from Witkin proposing they collaborate:

I was told that Bernie was going to call, and he called and said "I'm going to talk for 15 minutes. Do not interrupt. When I finish, you can say anything you want." So he spoke for exactly 15 minutes. He laid out what he had in mind, and how things would work, and said "All right, now you can say whatever you want." I said, "Well Bernie, could I come up to Berkeley? Could we sit down and talk together?" That's how we left it. I was so overwhelmed, even though I was tipped off about it. My wife and I went up to Berkeley and stayed with the Witkins. I was just delighted to be working for Bernie Witkin, so I really didn't expect much by way of compensation. At one point I asked what it was, and I don't remember what it started out as, but anything would have been wonderful.

Epstein on the uniqueness of Witkin:

I know of no one in any other state that is similar to Bernie. I can't say there aren't any, or weren't any, and probably is somewhere, but not that I've heard of. Some judges, perhaps, but Bernie wasn't a judge and he never practiced law except for about a year after he graduated. But he had such a total command of the whole field of the law. The four treatises are just amazing. So it was a privilege to work for him. And we got along just wonderfully, everything about it. And with Alba as well. Looking back on it, it was probably, if not the most wonderful thing, one of a couple that ever happened to me or that I was associated with.

Arthur Gilbert (interviewed June 18, 2022)

Arthur Gilbert is Presiding Justice of the Second District Court of Appeal, Division 6. A graduate of University of California, Berkeley Law, Gilbert served as a deputy city attorney for the city of Los Angeles before entering private practice. He was appointed a municipal court judge and then a superior court judge for the county of Los Angeles. He then was appointed as Associate Justice Court of Appeal, Second District Division 6 and later presiding justice for that Division. He has served on the Court of Appeal for over 40 years. He has received the Kleps Award from the Judicial Council and the Bernard S. Jefferson Award from the California Judges Association. He writes a monthly column for the Los Angeles Daily Journal entitled “Under Submission.”

Gilbert on Witkin at conferences:

Bernie would go to conferences and he'd be a character. He'd put a glass on his head, balance it, and walk around and tell stories. He'd ask me, “What's your latest joke?” So I would tell him a joke and then he'd be telling the joke to other people, like it's his joke. <Laugh> So I would kid him and say, “Bernie, are you going to tell me one of my jokes now?”

Gilbert on attending a Witkin lecture:

I knew from his books how he clarified legal concepts in plain English. His exposition of the law was readily understandable to me. When Bernie gave his lectures, he had an ego and liked to be center stage, but it was wonderful. He would have little clever phrases that he would use to describe what was going on. They didn't appear much in his writing; there he was a little more restrained. He was a compelling speaker. He'd be talking at the microphone and we're just scribbling, and listening, and watching him. Anytime Witkin was speaking on anything, the place was packed and I'd be there. You just had to go to hear Witkin.

Seth Hufstedler (interviewed January 6th, 2022)

Seth Hufstedler is senior of counsel to Morrison & Foerster in Los Angeles. Before graduating from Stanford Law School, Hufstedler served in the US Naval Intelligence during World War II. After graduation, he went into private practice and represented clients before California appellate courts, the Ninth Circuit Court of Appeals and the United States Supreme Court. Hufstedler also represented the California Commission on Judicial Performance in its televised investigation of the California Supreme Court. His spouse, Shirley

Hufstедler, was the first U.S. cabinet-level Secretary of Education under President Carter and the second woman named to the federal appellate bench. At the time of the interview, Hufstедler was 99 years old.

Hufstедler on Witkin's personality:

This probably will be misunderstood, but to some extent Bernie Witkin was a clown. He wanted to be the centerpiece, and he wanted to perform, and he wanted to entertain people. That was true from the beginning.

Hufstедler on Witkin and Roller Derby:

One of the great stories of Bernie, and you probably know parts of it because I've told it on various occasions, but Bernie was one of the world's great intellects. And yet he was interested in ladies roller derby. Who would ever connect Bernie with roller derby? But he did. It didn't ever become a terrific attraction, as you would suspect. At an early age, he got acquainted with it and Bernie would go through the newspapers and the listings of every place he could find to go watch roller derby. The night Bernie died, in fact, Bernie found a roller derby, had a great time watching it, went to bed, woke up, decided he had to go to the bathroom, and fell over dead on the way. He died happily, doing exactly what he wanted to do. At 94, and he got to watch his roller derby.

Jack Leavitt (interviewed October 18th, 2021)

Jack Leavitt is a former collaborator on Witkin's *California Evidence*, *California Crimes*, and *California Criminal Procedure* treatises. After graduating from the University of Illinois, College of Law, Leavitt received his masters of law from University of California, Berkeley Law. He then worked as a legal editor and in private practice. After meeting Witkin, they began collaborating, and he worked on the treatises while accepting death penalty appeal cases for indigents. After their collaboration ended in 1979, Leavitt served as a deputy district attorney for Alameda County and then a staff attorney at the 6th District Court of Appeals.

Leavitt on writing with Witkin:

We were two bright people. The reason that he cared for me is that I did not give him tired work. But I have a self-image which is pretty strong, still is. So he and I would quarrel. We would quarrel furiously over the proper use of a semicolon and whether to begin a sentence with "however" or to have "however" after the first phrase. So yeah, we butted heads together. And he liked that.

Leavitt on Witkin's humor:

I remember him saying: “here we are, the two of us. You are one of the greatest minds in California law, respected by thousands. And just the second smartest in this room.” Did I say to you his comments about me? “Leavitt, I tell everybody that your work is excellent. Excellent. Which is far below my usual standard.”

Clyde Leland (Interviewed January 17, 2022)

Clyde Leland is owner of Leland Communications, Inc., which trains lawyers on how to improve their writing. C. Leland's uncle, Henry Robinson, was a classmate of Witkin at U.C. Berkeley and they remained close friends until Robinson's death in 1973. Witkin was also a family friend of the Lelands; C. Leland grew up knowing Witkin. C. Leland interviewed Witkin in 1989 for an extensive profile published in *California Lawyer* entitled “The Ineffable Bernie Witkin at 85,” and in 1994, he produced a short film about Witkin on his 90th birthday on behalf of the *Continuing Education of the Bar*. C. Leland is the younger brother of Marc Leland (also interviewed).

C. Leland on Witkin and the California Lawyer article:

I had pretty good access. It was after that, that we really had more of a relationship. I had sent him the article for a fact-check right before it was published. He was so put off about that opening line about the fool, that he said, “I'm not going to let you publish it.” I was telling him, “Well, you can't stop it.” Then the Loma Prieta earthquake happened and Bernie almost lost his life. I think then he decided it's not worth fighting with people. He called me and had me come over. From then on, we were good friends.

Marc Leland (Interviewed January 20, 2022)

Marc Leland is president of Marc E. Leland & Associates, an investment advisory firm. After graduating from Harvard Law School, he joined Cerf, Robinson & Leland in San Francisco, where his uncle Henry Robinson was a partner. On Robinson's death, M. Leland became Witkin's lawyer and worked on both Witkin's personal affairs and establishing the Foundation for Judicial Education, which funded the writing of benchbooks for judges. Thereafter, Leland served as General Counsel of the Peace Corps and then Assistant Secretary of the Treasury for International Affairs under President Reagan. He presently resides in London. M. Leland is the older brother of Clyde Leland (also interviewed).

M. Leland on Witkin analyzing a case:

It was something to watch him, how he did that, how he would take a case, and just take it apart within two seconds and decide this was what you did with it. It came out fluidly. Who could explain it?

M. Leland on Witkin's promoting judicial education:

His view of judicial education was really far-sighted. He thought ahead on that issue, in the 1970s, that judges should have some understanding of what they're doing. Now it's accepted everywhere, same thing with congressmen, but it wasn't then.

George Nicholson (Interviewed August 30, 2022)

George Nicholson is a former Associate Justice of the Third District Court of Appeal. After graduating from U.C. Hastings, Nicholson joined the Alameda County District Attorney's Office and rose to Senior Trial Deputy District Attorney. He left to become Executive Director of the California District Attorneys Association. He then became a special (later senior) assistant attorney general. He served as a municipal court judge for Sacramento County, then a superior court judge. He then was elevated to the Third District Court of Appeal, where he served for 28 years until his retirement. Nicholson was the statewide co-chair and principal author of Proposition 8, the "Victims' Bill of Rights," which California voters adopted in 1982. That year, Nicholson ran as the Republican candidate for California Attorney General.

Nicholson on the Witkin treatises:

Counsel often focus on what the cases say about a statute, but invariably, you've got to ask counsel, not only "What does the statute say?" but "what does the statute mean?" Witkin's treatises are kind of like that. "What does Witkin say?" and then, "What did he mean?" But, you don't default to Witkin. I don't think he expected that. Maybe he did <Laugh>, but I don't think so. He wanted you to do your own work, your own thinking. He was merely trying to help you do that.

He got you into the right county when you're traveling along on a specific legal problem. He grounded your research in such a way that everything was contextual and understandable. Bernie was at the elbow of every judge and lawyer in California, just as he is still.

Nicholson on Witkin's personality:

He was so childlike in his joy.

Winslow Small (Interviewed December 13th, 2021)

Winslow Small is a solo attorney and former advisor to Witkin on publishing matters. After graduating from U.C. Hastings, Small first went into private practice and then served as counsel in the anti-poverty program. From there, Continuing Education of the Bar (CEB) hired him as a legal editor and writer. He then joined the Center for Judicial Education and Research (CJER) as an assistant director. During that time, he worked closely with Witkin, who was a co-founder of CJER and a member of its governance board. After Small's retirement from CJER, Witkin hired him as an advisor with primary responsibility to represent Witkin to the publisher of Witkin's treatises. Small was instrumental in establishing the Witkin Legal Institute, which came into operation on Witkin's death.

Small on Witkin's relationship with CEB:

Bernie and Curt [Karplus] became very close. Every time CEB wanted to launch a new idea, like a simulcast, or a video presentation for rural counties, they would kick it off with a presentation by Bernie. Everything that CEB did for many years, it was almost always launched by Bernie.

Small on how Witkin organized his work:

Bernie had his famous shoe boxes and that's how he organized, he organized around shoe boxes and piles. Alba thought that was wrong. She thought it ought to be in filing cabinets, filed alphabetically. And her extensive files on their trips and other matters were amazing. So, I said to Alba, these big piles are processing piles. He goes down that pile and he just processes it that way. It's his style and it works. That was my guess about what he does, because that's the only way you can do it when you have a big pile. But the piles did have adequate organization and the end product was always meticulously organized. That's what you do with a book. The processing and organizing are more or less done at the same time. Bernie could do both. We're talking about lectures, written materials, and the books.

Michael Traynor (Interviewed December 7th, 2021)

Michael Traynor is the son of Chief Justice Roger Traynor and Madeleine Traynor. Both were early friends of Witkin (Madeleine from high school and Roger from law school) and their friendship continued throughout their lives. Michael Traynor is senior counsel at Cobalt LLP in Berkeley, California. After graduating from Harvard Law School, he joined the California Attorney General's office, then went into private practice. He has served as president of the San Francisco Bar Association, President of the American Law Institute, and Chair of ALI's Council. He received the John P. Frank Outstanding Lawyer Award from the U.S. Court of Appeals for the Ninth Circuit. He is an honorary life trustee of the Lawyers Committee for Civil Rights under Law and of Earthjustice.

Traynor on Witkin and Chief Justice Traynor:

He was a friend of both my parents and they respected and liked him. I don't remember seeing him in the house. They did entertain a little bit, and probably exchanged dinners and saw each other that way, and certainly professionally. When my dad put Bernie on the Judicial Council, I think that was out of great regard for him.

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About the Author



John R. Wierzbicki is a legal writer, historian, and intellectual property lawyer. He is lead publication editor for the Witkin treatises, which are published by Thomson Reuters. He is also a member of the Board of Directors of the California Supreme Court Historical Society (CSCHS). He recently published a series of articles in the *CSCHS Review* on the early life and career of Bernie Witkin. He is working on a Witkin biography.