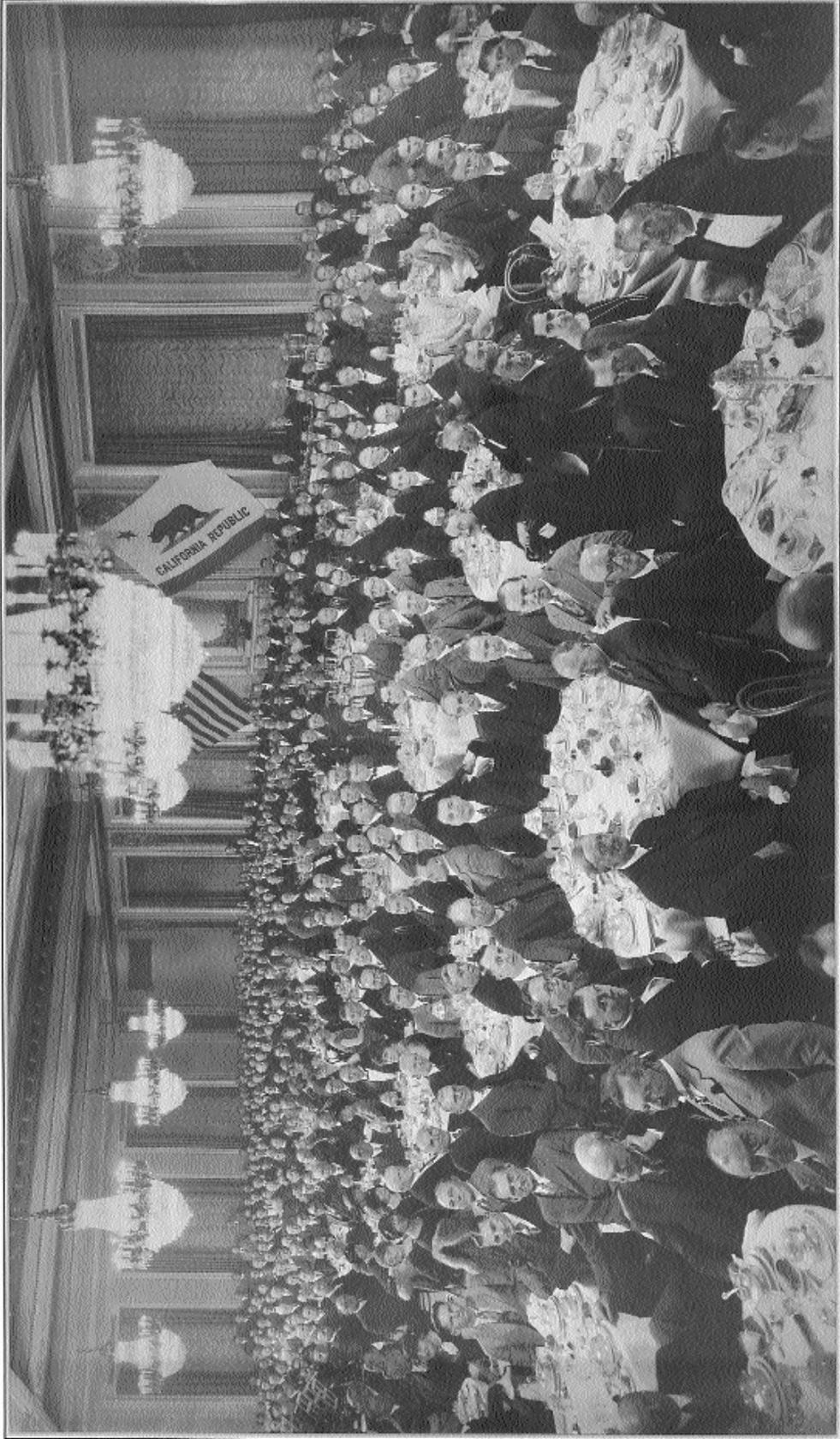


CELEBRATING

75 YEARS



The State Bar of California "Victory Dinner" • The Palace Hotel, San Francisco • November 17, 1927



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LOOKING BACK ON 75 YEARS

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The State Bar's first board of governors was elected in November 1927. It included attorneys from Eureka, Redding, Sacramento, Oakland, San Francisco, San Jose, Fresno, Los Angeles and San Diego.

Self-regulation after a decade-long struggle

It was November 1927. Calvin Coolidge was in the White House. Charles Lindbergh had soloed across the Atlantic. Babe Ruth had hit 60 home runs. America was in the grip of the Jazz Age and prohibition. Stocks were soaring.

And quietly, amid these events, a meeting which would prove to be of lasting consequence to the legal profession and the California public took place. On November 17, some 600 lawyers from around the state made their way to San Francisco by train, automobile and ferry. They pushed through Market Street's traffic to gather for a "Victory Dinner" in the Grand Ballroom of the Palace Hotel.

After 10 years of work, the State Bar Self-Governing Act was going into effect and the State Bar would hold its organizational meeting the next day. That night, in the Grand Ballroom, Col. William J. Donovan, assistant to the Attorney General of the United States, said:

"Yours is the great opportunity to evidence to the bar of the country that the surest way to rebuild our waning prestige, to restore confidence in the moral and intellectual integrity of our profession, is to regain our self-respect by self-govern-

ORIGINS continued on page 24

By KRISTINA HORTON FLAHERTY
Staff Writer

When California's unified State Bar was launched in 1927, no one predicted it would be easy.

"The first year will be a crucial one, for we have no charted course to follow, no precedent to aid us, nor a guiding star other than our ideals and conscience," Joseph Webb, the first State Bar president, wrote in a 1927 State Bar Journal column.

"And as we are sailing upon an uncharted sea," he warned, "mistakes may be made and there may be criticisms to meet."

But the early State Bar leaders were determined to "kick the rascals out of the profession," raise admission standards and work collectively to improve the administration of justice.

Three quarters of a century later, the State Bar — alternately lauded, attacked, misunderstood and closely scrutinized throughout its history — has seen its ranks swell from roughly 10,000 practicing attorneys to 140,000. It now investigates 5,000 to 6,000 complaints annually in the nation's only attorney discipline system with a full-time State Bar Court. It administers the bar examination to some 14,000 prospective attorneys each year. It reimburses funds — about \$50 million in 30 years — to attorney theft victims. It distributes lawyer trust account interest — some \$250 million so far — to legal programs serving the poor. And with its many committees and sections, it works to improve the administration of justice.

The changes are dramatic. But what's just as striking — from historical archives and interviews with past leaders — is how much has remained the same. The challenges to the State Bar's self-regulatory role, for example, resurface again and again.

And many of the challenges to the profession, too, remain constant, notes retired State Bar executive director Herb Rosenthal. "It's the means of dealing with the challenges that have changed, expanded, contracted," he said.

The State Bar of California, a public corporation within the judicial

existence. Most recently, a sharply critical Gov. Pete Wilson vetoed the bar's dues bill in late 1997, triggering mass layoffs and a virtual shutdown. Today, however, a revitalized State Bar is rebuilding the organization.

Back in 1927, bar leaders had to start from scratch — initially registering some 10,000 attorneys at \$3 each. (There was no existing registry.) In the first year alone, they appointed local administrative committees statewide to hear client complaints. They drafted procedural rules and developed the nation's first enforceable rules of professional conduct for lawyers. In addition, some 2,500 attorneys were recruited for new "sections" to study five areas — civil procedure; criminal law and procedure; courts and judicial officers; regulatory commissions; and professional conduct — and recommend changes to the legislature.

"We have accomplished up to date in this one short year more along the lines of approaching ideals than has been accomplished in all the past by the united effort of individual lawyers and the courts," Robert Fitzgerald, a former president of California's earlier voluntary bar, declared in 1928.

In the early years, the unauthorized practice of law by banks and trust companies, court reform, "ambulance chasing," professional ethics and attorney qualifications were among the topics that dominated the professional debate.

In an oral history, Gilford G.

HISTORY continued on page 6



The State Bar Act was signed on March 31, 1927. Pictured, from left to right, are Joseph J. Webb, San Francisco; Gov. C.C. Young; and Kemper Campbell, Los Angeles.

branch, was created by the State Bar Act in 1927 to assist the Supreme Court in regulating the legal profession and in improving the administration of justice. The legislature provides oversight by regularly approving — or disapproving — the amount of mandatory dues collected annually from all California attorneys.

From its beginnings, the bar has faced numerous challenges to its

Women in the Law | *The early years*

■ Clara Shortridge Foltz blazed the trail

By KATHLEEN BEITIKS
Staff Writer

In another era, she might have had a case of the vapors. But Barbara Babcock simply described her condition as heart-pounding when she unearthed an old scrapbook belonging to Clara Shortridge Foltz, California's first woman lawyer.

It was one of the most exciting finds in Babcock's years of research on Foltz.

Today, nearly a decade later, Babcock is at work on the final chapter of Foltz's life story, which is to be published by the Stanford University Press. And, after years of poring through old and musty books and papers, the Stanford law professor has built an electronic archive of the materials unearthed in her effort to pull the bits and pieces of Foltz's life into one definitive work.

It was on Sept. 4, 1878, that Foltz and her sister suffragists celebrated the passage of the Woman Lawyer's Bill in the state legislature, finally giving the women of California the right to study law. "She is a person who was extraordinarily famous in her time," says Babcock.

But Foltz's celebrity then virtually disappeared over the years — until recently. Just this year, the Los Angeles Criminal Courthouse was renamed for Clara Shortridge Foltz in a ceremony that honored other early women in law as well. It was, says Babcock,



Clara Shortridge Foltz, shown above, was the first woman admitted to practice law in California in 1879.

whose biographical work largely brought Foltz to this recognition, a "great day for women lawyers."

Foltz was known for keeping scrapbooks, but none had surfaced in Babcock's early years of

research, initially leading her to believe they were lost to history.

Foltz had outlived four of her five children when she died in 1934 at the age of 85. Unfortunately, her sole surviving heir auctioned off all her

papers and other materials "within days of her death," laments Babcock.

That made her discovery deep in the bowels of the Huntington Library in Pasadena all the more exciting.

"I found it in the Huntington's uncatalogued collection of ephemera," said Babcock, "but I'm certain somewhere there are 15 or 16 other scrapbooks from her early years." The scrapbook Babcock discovered contained an abundance of news clippings, but did not reveal the intimate glimpse into Foltz's life that she had hoped. "It may be the last one in the series, extending from 1916 to about 1930," she says.

Even so, Babcock is keeping her fingers crossed that more scrapbooks will emerge from other collections, libraries or even a cluttered attic.

Writing Foltz's biography was to be a labor of love for Babcock when she began her research, but more sweat and tears have been involved than she anticipated. Her problem, she admits, is that her approach has been one of a "trial lawyer's mentality," when in fact she has had to take on the persona of an historian.

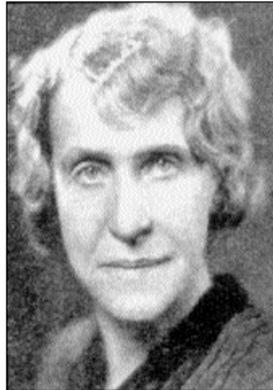
She has written numerous articles on Foltz throughout the period of her research and continues to be fascinated with the life of the woman who was responsible for breaking down the gender barriers in the practice of law.

On July 16, 1849, Clara Shortridge was born in Lafayette, Ind. Her father, Elias, was trained as a lawyer. He eventually changed

CLARA continued on page 16



Annette Abbot Adams: (1877-1956) Considered the first lady of law in California, Adams began her legal career in 1912 after graduating from the University of California, Berkeley, Boalt Hall School of Law. She was the first woman to become an assistant U.S. attorney in 1914. From 1918 to 1920, she was a U.S. attorney. And, in 1920, she became the first woman to become an assistant U.S. attorney general. In 1942, she was appointed presiding justice of the Third District of California's Court of Appeal. ■



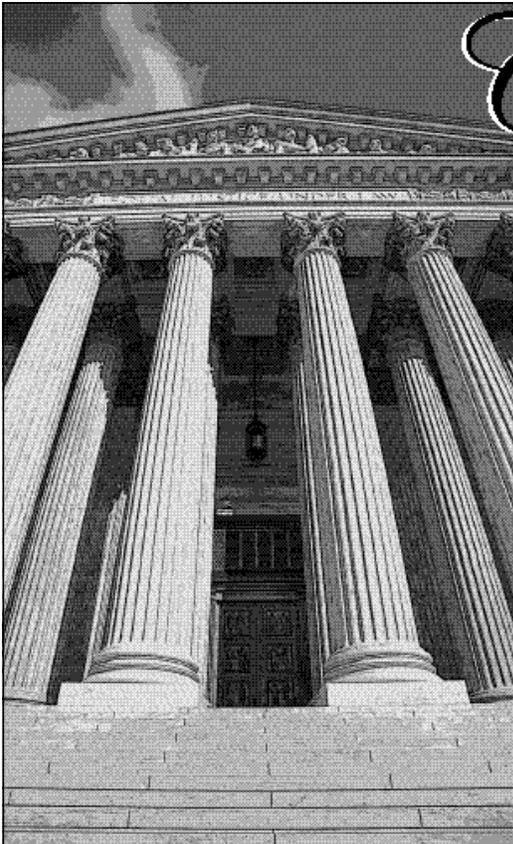
Ida May Adams: (1886-1965) The recipient of five University of Southern California degrees, Adams became an attorney in 1921. She was largely responsible for the passage of the Indian Citizenship Bill of 1924 and a 1927 amendment to the California Community Property Law that secured equal interest for women. She also handled the "Jail Screen" case, which allowed prisoners to have private conferences with attorneys. Elected to Los Angeles County Municipal Court in 1931, she was the first woman to replace a male judge. ■



Georgia P. Bullock: (1899-1957) Bullock, who earned a master's degree in business administration and two law degrees, was the first woman appointed to a judgeship in California. Prior to her 1924 appointment as police judge for Los Angeles, she worked as a Los Angeles deputy district attorney. In 1925, she was appointed to the municipal court bench and, in 1931, to the superior court. She was re-elected as superior court judge in 1938 and 1944, defeating her opponent by a landslide in her second re-election. ■



Annie Virginia Stephens Coker: (1903-1986) Graduating from Boalt Hall in 1929, Coker was California's first African-American woman lawyer. Entering government service for the State of California in 1939, she was responsible for compiling all of the state codes, indexing all bills pending before the California legislature and rendering legal opinions. As a girl, Coker proposed "Jewel City" — the chosen theme name of the 1915 Panama-Pacific International Exposition in San Francisco. ■



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'KNOWLEDGE SERVES JUSTICE'

Looking back on 75 years

HISTORY / from page 3

Rowland, the 1937-38 State Bar president, noted that admission requirements were minimal before the bar's creation. Until 1919, for example, the entrance exam was simply oral, conducted by appellate justices, he said. He recalled one attorney whose exam entailed lining up with a dozen other candidates and answering one question: "What is a negative pregnant?" That, said Rowland, "was the only question asked of him."

Since its creation, the State Bar has continually developed and revised programs — often with wide input — aimed at improving admissions standards, attorney regulation and the administration of justice. But the ever-changing times, too, have shaped and driven the bar's evolution.

During World War II, for example, a State Bar "War Work" committee pledged that no one in the armed forces "should suffer loss of personal or property rights . . . for lack of adequate legal advice." California attorneys handled some 55,000 legal matters free of charge. A State Bar "G.I. Legal Aid" radio series briefed military families on pertinent legal topics. And to the California attorneys serving in the armed forces, the bar sent out surveys to determine their homecoming needs — from desks, to stenographers, to offices, to help in getting a job.

A trial judge advocate stationed in the Pacific in 1944 wrote: "I want to say that it gives us a wonderful feeling to know that you back there are making such splendid efforts to help us re-establish ourselves when we get back."

In another 1944 letter, a serviceman's wife congratulated the bar on its "fine" work. "There are already some veterans returning to civilian life, and I am eternally grateful to see that we are 'doing' something about it, and not just 'talking,'" she wrote. "Their re-establishment will be as great a psychological adjustment for them to make, as was the marching off to the excitement and wonder and terrible loneliness of war."

For the returning veterans, the bar also developed "refresher courses," the bar's first venture into continuing legal education. And in some instances, groups of attorneys canvassed neighborhoods looking for much-needed office space for the returnees.

The events of the so-called McCarthy era in the mid-1950s, too, triggered a State Bar response, this time in defense of the attorney's duty to represent his or her client. Several California lawyers representing witnesses in House UnAmerican Activities Committee hearings found themselves accused of being Communists and then ejected for protesting, recalled Joseph Ball, the State Bar's 1956-57 president, in an oral history years later. Board members promptly traveled to the Columbia Broadcasting Studios in Los Angeles to hear the recorded proceedings for themselves, and, in turn, passed a resolution that "soundly condemned" such treatment, Ball said. The board declared that "the rights of a witness to counsel should be protected," he recalled. "It marked the first time that the organized bar in the United States took a sound position against McCarthyism."

In the early 1980s, when a 50 percent cut in the state public defender's funding threatened to create a shortage of representation in death penalty appeals, the state Supreme Court asked for the State Bar's help. In response, the bar's board launched the award-winning California Appellate Project (CAP) to recruit, train and assist attorneys in handling such appeals before the state's high court,

recalls then-State Bar President Anthony Murray. "The idea is that a good lawyer, even though he or she may not be a specialist, will do a good job when assisted by the specialists from CAP," Murray says. And nearly two decades later, an expanded CAP is still at work with some 40 full-time attorneys, and with Murray, of Loeb & Loeb, still its board president.



The 1927 State Bar Commission included, from left to right, Andrew Y. Wood, Thomas C.

Some of the bar's most vital work, many say, has historically received little notice. "I think the role of the bar in the administration of justice gets overlooked because of political controversies over a relatively few items," Rosenthal says. He and others cite the bar's instrumental role in, for example, the Family Law Act, the Civil Discovery Act, and the civil, probate, corporations and tax codes, as well as the Code of Civil Procedure.

"It's the curse of bar associations generally, and certainly one as large as the State Bar, that your members who are very busy people often don't have a good handle on the kinds of activities that you're involved in," says U.S. District Court Judge Margaret Morrow who in 1993 became the State Bar's first woman president.

Two projects during Morrow's tenure as president included the bar's involvement in legislation mandating certain types of alternative dispute resolution programs in state courts and the efforts to unify the state's municipal and superior courts.

"Those are just a few examples of what I think has been a long-term role by the bar in the administration of justice, where it has made significant contributions," said Morrow. "But there are examples across the 75 years where the bar has been really the initiator of change for the good."

From the early years, State Bar leaders pushed for court reform, bar records show. In the 1940s, they denounced the "ramshackle" structure of California's so-called "inferior courts"—the many courts below the superior court level. Old committee reports depict a "hodgepodge" of 768 courts of eight different types. Jurisdictions overlapped. Part-time, non-lawyer township justices ranged from

ranchers to service station attendants, miners and morticians. Lacking facilities, some justices held court in their homes, barbershops and other makeshift facilities. And, in one early survey, some 150 justices reported that they had no access to legal resources in which to research the law.

"The inferior courts serve more people than all other courts put together," one committee report noted in the mid-1940s.

"Though our system of justice rests upon these courts, they furnish examples of flagrant violation of standards of good government, sound administration, and common sense."

Early efforts to restructure the courts met with stiff resistance. But when legislators asked for the Judicial Council's recommendations, the bar and others worked with the council to get a court reorganization plan approved by legislators and into the hands of voters.

Chief Justice Phil Gibson — credited with achieving a "meeting of the minds" on a controversial issue — predicted that the resulting constitutional amendment, if approved by voters, would be the "most significant reform" of the courts in nearly 100 years.

Attorneys spearheaded a massive grassroots campaign to reach voters in "the smallest hamlet." The effort succeeded and, in 1950, the amendment created two lower courts: municipal courts and justice courts. It also laid the groundwork for later trial court coordination and, most recently, court unification.

The issue of public confidence, how to win it and how to keep it, remains another constantly recurring topic among State Bar leaders. Some suggest that public trust will simply always be a moving target of sorts. "One of the large problems is that there is always something coming up that undermines public confidence," Rosenthal notes.

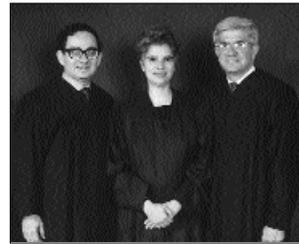
Take, for example, the Watergate scandal that led to the 1974 resignation of President (and California attorney) Richard Nixon.

"Watergate was a substantial problem because there were so many California lawyers involved," recalls Seth Hufstedler, the 1973-74 State Bar president.

Hufstedler, now senior of counsel at Morrison & Foerster, recalls negotiating with Nixon's attorney. Nixon was allowed to resign with charges pending and an agreement to waive any limitations if he were to ever seek reinstatement.

Says Rosenthal: "The bottom line is that a Watergate incident can erode quickly, overnight, any confidence built up, and you have to come back from it."

In the wake of Watergate, there was a move toward more public involvement in the State Bar. Public members were appointed to the board in the mid-1970s, making it the first such board



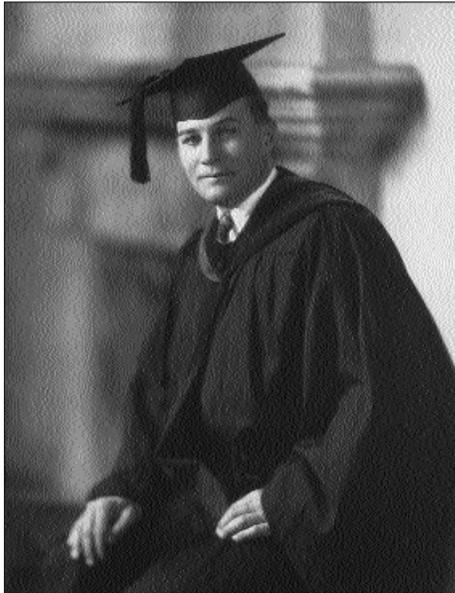
The nation's first full-time State Bar Court, created in 1989, included, standing from left to right, review department judges Ronald W. Stovitz,



The first full-time State Bar Court hearing department included, seated in front, Jennifer Gee and Alan Goldhammer, and, standing from left to right, Carlos E. Velarde (supervis-

SEVEN DECADES

Four attorneys whose legal careers span back to the Great Depression



Courtesy of the Los Angeles County Bar Association

To the left, Robert McManigal poses at his graduation from the University of California, Berkeley, Boalt Hall School of Law in 1928, less than one year after the State Bar was formed. Above, McManigal, now 101, is pictured at a 1999 Los Angeles County Bar Association awards luncheon in which he was inducted into the association's "50-year Club." Raising his fists, he declared, "Go Bears."

Robert McManigal went into practice when State Bar annual dues were still \$5. Louis Heilbron joined San Francisco's fourth largest firm when that meant joining a firm of 13 attorneys. Joseph Gold recalls sealing deals with a handshake and charging \$10 for a will. And Pauline Nightingale fought for an attorney position open only to men.

Today, all four attorneys maintain active bar numbers that are nearly as old as the State Bar itself. They practiced law through the Great Depression, several wars, the Watergate years and the advent of the Internet.

And after seven decades of legal work, all four still find ways of keeping a hand in the law.

Stories by **KRISTINA HORTON FLAHERTY**, Staff

Robert McManigal

Robert McManigal simply never considered retirement.

A lot has changed since he put himself through law school with a few thousand dollars in savings, the sale of his quarter-interest in a Model T Ford, a job or two, and his winnings from bridge games. But his passion and love of the law has kept him at it for 74 years.

"I had no interest in retiring," McManigal, 101, said recently. "Time caught up with me."

These days, California's oldest and longest-practicing attorney admittedly is doing very little legal work. The "most important work" he's been doing, he says, is probate work for some friends and some estate planning for himself.

But it wasn't until last April — after his 101st birthday — that health problems finally led the South Pasadena attorney to resign from his last client: a 100-employee-strong manufacturing firm where he served as secretary, board member and in-house counsel.

McMANIGAL continued on page 8

Louis Heilbron

Watching his law firm — Heller Ehrman — grow from 13 attorneys to some 600 worldwide is not the only striking change that Louis Heilbron has seen in his career.

"I began with Heller Ehrman at the time when associates started at \$150 a month, . . . when you usually billed clients semi-annually or annually and on the basis of results rather than time," Heilbron said recently, "and when you could take off for a real lunch."

But the passage of time hasn't stopped Heilbron, at 95, from showing up at his San Francisco office "almost every day."

He may not counsel clients any longer. But he is doing some legal writing on a constitutional issue and some pro bono work for various civic and nonprofit institutions. Currently, for example, he serves as trustee of the World Affairs Council of Northern California and as chair of its committee for the future.

And because he's frequently



Louis Heilbron

HEILBRON continued on page 22

Joseph Gold

He once hired Stanley Mosk (in his pre-California Supreme Court days) to do part-time civil work for \$25 a month and an office. He handled Hollywood divorces during the glamorous '50s. And he moved his offices to Beverly Hills when it was still a novelty for an attorney to do so.

A lot has happened since Joseph Gold became a lawyer seven decades ago. And, he admits, the "first 30 or 40 years" were more enjoyable. The law was simpler, the pressure was less and a handshake was good enough.

But that doesn't mean that Gold, at 95, is ready to call it quits.

"I enjoy the law," says the great-grandfather, whose attorney son retired several years ago at age 67. "I felt like I wanted to continue. . . . It's always necessary to learn new things. I was always fascinated by it."

These days, a semi-retired Gold does mostly business transactional work. And he's all but given up litigation. But he still finds satisfaction in what he does.

"I always got the most pleasure in achieving success for a client," he says. "That was more important than the compensation."

Gold, born and raised in Los Angeles, initially took pre-med courses

GOLD continued on page 8

Pauline Nightingale

When Pauline Nightingale graduated from the Los Angeles College of Law in 1932, she was the only woman in her class.

"There was one other woman," the 94-year-old attorney recalls, "but she didn't last very long."

And when Nightingale started practicing law, the 4-foot-11-inch Los Angeles woman often was mistaken for someone other than a lawyer. But that, too, failed to discourage her. "I had quite a loud voice," she says matter-of-factly. "I had no problem getting attention."

And today, some 70 years later, California's oldest and longest-practicing woman attorney still shows up for court hearings in her workers' compensation cases. In fact, her only sign of slowing down may be that she isn't accepting any new clients.

"It's still interesting and exciting," she said recently. "I think it's a wonderful profession. I don't know of any profession that gives a greater opportunity to serve."

Initially, Nightingale set her sights on teaching. Graduating from the University of California in Los Angeles in the 1920s, she earned a teaching credential. "But," she says, "I soon found that that required more patience than I had."

It also was tough to get a teaching

NIGHTINGALE continued on page 8

Seven decades

McMANIGAL / from page 7

"He's just a very enthusiastic person for life," says his 66-year-old son Paul.

Born in San Jose in 1901, McManigal was raised in San Francisco. His father was a longtime train conductor who first left home at age 15 to be a gold miner. In the early 1920s, McManigal himself graduated from the University of California at Berkeley with a degree in chemical engineering and initially went to work for Standard Oil in Richmond.

A few years later, however, his boss suggested that he go to law school. "I decided that if you put the law and chemistry together, you could be an expert in both fields," McManigal recalls.

Graduating from Boalt Hall School of Law in 1928, McManigal married his first wife, Evelyn, just a month later. Passing the bar that October, he went to work for a San Francisco firm handling adding machine patents — not the sort of patent law, however, that McManigal had in mind. Eight months later, he moved south to Los Angeles for another position in patent law — work better suited to his chemical engineering background.

"Due to the depression, those were very difficult days and many employers considered themselves lucky if they could meet the payroll, rent and utility bills," he recalled in his unpublished "Memoirs of a Twentieth-Century Centenarian," written with his son Paul. "In some cases, even though an application was allowed and the final fee was only \$20, the client would say, 'No, we don't have the money for patents anymore.'"

In his memoirs, McManigal tells one story of a penniless client who gave his boss, Los Angeles patent lawyer Ford Harris, a choice between his car and company stock as payment. The boss chose the car and, of course, the stock later shot up in value to more than \$100,000.

In 1931, Harris finally cut his 32-attorney staff in half, and McManigal was out of a job. "That led me to a job in probate law as people were still dying," McManigal says.

But he eventually joined up with attorney R.W. Whann and went back to specializing in patents and trademarks. It was "an exciting time for patent law," he recalled recently.

"It was much more harmonious then," he says. "You didn't have the problems with the other attorneys that you have today. It was a relatively small group that were very able attorneys that you could trust."

Still, he insists, if he were to do it all again today, he would again consider patent law. "I was very fortunate, very, very lucky," he says.

Along the way, he did have a few brushes with danger. He was in a taxicab accident once in which the other passenger died. He also had a bout with throat cancer. But little has slowed him down. Recently, after several months with serious health problems, he asked that his law desk and a file cabinet be moved back into his home office.

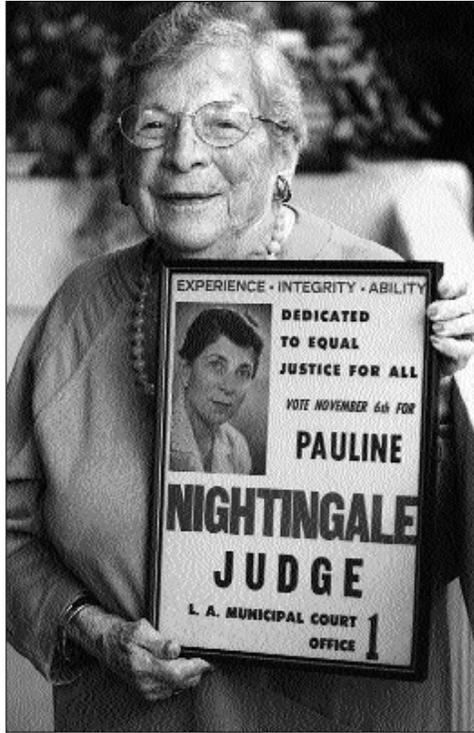
Described as a passionate, vigorous man with "definite opinions," McManigal has long loved baseball and bridge as much as he loves the law. And since 1983, after the death of his first wife, he has been married to his current wife and former secretary, Claire, who shares his interests.

As the first attorney in his family, McManigal, who has three children, seven grandchildren and eight great-grandchildren, also has seen one son and seven extended family members go into law.

And in a raspy voice still full of life, he recently offered some advice to young lawyers. "The thing to do is to keep working at it, and enjoy it," he said. "I enjoy every minute of it." ■

NIGHTINGALE / from page 7

job back then. So Nightingale went to law school at night and worked in her father's automobile parts shop during the day. "I was," she says, "always in a man's world."



Above, Pauline Nightingale, 94, holds a sign from one of her two judicial campaigns during the 1960s.

Early in her career, Nightingale went into practice briefly with two men who also had part-time jobs, one as a conductor and the other as an apartment manager. One of her first cases was a drunken driving trial in which her client claimed that medication, not alcohol, was to blame. "I charged a \$100 fee and he never paid me," she recalls. But, she says, "lo and behold, I won the case."

Much of Nightingale's early career was spent in all-male settings. But there were a few other women attorneys, she recalls, and some were "real interesting characters." Take, for example, the attorney who refused to take her hat off in court and was slapped with contempt. "It turned out that the reason she refused to remove her hat was that her hair was in curlers," Nightingale said.

And, as a means of advertising when attorneys were not allowed to do so, another woman attorney, a criminal law specialist, routinely wore "unique attire" — more specifically, "evening clothes" — to court. When the attorney met with clients, Nightingale recalls, she would be "dressed in evening gowns."

Throughout her career, Nightingale has found herself repeatedly fighting for her rights as a woman attorney and working mother. In the 1940s, she says, she responded to a "men only" opening for a job with the state's deputy labor commissioner requiring bar admission or union experience. In a hearing, Nightingale argued that women, too, could be qualified for such employment. She

NIGHTINGALE continued on page 22

GOLD / from page 7

at the University of California in Los Angeles and planned for a career in medicine. "But there were no med schools around here," he said. "The closest one I could go to was Berkeley."

And while he was accepted to UC Berkeley's medical school, he said, he just couldn't imagine moving so far on his own. "So," he said, "I switched to law school."

Graduating from USC Law School, Gold was admitted to the bar in 1930. "It was impossible to get a job anywhere," he recalls. "Only if you had a father or an uncle who had a law practice could you get a job."

A couple of years later, however, Gold formed what was to be a 25-year-long partnership with James Needleman, an attorney with a knack for reeling in clients.

Needleman's early contacts were in the wholesale fruit and vegetable market. And, says Gold, "that gave us a pretty good start."

A few years later, they even had to hire extra help — Stanley Mosk, who would later become California's longest-serving Supreme Court justice. "We had a little more than we could handle," Gold recalls. "He helped us out in that respect."

Back in those days, Gold says, "the law was much simpler. The only discovery was taking depositions." And, he adds, "deals could be made with the shake of the hand; you didn't have to confirm by letter."

Los Angeles only had a few "large" firms back then ("large" as in 15 or 20 attorneys). And plans to build a new Los Angeles courthouse in the 1930s, he recalls, caused quite an uproar. "There was a lot of argument about the plans being too large," he said. "Before long, we had branch courts all over the place."

In the mid-1940s, Gold and his partner cautiously moved their law offices to Beverly Hills to escape the crowds and be closer to home. But they initially hung on to their Los Angeles offices as well. There weren't very many lawyers in Beverly Hills, he said. "We weren't sure that it was a

proper location for a law office."

Throughout his practice, Gold has handled all types of civil cases, ranging from personal injury to probate to family law. He recalls one probate case,

in particular, in which his client had been told she would be lucky if her dead husband's estate broke even. The woman was planning to make ends meet as a sales clerk, Gold recalls. Instead, however, she wound up with \$10 million after taxes in the mid-1950s.

"That was," he says, "one case where we enjoyed the money as well as the client success and approval."

Throughout it all, Gold was married to his wife, Jennie, who died several years ago. He has one son, who was his law partner for a while. And he now has two grandchildren and four great-grandchildren as well.

But he has no set plans to retire. "It largely depends on my health," he says. "And so far, it's okay." ■



Joseph Gold

A changing, expanding profession | Membership

Admissions standards evolve across decades

By KATHLEEN BEITIKS
Staff Writer

Life got complicated for aspiring California lawyers in the early 20th century.

Law students traditionally gained entry into the legal profession by studying or “apprenticing” under the watchful eyes of practicing attorneys, with judges taking on the task of orally examining prospective lawyers.

But that gave way to the establishment of a written exam in 1920, and today law students spend three days taking an exam that is considered by many to be one of the toughest in the nation.

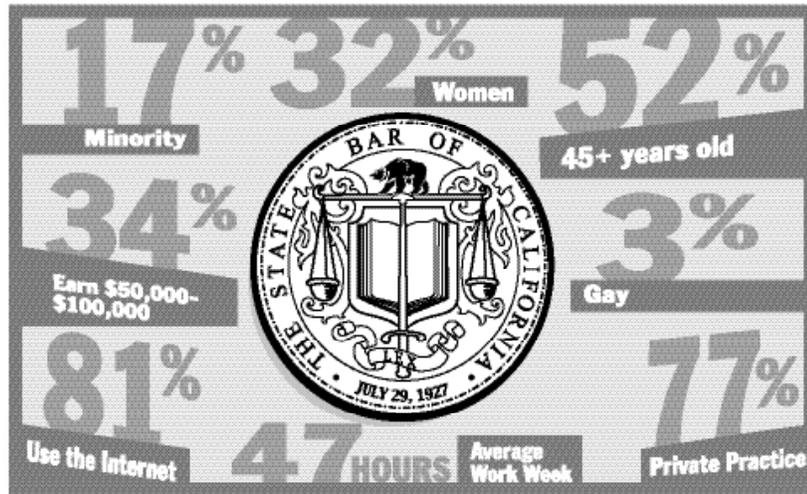
The first written exam in California was given in both Los Angeles and San Francisco, and attracted about 137 applicants. Eighty-eight applicants passed and their names were recorded in the meeting minutes of the Board of Bar Examiners. Those who failed (49) the exam were also very publicly listed in the minutes.

By 2002, more than 75 years later, 13,000 to 14,000 applicants a year sit for the bar exam — and about half make the coveted Pass List.

Very few law schools existed until the Civil War era and prospective attorneys “read” the law, then petitioned the Supreme Court for admission. The petition usually included the recommendations of other attorneys and a list of the books read by the applicant during the course of his or her legal education.

In his 1895 petition to the court, Del Norte County Clerk John L. Childs of Crescent City included the following list of books pertinent to his education and “of a legal and Quasi-legal character:” Blackstone’s Commentaries; Kent’s Commentaries; Greenleaf on Evidence; Story’s Equity Jurisprudence; Gould’s Pleadings;

ADMIT continued on page 25



Attorney demographics shifting

While the State Bar of the 1920s never tallied the number of women and minorities among its ranks, early bench and bar picture books reveal a sea of white male faces.

But recent demographic surveys, conducted a decade apart, have begun to track some of the visible changes in the makeup of California’s increasingly diverse attorney population.

The most recent survey, conducted over five weeks in 2001, found that attorneys here are still predominantly white and male, in contrast with 2000 U.S. census data showing whites as California’s new minority.

But their hold appears to be slipping: State Bar membership among people of color has nearly doubled since 1991, climbing to 17 percent. And the number of women has risen from 26 percent to 32 percent of the profession in the past decade.

Other highlights of the survey, conducted by telephone over a five-week period in summer 2001, include:

■ \$100,000 is the dividing line for income, with half of California’s

lawyers earning less than \$100,000 per year, and half earning more. The largest percentage — 34 percent — reported income of between \$50,000 and \$100,000. Men still earn somewhat more than women.

■ Internet use is widespread. A full 81 percent report they use the Internet in their legal practice and 87 percent of that work is devoted to case law research. Of those who knew the type of Internet connection used by their office, 72 percent use a high-speed connection, a number substantially higher than average for other Internet users.

■ The average work week for a California lawyer is 47.2 hours, up from 44.4 in 1991, with those in private practice putting in more hours. Private practitioners also provide more pro bono services than their government or solo counterparts.

■ The numbers of gay or disabled lawyers in California are about the same as 10 years ago.

■ Most (67 percent) are married, a majority (56 percent) practice in Southern California, and more than three out of four (77 percent) are in private practice. Almost half (46 percent) said they have consulted the State Bar’s ethics hotline when faced with a legal ethical dilemma.

More than 1,500 randomly selected attorneys were polled by Richard Hertz Consulting, an independent firm, in July and August. The results have a margin of error plus or minus 2 percent.

Hertz compared the results to a similar survey conducted by Stanford Research Institute a decade ago and found that, for the most part, the face of the legal profession in California has not changed dramatically in the intervening years.

In 1991, bar membership was overwhelmingly white — 91 percent — and male — 74 percent. Ten years later, whites and males still dominate, but the comparable numbers have declined to 83 percent and 68

CHANGES continued on page 26



with charges pending ■ The nation’s first professional responsibility examination is added to the admission requirements ■ In the mid-1970s,

A changing, expanding profession | *A few firsts*

As California has changed and evolved with the times, so, too, has its legal profession. Countless “pioneers” have paved the way for today’s increasingly diverse California attorney population. On page 4, we highlighted some of the first women attorneys. On page 7, we spotlighted four attorneys who have practiced for some seven decades. Here, we pull from the State Bar’s “Reflections of Our Legal Heritage” exhibit and other sources to note a few attorneys who have — in one way or another — marked a “first” in the building of California’s legal profession.



Abby (Noel Katherine) Abinanti (born 1947), a member of the Yurok tribe in Humboldt County, was the first California Native American woman admitted to practice. A University of New Mexico School of Law graduate, she was admitted to the bar in 1974. She served as counsel for the National Center for Lesbian Rights in San Francisco until 1994, when she was the first Native American woman appointed commissioner to the San Francisco Superior Court. She is currently a California Juvenile Dependency Judge.

Robert H. (Piestewa) Ames (born 1929) is the first Hopi ever to become an attorney. Currently a solo practitioner in Salinas, Ames served for nearly 20 years as Chief Judge of the Hopi Tribal Court in Arizona. In 1992, he received a Presidential appointment as a Trustee of the Institute of American Indian Art and Culture in Santa Fe, N.M.

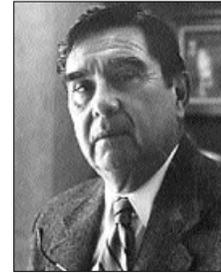


Photo by Rod Sereny
Courtesy of Stanford Law School



Rose Elizabeth Bird (1936-1999) was the first woman chief justice of the California Supreme Court. A 1965 graduate of Berkeley’s Boalt Hall School of Law, Bird worked in Santa Clara County’s public defender’s office and then served as the state’s secretary of agriculture and services agency, becoming the state’s first woman member of the governor’s cabinet. She left her post as chief justice in 1987 after losing a bid for reconfirmation.

William Jack Chow (1909-1988) is believed to be the first Chinese American deputy district attorney in the United States. A 1934 graduate of Hastings College of Law, he specialized in immigration law. While maintaining a practice, he joined the San Francisco District Attorney’s Office. He also helped found the Asian American Bar Association and was elected its first president.



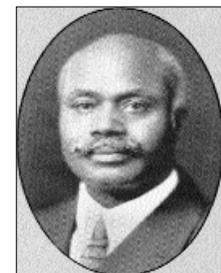
Frank F. Chuman (born 1917) was the first Japanese American admitted to the State Bar after World War II. He was attending the University of Southern California School of Law when the war broke out. Winding up at Manzanar Relocation Center, he was appointed administrator of the camp hospital which provided services for 10,000 people. Completing his studies in Maryland in 1945, he was admitted to the California bar in 1947. Today, he is an immigration and naturalization law attorney in Westlake Village.

Herbert M. Donaldson (born 1927) is believed to be the first openly gay judge appointed in Northern California. Donaldson, a war veteran, was admitted to practice in 1957. He worked as a Southern Pacific Railroad Co. attorney, a solo practitioner, a deputy public defender and chief counsel for a legal assistance foundation. He was appointed to the San Francisco Municipal Court in 1983, and retired in 1999.



Joanne Garvey (born 1935) was, in 1971, the first woman elected to the State Bar’s board of governors. Admitted to practice in 1962, she went into private practice specializing in tax and business planning. Currently of counsel at Heller Ehrman, she serves as the State Bar’s representative to the American Bar Association House of Delegates’ Multijurisdictional Practice Commission.

Oscar Hudson (1876-1928) is believed to be the first African-American admitted to the California bar. Fluent in Spanish and Italian, he was appointed Foreign Consul for the Republic of Liberia in 1919. He also published *New Age*, which focused attention on the advancement of African-Americans. And he was chosen by the McKinley Administration as a Spanish-English translator in Cuba during the Spanish-American War in 1898.



A changing, expanding profession | *A few firsts*



Shirley M. Hufstедler (born 1925) was the first woman ever appointed to the Ninth Circuit Court of Appeals and only the second woman nationally to receive a federal appellate appointment. A 1949 graduate of Stanford Law School, she was appointed to Los Angeles County Superior Court in 1961, the state Court of Appeal in 1966, and the Ninth Circuit in 1968. In 1979, President Jimmy Carter appointed her the nation's first secretary of education. Currently, she is senior of counsel at Morrison & Foerster.



Frank Iwama (born 1941) was, in 1989, the first Asian American elected to the State Bar's Board of Governors. A 1969 graduate of the University of Santa Clara School of Law, he began his career as a state deputy attorney general, then entered private practice in 1977. He has served on the Commission on Judicial Nominees Evaluation and as director of the bar's foundation. Currently, he's a business and legal consultant in Menlo Park.



Judy Johnson (born 1949) is the first woman and person of color to become executive director of the State Bar. She also was, in 1990, the first African-American woman elected to the bar's board. A 1976 graduate of the University of California, Davis, School of Law, she spent 17 years as a San Francisco deputy district attorney in the consumer fraud unit. And she served as the State Bar's chief trial counsel for six years prior to becoming executive director in 2000.



Joyce Kennard (born 1941) was the first person of Asian descent appointed to the California Supreme Court. Raised in Dutch New Guinea and Holland, she emigrated to the United States in 1961. A 1974 University of Southern California School of Law graduate, she worked as a state deputy attorney general and a senior attorney on the state Court of Appeal. She was appointed to the Los Angeles County Municipal Court in 1986, the Superior Court in 1987, the state Court of Appeal in 1988 and, a year later, the state Supreme Court.



Harry W. Low (born 1931) was one of the first Asian Americans appointed to a California appellate court and, in 2000, was appointed insurance commissioner of California. Admitted to practice in 1955, Low initially was a state deputy attorney general. He became a San Francisco Municipal Court judge in 1966 and a Superior Court judge in 1974. Appointed to the California Court of Appeal, First Appellate District, in 1982, he served as presiding justice a year later.



Wiley W. Manuel (1927-1981) was the first African-American to be appointed to the California Supreme Court. A graduate of Hastings College of the Law, he was appointed deputy attorney general in 1953, and worked in the state Attorney General's office in various capacities for more than 20 years. He was appointed to the Alameda County Superior Court in 1976 and to the state Supreme Court the following year.



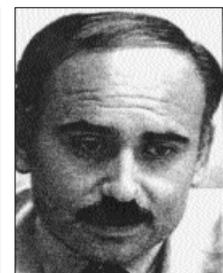
Margaret M. Morrow (born 1950) was the first woman president of the State Bar of California. She graduated cum laude from Harvard Law School in 1974, joining the firm of Kadison, Pfuetzer, Woodard, Quinn & Rossi that same year. She later became that firm's second woman partner. In 1998, she was appointed to the U.S. District Court, Central District of California.



Frances Munoz (born 1930) was the first Latina appointed to the California bench. A 1971 graduate of the Southwestern University School of Law, Munoz initially served as a superior court calendar deputy for the Orange County Public Defender's Office. She was appointed municipal court judge in the Orange County Harbor Judicial District in 1978. She recently retired from the bench.



Karen S. Nobumoto (born 1952) is the State Bar's first minority woman president, serving a year term that ends in October 2002. A 1989 graduate of the Southwestern University School of Law, Nobumoto is currently a Los Angeles deputy district attorney. She began her longtime bar activities as a student member of the bar's Ethnic Minority Relations Committee, and, among her other activities, has served on Gov. Gray Davis' Diversity Task Force.



Richard A. Paez (born 1947) is the first Mexican American to become a federal trial judge in California. A 1972 graduate of Berkeley's Boalt Hall School of Law, Paez served as director of litigation for the Legal Aid Foundation of Los Angeles in 1977. He was appointed to the Los Angeles County Municipal Court in 1981, and to a federal district court judgeship in 1994. Today, he sits on the Ninth Circuit Court of Appeals.

A changing, expanding profession | *A few firsts*



Melencio Red Recana (born 1939) was the first Filipino American deputy district attorney in the country and later became the first Filipino judge in the Western Hemisphere. Passing California's bar examination in 1974, he became the first Philippine-trained attorney to pass without attending an American law school. Initially in private practice, he also worked as a Los Angeles deputy district attorney and was appointed municipal court judge in 1981, later becoming the court's presiding judge.



Cruz Reynoso (born 1931) was the first Hispanic appointed to the California Supreme Court. A 1958 graduate of Boalt Hall, he was a legal assistance program director from 1968 to 1972. Appointed to the California Court of Appeal in 1976 and to the state Supreme Court in 1981 (where he served through 1986), he is currently of counsel at Kaye Scholer. He also holds the Boochever and Bird Chair for the Study and Teaching of Freedom and Equality at the University of California, Davis, School of Law.



Chiyoko Sakamoto (1912-1994) was California's first Japanese American woman attorney. Graduating from the American University in Los Angeles in 1938, she was admitted to practice that year. Unable to get a law firm job, Sakamoto worked for a Japanese American community leader who provided legal interpretation services. Sent to an internment camp during World War II, she later opened law offices in the Los Angeles area, where she practiced for some five decades.



Vaino Hassan Spencer (born 1920) was the first African-American woman to become a judge in California. A 1952 Southwestern University School of Law graduate, she was appointed to the municipal court in Los Angeles in 1961 and elevated to the superior court in 1976. In 1980, she was appointed to the California Court of Appeal for the Second Appellate District, where she is currently presiding justice.



Mary G. Wailes (1922-1995) was the first woman to be appointed Secretary to the State Bar's Board of Governors. A Boalt Hall graduate, she was admitted to practice in 1951. Joining the State Bar as a research assistant in 1961, she became secretary to the board in 1978. At her retirement in 1991, she was named Secretary Emeritus and continued working with the bar's Commission on Judicial Nominees Evaluation.



Earl Warren (1891-1974) was the first and only U.S. Supreme Court chief justice appointed from California. Graduating from Boalt Hall in 1914, he served as an Oakland deputy city attorney, as Alameda County's district attorney and, from 1942, as governor of California. In 1953, he was appointed to the U.S. Supreme Court. The Warren Court's decisions include the ruling that racial segregation in schools is unconstitutional and the "one-man, one-vote" rule.



William Waste (1868-1940) was the first member of the State Bar of California. Born in Chico, he graduated from Hastings College of Law in 1894. He was elected to the state assembly in 1902 and appointed to the ALAMEDA COUNTY SUPERIOR COURT in 1905. From 1926 to 1940, he served as chief justice — and played a key role in the bar's formation.



Joseph J. Webb (1878-1950) was the first president of the State Bar of California. The son of a Salinas judge, Webb studied law at the YMCA Evening Law School in San Francisco while working in a law office. Admitted to practice in 1904, he actively participated in the work of San Francisco's bar association. When a bill to define the unauthorized practice of law was defeated in the referendum, he went on a crusade to create a state bar.



Samuel L. Williams (1933-1994) was the first African-American to be elected State Bar president. Admitted to practice in 1962, he initially worked as a deputy attorney general. He served as a staff attorney for the McCone Commission, which investigated the 1965 Watts riots. Elected to the bar's board in 1979, he became president in 1981. He also once served as chairman of the California Selection Commission for Federal Judicial Appointments. He retired in 1990 as a senior partner with Hufstедler and Kaus in Los Angeles.



Chan Chung Wing (1890-1983) was the first Chinese American admitted to practice in California. A native of Napa, he also is believed to be the first Asian American member of the Bar Association of San Francisco, which is California's oldest local bar.

Courtesy of Mr. Jim Lew, Jim Lew News and Photo Service

A Message from Chief Justice Ronald M. George

I am very pleased to join in congratulating the State Bar of California on its 75th anniversary. The mid-1920s were a period of substantial and innovative change for both the bench and the bar, and improving the regulation of the bar and enhancing the administration of both the legal profession and the judicial system were high on the agenda for California's legal community. Earlier this year, the Judicial Council of California also celebrated its 75th anniversary, marking the effective date of the initiative adopted by the people of the state to create a central policy-making body for the courts. It is no coincidence that two of the most important institutions in the judicial branch were created around the same time, reflecting the efforts of the bench, the bar, the legislature and the public to implement structures designed to better serve and protect the people of California and to advance the professional needs of California courts and attorneys.



In the years since then, the state and the judicial and legal professions have undergone unimaginable changes. Nevertheless, the fundamental principles that led to the formation of the unified bar continue to guide the practice of law and the administration of justice in our state. California's judicial system is the largest in the Western world. More than 140,000 active lawyers serve our state's 35 million residents. The State Bar's role in this enterprise is a complex and vital one. It acts, first and foremost, as the administrative arm of the Supreme Court, helping the court to discharge its fundamental responsibilities involving the admission and discipline of attorneys in our state. The State Bar also provides attorneys with a diverse and expanding range of services, including an ethics hotline, assistance in office management skills, and the newly created Lawyers Assistance Program designed to assist attorneys with drug or alcohol problems that may affect their practice.

Over the past three-quarters of a century, the court and the bar have worked together in a variety of ways to improve the administration of justice. In 1949, for example, the Judicial Council recommended a plan for reorganizing California's multi-layered system of courts. The legislature placed an amendment on the ballot to simplify the system, creating three levels of court: the superior courts, the municipal courts and the justice courts. The bar took a leadership role in the campaign to urge the public to adopt this reform, and its efforts were successful, helping to set the stage for the 1998 constitutional amendment that led to the unification of California's trial courts into a single level of court.

In the last few years, the bar and the court have joined together in urging attorneys across the state to contribute pro bono services in recognition of their professional obligations and responsibilities. And the appropriation by the state for the first time of \$10 million for the Legal Access Fund led to a partnership between the Judicial Council and the bar to provide improved services to unrepresented litigants in courthouses in every part of California.

The State Bar during the past few years, in part spurred by the budget crisis it encountered in 1997-98, has undertaken a comprehensive review of its structure and its procedures. It is engaged in a vital effort to improve its management processes in order to enable it to focus more effectively on serving the public, the legal community and the courts. On behalf of the Supreme Court, the Judicial Council, and the judicial branch as a whole, we congratulate the bar on its many achievements and contributions during the past 75 years, and look forward to continuing to work together in the future to better serve the people of our state. ■

CALIFORNIA'S HISTORIC COURTHOUSES *Taking a step back in time*

The following photos are part of the "Temples of Justice" photo exhibit on permanent display in the Judicial Council Conference Center in San Francisco. The collection of historic courthouses from each of California's 58 counties was researched and compiled by Barbara George and is reprinted courtesy of photo sources and the Administrative Office of the Courts. In an introduction to the exhibit, George writes: "These courthouses are monuments to the way the people of California saw themselves at an earlier time, when the state was young and the ideals of the democratic society were not only embraced, but also enshrined in what was often the grandest building in town. 'It is our temple of justice,' said Judge J. E. Prewett at the dedication of the Placer County courthouse on Independence Day 1898. 'It is the repository of our titles, the fortress of our personal and property rights, the fountainhead of our school system, the registry of our births, marriages and deaths, and its inmates stand guard by day and night over the peace and good order of our communities.'"



Courtesy of Oakland Public Library

Alameda County Courthouse
Completed 1875



Courtesy of Eastman Collection University of California, Davis

Butte County Courthouse
Completed 1856



Courtesy of Del Norte County Historical Society

Del Norte County Courthouse
Completed 1885

Alameda's Victorian courthouse was built on Oakland's Washington Square after the county seat was moved from Alvarado (part of present-day Union City) to San Leandro and finally to Oakland. The ornate brick building had fallen into disrepair by the mid-1920s (judges called it a "vermin-infested menace to health and records"). During heavy winter rains in its final years, bailiffs held umbrellas over the bench to shield judges from leaks. In 1936, a new county center on Lake Merritt replaced the old courthouse, which county supervisors voted to demolish in 1949.

The courts occupied this brick building in downtown Oroville for the duration of the "Courthouse Wars" in a century-old contest between Oroville and Chico for the county seat. It was here in 1911 that Ishi, regarded as the last member of the Yahi tribe, stayed before traveling to San Francisco, where for several years he lived on the campus of the University of California. The courts moved to a new county center in 1965, and the original building was demolished after it sustained damage in a 1975 earthquake.

Crescent City was named the county seat when Del Norte was created from the now-defunct Klamath County in 1857. Years later, in the 1883 election, residents approved bonds for a courthouse in a vote of 176 for, 84 against. Local historians say that it was here in the 1930s and 1940s that the unsuccessful movement to create the State of Jefferson, with a local judge as its first governor, was organized. The courthouse was destroyed by fire in 1948, and a new courthouse was built across the street from the original location.

A sampling of California's historic courthouses



Courtesy of Superior Court of California, County of Fresno

Fresno County Courthouse (Completed 1875) Hailed at a cornerstone ceremony as “the grandest and noblest edifice that has ever been planned and contemplated in this valley,” Fresno’s courthouse could barely keep up with the county’s booming population. By the turn of the century, the relatively modest brick building with its slender cupola had been expanded to an imposing structure with several wings, granite steps and an enormous dome. A structural survey conducted in 1961 reported the many weaknesses of the old building, which was demolished following the construction of a new courthouse in 1966.



Courtesy of Eastman Collection, University of California, Davis

Lassen County Courthouse (Completed 1917) The first settlers of what was then known as Honey Lake Valley presumed that they were part of the Nevada Territory, though officials of Plumas County insisted that the valley belonged to California. After tensions on jurisdiction and taxation culminated in a shootout in February 1863, a survey of state boundaries determined that the valley was indeed part of California, and Lassen County was established. The Masonic Lodge and the Magnolia Saloon served as courthouses until a two-story wooden building was constructed in 1867. In 1915, residents approved a bond measure for a new courthouse built of native stone. It remains in use and is listed on the National Register of Historic Places.



Courtesy of Seaver Center for Western History Research, Natural History Museum of Los Angeles County

Los Angeles County Courthouse (Completed 1891) Los Angeles’ first building to be built as a courthouse was considered at the time to be one of the West’s finest examples of Romanesque architecture. The “Red Sandstone Courthouse” was built at Spring and Temple Streets on what was then known as Poundcake Hill. An outside elevator with windows that was later added to the building became a sightseeing attraction of the city. Damage sustained in the 1933 earthquake made the building unsafe and it was demolished in 1936. The site is now occupied by the current courthouse.



Courtesy of Seaver Center for Western History Research, Natural History Museum of Los Angeles County

Mariposa County Courthouse (Completed 1854) Mariposa’s landmark remains the state’s oldest county courthouse in continuous use. One of the best examples of Greek Revival architecture in the Gold Country, the courthouse still contains many of the original, hand-planed furnishings, and a pot-bellied stove sits in the courtroom. Since there is no jury room, jurors deliberate in the jury box. Among the alterations to the original structure was the addition of the clock tower in 1866. While one newspaper at the time questioned the need “to distinguish the exact time from a mile,” the clock, shipped from England around Cape Horn, is today a popular fixture in Mariposa and continues to sound on the quarter-hour. The courthouse is listed on the National Register of Historic Places.



Courtesy of Seaver Center for Western History Research, Natural History Museum of Los Angeles County

Orange County Courthouse (Completed 1901) One of Southern California’s oldest court buildings, the Old Orange County Courthouse is also one of the state’s few surviving Romanesque Revival-style buildings. The courts occupied the building until 1969, when they moved to more modern facilities on Civic Center Drive. Restoration of the old courthouse began in 1983 and was completed in 1992. The building now houses the Orange County History Center as well as county offices and is listed on the National Register of Historic Places.

A sampling of California's historic courthouses

Sacramento County Courthouse (Completed 1910) Sacramento's first courthouse, built in 1851, became the Capitol in 1854 and was destroyed in a fire that same year. After the county outgrew its second courthouse, this three-story granite-and-marble county center was "built to last forever" but was abandoned in 1965 for a more modern facility and demolished in 1970. A new county jail was constructed on the site in 1989.



Courtesy of California State Library

San Francisco City Hall (Completed 1915) The great earthquake and fire of 1906 demolished both San Francisco's Hall of Justice and City Hall, where the civil courts were located. A new Hall of Justice was completed on Portsmouth Square near Chinatown in 1911, while the civil courts returned to the new City Hall, now part of a grand Civic Center complex, in 1916. The monumental beaux-arts structure was damaged in the Loma Prieta earthquake of 1989 and closed for retrofitting. The civil courts returned to the newly built Civic Center Courthouse adjacent to City Hall in December 1997. City Hall was completed in late 1998 and reopened to the public in January 1999. The Civic Center is listed on the National Register of Historic Places.



Courtesy of Bancroft Library

Solano County Courthouse (Completed 1911) Solano's first courthouse, in Benicia, was used as the State Capitol in 1853 and 1854 before the legislature moved to Sacramento. Four years later, the county government left Benicia for Fairfield, where a new courthouse was built in 1860. The building and its additions served the county until 1911, when an overcrowded jail and offices forced construction of a new building. A classical, granite courthouse was built on the same site. In 1970, the county converted a high school into a new Hall of Justice and the courts vacated the old building, which is still in use as county offices.



Courtesy of California State Library

Stanislaus County Courthouse (Completed 1873) The first murder in Stanislaus occurred just months after the county was divided from Tuolumne in 1854 and involved a gun duel during a dispute over an election for county judge. Since then, Stanislaus has had five county seats and eight courthouses, the most enduring of which was the first, in Modesto. This building, which was expanded in 1904, served the county for 85 years until it was demolished in 1958 to make room for the current county offices.



Courtesy Baird Stock Photos, Modesto

Tulare County Courthouse (Completed 1876) Tulare's third courthouse, built on the site of the first and second, was considered one of the most beautiful in the state and used as a model for the courthouses in Fresno and Merced counties. Damage sustained in a 1952 earthquake made the building unsafe, and it was demolished shortly after the courts and county offices found temporary housing in Visalia. The statue of Minerva, the Roman goddess of wisdom, on top of the dome was saved and today greets visitors to the county's historical museum.



Courtesy of California State Library

Women in the law | *The early years*

CLARA / from page 4

professions and became a preacher, but was expelled from his congregation for unorthodoxy.

In her teens, says Babcock, Clara became a teacher before eloping with a handsome Union soldier at the age of 15. Five children were produced from the marriage, which eventually ended when Clara's husband left her for another woman.

In the 1870s, the Foltzes and the Shortridges (Clara's parents and four brothers) headed west to California and settled in San Jose.

Anticipating her future as a single woman, Clara tapped her oratorical talents and immersed herself in a public speaking career focusing on the topic of women's suffrage.

During this time she studied law with her father and lobbied for passage of the Woman Lawyer's Bill. Foltz and fellow suffragist Laura Gordon managed to win inclusion of two unprecedented clauses in the California Constitution guaranteeing women access to employment and education.

Hastings College of Law in San Francisco was the target of a discrimination lawsuit brought by Foltz and Gordon after they were denied admission. But, by the time the Supreme Court decision was issued in their favor, Foltz was already practicing law. (Ironically, in 1991, Hastings awarded Foltz a posthumous degree of doctor of laws.)

According to Babcock, Foltz was a popular draw on the lecture circuit. She was dubbed the "Portia of the Pacific" and continued to make a name for herself and to champion the cause of women during the next 50 years.

In 1893, mindful of her own struggle to study law, she founded

the Portia Law Club to help women prepare for the bar. She often taught law to women from her own office.

She left San Francisco in the late 1800s to practice real estate law in San Diego, where she also started a daily newspaper.

At one point she moved to Denver for a brief stint practicing mining law, but was back in San Francisco by the turn of the century specializing in oil and gas law. During this period, she also managed to squeeze in some time to publish a trade magazine called Oil Fields and Furnaces.

The 1906 San Francisco earthquake prompted a move to Los Angeles when Foltz's home and business were both destroyed.

In Los Angeles, she set up a practice and became the first woman deputy district attorney in the western states (and, she claimed, the world). Another publishing venture ensued with the publication of her magazine, "The New American Woman." She continued to be a civic activist and served on the State Board of Charities and Corrections.

Even though Foltz herself yearned to be a U.S. senator, says Babcock, she campaigned for her brother Samuel, who served from 1921 to 1932. And, even though it was largely a symbolic move, she made a run for governor at the age of 80 in 1930.

Clara Foltz also had the distinction of being one of the few original suffragists who lived long enough to vote. California gave women the right to vote in 1911. Forty years earlier, Foltz took part in a march on the polls in San Jose with a group of women who attempted to cast their ballots. "It took a lot of courage to engage in this demonstration," says Babcock. "The polls were rough places, where armed men and hard liquor freely mixed,

and where the combined effects of the tobacco these rough men chewed and the long skirts the women wore was not pretty."

Foltz's greatest achievement as a law reformer was to conceive the idea of a public defender. At the 1893 Chicago World's Fair, she submitted that concept as the representative of the California bar at the Congress of Jurisprudence and Law Reform. She also authored several law review articles on the subject.

Writing Foltz's biography has been an education for Babcock in more ways than one. Separating fact from fiction has been one challenge, and coming to terms with some of the more abrasive aspects of the legal pio-

neer's personality has tested her biographer's objectivity.

Foltz's life continues to fascinate Babcock as she proceeds with her research. "For almost five decades," she writes, "whatever Clara Foltz did and wherever she went, she was the 'first woman.' As lonely as it was to be first, she gloried in the towering advantage: there is no standard for comparison and thus little room for failure. For Clara Shortridge Foltz, being first was success itself." ■

For Babcock's published work on Foltz, and additional material on other women lawyers, go to: www.stanford.edu/group/WLHP.



Barbara Babcock



Courtesy of the California State Library



Laura de Force Gordon: (1838-1907) Early in her career, she actively campaigned for women's suffrage. She also was involved in a lawsuit to open up Hastings College of Law to women; both she and Clara Shorridge Foltz participated in the courtroom arguments of the case. In addition, Gordon's lobbying played a key role in the success of the bill permitting women to go into law in California. Practicing law in Stockton, she continued to campaign for women's rights and twice served as president of the California Suffrage Society. ■

Edna Covert Plummer: (1883-1972) Plummer was the nation's first woman to serve as a district attorney. A 1907 graduate of Chicago-Kent College of Law, she was admitted to practice law that year in Illinois and, in 1912, in Nevada, where she served as Eureka County's district attorney from 1917 to 1918. Admitted to practice law in California in 1924, she co-founded the law firm of Hazlett and Plummer in 1930. She also served as vice president of American Naphtha Oil Corporation and served on several other oil company boards. ■



The Phi Delta Delta Legal Fraternity visits President Calvin Coolidge in 1924. The organization was founded in the early 1900s by several women law students at the University of Southern California. Created to help ward off feelings of isolation, the organization eventually went international. In 1972, it merged with the Phi Alpha Delta Law Fraternity.

the mid-1980s, a highly critical newspaper series sparks a call for reform in the bar's overburdened discipline system ■ In 1985, legislative

From the archives | Bits of history

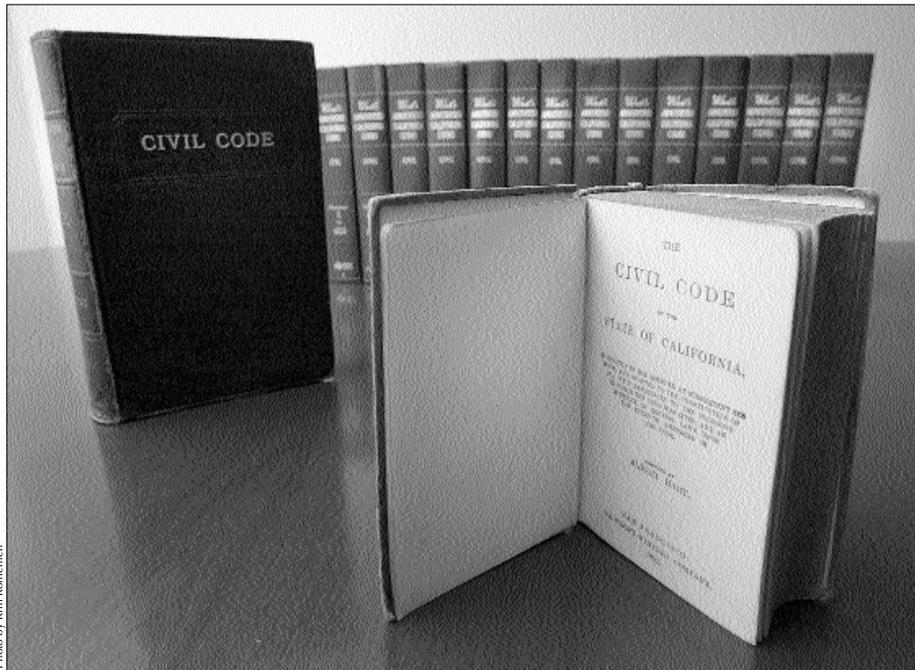


Photo by Kim Komenech

The 1891 civil code, contained in the 4-inch-by-6-inch-by-2-inch pocket book in the foreground. Further back, to the left, stands the slightly expanded 1931 civil code. Behind both books stands today's 14-volume civil code.

Welcome to the fellowship

Address delivered to new admittees in 1946 by State Bar board member Arthur B.

May it please the court and you men and women who are about to be sworn in as members of the bar of California:

Many years ago, Lord Coke defined law as the perfection of reason. Many years later, Aaron Burr said that law is whatever is boldly asserted and plausibly maintained. We are not so witless as to be beguiled by Coke and I don't think we are so cynical as to succumb to Burr.

We believe that living law is the current expression of the effort of upright men to solve some of the problems of group living. Some of the expressions — the more general answers to the readily anticipated questions — come from the legislature. The others — those of working application and of answer to the unanticipated that springs from day-to-day living — must come from the court. Here in the courtroom is the ultimate sifting of the facts. Here is the final testing of contentions. Here generalities must be applied and made to work in the concrete instance. Here is given the definitive answer for living, contending people.

Courts do not reach or express their conclusions in a vacuum. There is nothing vague or abstract in their answers to questions submitted. Courts render down-to-earth judgments on live

WELCOME continued on page 21

Tapping public opinion in 1940

By KRISTINA HORTON FLAHERTY

Staff Writer

It's an age-old challenge: How can attorneys collectively win — and maintain — the public's trust and confidence? And what, in fact, does the public really think of them?

The results of a 1940 survey, filed away in the State Bar's archives, provide a snapshot of such opinions from more than six decades ago.

Just one in four of those surveyed in 1940 gave lawyers high marks for ethics, for example.

Roughly half felt that lawyers' fees were too high. And more than half didn't know if any efforts were being made to enforce "proper professional conduct" among attorneys.

The survey results, compiled from 2,572 interviews with respondents broken down by income class alone, also showed that just one in five respondents gave attorneys a high grade for honesty. In contrast, most gave doctors and dentists high ratings for

both ethics and honesty.

More than half of the respondents, however, concluded that attorneys were at least average in their ethics and honesty. And roughly one in two noted that the State Bar or "lawyers themselves" should be the ones to recommend "helpful changes in laws and court procedure." (Just 29 percent thought that legislators should be making such recommendations. And a smattering of respondents pointed to input from newspapers.)

The survey also spotlighted a lack of knowledge about California's justice system. Roughly half of the respondents said they didn't know whether any efforts were being made to improve the legal system (49 percent). And two out of five respondents were not sure whether attorneys were compensated for handling criminal cases when appointed by a judge.

When asked about the state's system of laws and courts, more than half cast the system as

SURVEY continued on page 19

voices

Words from the past offer a glimpse into California's evolving legal profession and State Bar. The following is a compilation of comments from various points in time. Unless otherwise noted, they have been gathered from State Bar publications, committee reports and interviews.

"I almost went down on my knees before them, asking for the pitiful privilege of an equal chance with men to earn an honest living in a noble profession! Think of it! They make laws against vagrancy, they urged laws against tramps, they complained loudly of prevalent idleness — and yet, I had to beg — not for a living but to be allowed to earn a living."

— Clara Shortridge Foltz, 1916
(cited in Barbara Babcock's 1994 article, "Clara Shortridge Foltz: 'First Woman'")

"The administration of justice is the concern of the whole community, but it is the special concern of the bar. We are the ministers of justice, and no lawyer is worthy of any reputation in the profession, whatever his ability may be, if he does not regard himself first and last as a minister of justice in the community in which he practices."

— Hon. Charles Evans Hughes, 1926

"During the next few years, we will have the opportunity to participate in a most stupendous forward movement. This movement will have the result not only of revolutionizing the administration of justice but also of placing the profession of law upon the high plane of dignity and honor which it is due."

— Kemper Campbell, 1926
Los Angeles attorney

From the archives

Bits of history

voices



Court proceedings take place in a San Diego Justice of the Peace court in 1928.



Courthouse Sawyer's Bar, circa 1903, was next to a blacksmith shop. The rock part was once

Special Collections, Meriam Library, California State University, Chico

NOTABLES: Bernard E. Witkin (1904-1995)

By **NANCY McCARTHY**
Staff Writer

He never actually practiced law or sat on the bench, but the California Judges Association tagged him “Guru to the California Judiciary.” He hated the impracticality and pedagogy of law school, yet he became California’s foremost legal writer. When Bernard “Bernie” Witkin died in 1995, he left behind a voluminous written legacy known simply as “Witkin” to all in the legal system.

“Bernie’s body of work is the clearest and most comprehensive guide to knowing what the law is and how to apply it,” wrote Second District Court of Appeal Justice Norman L. Epstein following Witkin’s death. “Bernie’s particular gift was his ability to appreciate and comprehend the entire body of the law and to restate it in terms that lawyers and judges can readily understand



and put to immediate use . . . The hallmarks of his work are organization, accuracy, clear expression and selectivity.”

The notes Witkin assembled to help him pass the bar exam in 1928 evolved into his first “Summary of California Law,” published as a bound volume eight years later. The summary, now in its ninth published edition, along with Witkin’s other works, encompasses virtually all California jurisprudence. Legalese is absent from those volumes, as are Latin phrases and footnotes.

At the time of Witkin’s death, then-California Supreme Court Chief Justice Malcolm Lucas recalled that Witkin “combined historic perspective, depth of knowledge and an openness to new ideas to provide invaluable insights.” And at the age of 91, Witkin “was still talking avidly about exciting new developments in CD-ROM technology that often left the

WITKIN continued on page 21

“We may hope to reduce its complexity; but to have less volume of substantive law hardly seems a reasonable expectation. Life is going too fast, multiplying too rapidly. One agency alone, the automobile, has given us a mass of new law. The airplane, in season, probably will give us more.”

— **Hugh Henry Brown, 1926**
San Francisco attorney

“When the typewriter first made its appearance as a means of communication, the crook presumed that he could hide his nefarious acts by the use of the machine in writing black-hand letters, spurious communications, wills, forgeries, altering documents, etc., but frequently the laymen have been disillusioned.”

— **Marjorie Quigley, 1926**
Los Angeles legal secretary
(quoting from the Central Law Journal)

“The eyes of the entire legal profession of the (United States) are upon California at this time and are watching what we do in the government of our own profession.”

— **Thomas C. Ridgway, 1927**
Los Angeles attorney,
Last California Bar Association president

“Actual compulsion is offensive to lawyers. But the so-called compulsion in this (State Bar Act) is a benevolent compulsion — a compulsion which enables the bar to clean its house and to keep it clean. It is, in truth, a compulsion which spells freedom; freedom from the limitations and shortcomings of a fragmentary and voluntary bar association.”

— **Hugh Henry Brown, 1927**
San Francisco attorney

“The people entrust to lawyers all that they hold dear; their lives, liberty and property; they seek advice upon matters of the most private and confidential nature involving relationships between husband and wife; parent and child. . . . 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.”

— **Joseph Webb, 1928**
First State Bar president

“The barnacles that have hung on the profession in this state have tended to disgrace, by criticism of those who did not know, every lawyer in this state. It matters not whether you and I conduct ourselves in accordance with the ethics of our profession, someone has robbed a client and he cannot be reached, someone has taken from the widow and cannot be dealt with. Who suffers? I suffer; you suffer; everyone of us suffers, and if it is left to us to clean house and we don’t do it, we ought to suffer.”

— **Robert J. Fitzgerald, 1928**
Oakland attorney, State Bar’s first annual meeting

“The great majority of men, we believe, desire to act properly and ethically. But it is often not so difficult to determine to do the right thing as it is to determine what is the right thing to do.”

— **Report of the Committee on Legal Ethics, 1928**
State Bar’s first annual meeting

“If there is a danger that we will not approach

From the archives | Bits of history



Courtesy of Babcock Library

The San Francisco City Hall, which included the county's superior court, was heavily damaged in San Francisco's 1906 earthquake.

SURVEY / from page 17

"about as good as could be expected."

Survey interviewers also asked what was wrong with "our present California system of laws and courts?" The largest group (22 percent) pointed to laxity, delay, expense and loopholes. The other most popular explanations focused on "graft and corruption," the complexity and sheer number of laws and politics.

In contrast, just 2 percent said that the courts

"don't give justice." Less than 4 percent saw a need for higher ethics in the law profession or court procedures as being too lengthy. And less than one percent saw a need for standardization of lawyers' fees.

And their views, for the most part, did not come from their personal association with attorneys. Most of the respondents (56 percent) said that they did not have any friends or relatives who were attorneys. ■

NOTABLES: Loren Miller Sr. (1903-1967)

Known for his kindness, wit, legal skills and dedication to his ideals, civil rights attorney Loren Miller often took on discrimination cases that others saw as hopeless. He fought against segregation. And he handled many cases that laid the groundwork for later civil rights litigation.



Of his late father, Loren Miller Jr. once said: "He sacrificed opportunities in order to pursue what he thought this country should be."

Twenty-five years ago, in observance of its 50th anniversary, the State Bar created the Loren Miller Legal Services Award, which is given each year to a lawyer who has "personally done significant work in extending legal services to the poor."

Born in 1903, Miller attended both the University of Kansas and Howard University. In 1928, he received his law degree from Washburn College of Law in Topeka, Kansas, where he initially practiced law.

In 1930, Miller moved to Los Angeles. Both a lawyer and journalist, Miller and a cousin launched the city's first black newspaper, The Los Angeles Sentinel. From 1931 to 1932, Miller worked as a European correspondent for the Associated Negro Press, and traveled throughout Europe and Russia with his lifelong friend, Langston Hughes. He also wrote for Crisis, the

official publication of the NAACP.

Admitted to practice in California in 1934, Miller took on a wide variety of civil rights cases. By 1944, he was recognized as an expert in litigating restrictive covenant cases. And after World War II, he became a key figure in the group of legal tacticians who shaped the NAACP's assault on segregation in the United States, working with William Hastie, Charles Houston, and Thurgood Marshall. In 1949, he unsuccessfully sued the State Bar in an attempt to force the Conference of Delegates to deny credentials to local bar associations that discriminated on the basis of race.

Taking on cases that others thought hopeless, he contributed to the brief in *Shelley v. Kraemer* (1948) and *Westminster School Dist. v. Mendez* (1947), which challenged restrictive covenants years before *Brown v. Board of Education* (1954). He also served as lead counsel in *Barrows v. Jackson* (1953), which prohibited restrictive covenants attached to real estate.

In 1958, Gov. Edmund G. "Pat" Brown appointed Miller as his executive clemency secretary. However, the political climate of the day was not receptive to the appointment due to Miller's affiliation with several proscribed "subversive" organizations. Disheartened, Miller withdrew his name from consideration. The political climate began to change in the 1960s and, in 1964, the governor offered Miller a seat on the Los Angeles Municipal Court. Miller served on the court for three years before his death in 1967. ■

voices

the conception embraced within self government, it lies in the false gods of technicality and desire for more commercial success; in our propensity to criticize, rather than to construct; and in our habit of strangling action with endless debate."

— **Hubert T. Morrow, 1928**
President of the Los Angeles Bar Association
First Annual Meeting

"It is unsatisfactory to the public. It is unattractive. Ordinarily, the public would prefer not to use it at all. Ordinarily, the public purchases it only at a forced sale. It is cumbersome and uncertain. It is slow. The administration of justice is primarily our responsibility."

— **Charles Beardsley**
State Bar president 1929-30

"We are inclined to use three or more words to express a meaning that could better be expressed in one word. We 'give, bequeath and devise,' and 'let, release and remise, all those certain lots, pieces or parcels of land situated, lying and being, located, bounded and particularly described, as follows, to-wit.' And we rarely forget the 'to-wit.' It is all a waste of fuel. If the old two-cylinder buses wasted fuel that way, we would have the carburetors adjusted."

— **Charles A. Beardsley, 1930**

"Ambulance chasers, becoming increasingly bold, were reported over-running the city's emergency hospitals and beating the ambulance to the scene of motor vehicle accidents in many instances when the Lawyers' Club's Unlawful Practice Committee named a sub-committee to 'take steps.'"

— **Marion P. Betty, 1934**
Los Angeles attorney

"The captain of a ship must possess unusual skill and judgment and not many sailors can hope to rise to a captaincy. Thus it is with all positions of responsibility. So it is with the lawyer. The very essence of his work involves a trust. To maintain that all persons wishing to become lawyers should be permitted to do so is folly."

— **Albert J. Harno, 1934**
Dean of the College of Law
University of Illinois,

"It is true that the lawyers are having most difficult problems of their own during the trying economic transition period through which they have been and are still passing and the unfair competition they meet through lay agencies and corporations, but these problems will not be improved by ceasing to give of their services to a reasonable degree and extent where they are needed. Ceasing to give, they may lose even more."

— **Kimpton Ellis, 1934**
Chairman of the State Bar's Legal Aid Committee

"The first step toward unification of the bar is to obtain unity of ideal and unity of practice. Ours is a profession – not a business. It is because the law, to some degree, has come to be regarded as a business that respect for the bar has diminished."

— **Norman A. Bailie**
State Bar president, 1934-35

"Let us be our own publicity agents for a while."

From the archives | Bits of history

In the 1927-28 headlines:

- "Power of new State Bar"
— San Francisco Chronicle
- "Bar governors act to ban technicalities"
— Fort Bragg Advocate
- "Legal profession of California disclosed high sense of responsibility to public by the regulations just adopted"
— Palo Alto Times
- "Bar association cleaning up"
— Santa Cruz News
- "State Bar doing good work"
— Fresno Republican
- "California lawyers out for progress"
— Mill Valley Record
- "An inspiring attitude"
— Los Angeles Journal
- "Shyster lawyers' thing of the past"
— Napa Register

* Source: column by 1927-28 State Bar President Joseph Webb.



Photo by Kim Komenich

The State Bar's first pocket-sized Rules of Professional Conduct and Rules of Procedure (1928) appear in the fore-

voices

We must sell the bar to ourselves before we can sell it to anyone else. We must live our ideals 24 hours a day, 365 days a year. . . . 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."

— Norman A. Bailie, 1934
State Bar president

"What we need, primarily, is a means to bring home to the public the idea that law is not a punitive system, but rather a protective framework providing logical and safe approaches to many problems, and logical and safe solutions to most of them."

— Joseph A. Murphy, 1949
Alameda attorney

"In a democracy only the best possible service to the most people is good enough. Anything less than that and the public suffers. What is worse, in suffering the people blame the lawyers, the judges and the law."

— Report of committees on court reform and public relations, 1950

"Where in former years slight heed was given in the legislative halls to our voice, today we have reason to be proud of our accomplishments and of our position in Sacramento. Our views on proposed laws are sought and respected by our governor, senators and assemblymen. At the 1952 sessions, all bills sponsored by us were adopted and are now the law of this state. We shall ever try to preserve the confidence thus reposed in us."

— Emil Gumpert
State Bar president, 1951-52
(State Bar's 25th anniversary speech, 1952)

"I am firmly convinced that we need only merit public esteem and work earnestly, conscientiously and tirelessly to do our part in the administration of justice in such a manner as to earn public approval and respect, in order that those benefits shall come to us."

— Charles Beardsley
State Bar president, 1952-53

"The man on the street, I think, has mixed feelings about the lawyer; on the one hand he respects him because of his training, education, and ability, especially his knowledge of how to find his way around in the intricacies of the law; but on the other hand he may distrust him for his knowledge, fearing that he may be taken advantage of in some sly or unscrupulous way."

— Graham L. Sterling Sr.
State Bar president, 1958-59

"The predominant problem is that we lawyers are a house divided, engaged in somewhat of a civil war among ourselves."

— Allen Spivock, 1963
San Francisco attorney

"Every institution which lives for the future

NOTABLES: Stanley Mosk (1912 - 2001)

Tagged a constitutional guardian and giant in the law, the influential and independent Stanley Mosk served a record 37 years on the California Supreme Court.



He reportedly authored nearly 1,700 opinions prior to his death last year.

But Mosk's work was "notable not only for its quantity, but for its quality," Chief Justice Ronald George said in 2000 at a special celebration session honoring Mosk's record-breaking service.

"In opinions touching on such diverse topics as jury selection, racial discrimination, products liability, the rights of disabled parents, and arbitration of health care issues, he has brought his powers of analysis to bear and has reached results that time and again have been echoed by the United States Supreme Court and the supreme courts of other states," George said. "Justice Mosk has been an eloquent proponent of federalism and of independent state constitutional grounds. His voice has widely been heard and respected not only in California, but across the nation."

At the same time, Peter Belton, a longtime senior attorney in Mosk's chambers, described the long-serving justice as "a modest, unassuming, hardworking gentleman dedicated to doing his job."

Born in Texas in 1912, Mosk spent his school years in Illinois, where he attended the University of Chicago and Chicago Law School. Then, in the early 1930s, the depression drove his family west to California.

Starting out as a sole practitioner in Los Angeles, Mosk campaigned for would-be Gov. Culbert Olson and later served as the governor's executive secretary and legal advisor. He was appointed superior court judge in 1943 and, with the exception of his service in the armed forces,

remained on the bench until the late 1950s.

Two years ago, at the special celebration session, Mosk's son, Richard, gave this account of his father's desire to serve in World War II: He was exempt from the draft and was already rendering service in the Coast Guard. But Mosk "implored the director of selective service to overlook his judicial position and deficient eyes." Then, he "memorized the eye chart and, with the benign neglect of the director of selective service, passed the physical examination and enlisted as a private in the Army."

In 1958, Mosk was elected state attorney general by the largest margin — more than a million votes — of any contested election in the country that day. As attorney general for nearly six years, he reportedly issued roughly 2,000 written opinions and authored some of California's most constructive legislative proposals in the crime and law enforcement fields, including a measure creating the commission on Peace Officers' Standards and Training.

In Congress, one senator called Mosk "one of the most effective leaders in the effort to give law enforcement the status and accord which it so richly deserves." Another senator characterized him as "one of the finest constitutional lawyers in the United States."

In 1964, Gov. Edmund G. "Pat" Brown named Mosk to the Supreme Court. During Mosk's long tenure, he wrote dozens of landmark decisions, ranging from enhanced environmental protections to new guarantees for criminal defendants to an increased ability to file personal injury claims.

A strong advocate of individual liberties, Mosk began to rely on the state Constitution as a way to preserve those rights while the U.S. Supreme Court became increasingly conservative. Although he offered a liberal perspective to the court, Mosk sometimes sided with his conservative colleagues on criminal issues. And he wrote the controversial Bakke decision in 1976, finding race-based university admissions unconstitutional. ■

From the archives | Bits of history

voices

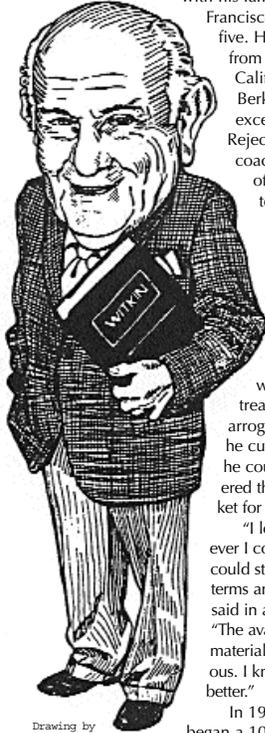
WITKIN / from page 18

rest of us behind," Lucas noted.

Born in 1904 to Russian immigrant parents in Holyoke, Mass., Witkin moved with his family to San Francisco when he was five. He graduated from the University of California at Berkeley, where he excelled in debate. Rejecting an offer to coach the University of Nevada debate team, he entered law school at what is now Boalt Hall. He often made clear his disdain of law school and law professors, whom he felt treated students with arrogance. Although he cut class as often as he could, he discovered there was a market for his notes.

"I learned that whatever I could understand, I could state in simpler terms and teach," Witkin said in a 1989 interview. "The available bar review materials were preposterous. I knew I could do better."

In 1930, Witkin began a 10-year stint as a clerk for Supreme Court Justice William Langdon. He then joined the staff of Justice Phil Gibson and in 1942 was named the official reporter of the Supreme Court and appel-



Drawing by
Terrance Flanigan

late decisions, a position he held for seven years.

All the while, Witkin worked on expanding his summary and by the 1950s had contracted with a publishing house. In 1981, he hand-picked four attorneys and created the "Witkin Department" at publisher Bancroft-Whitney to continue his work. By the time of his death, the department had grown to 11 attorneys and four support staff.

Co-director Dave Bonelli said Witkin recognized it was impossible for one person to keep up with the enormous amount of legislation approved in California each year as well as the large number of judicial opinions. "His prior editions were getting pretty old and starting new editions required a lot of help," Bonelli said.

So Witkin trained the department in "all the Witkin methods, including selection of materials and his style of briefing and organizing," Bonelli said. "We had to be completely committed to the work and to share Bernie's love for service and the law."

Witkin's treatises grew over the years to include procedure (now 10 volumes, 4th edition), evidence (three volumes, 4th edition) and criminal law (six volumes, 3rd edition) in addition to the summary. And in a nod to progress, Witkin made sure all of his work was made available on CD-ROM.

Shortly after Witkin's death, the Witkin Legal Institute — a work in progress during his lifetime — was established to further Witkin's lifelong commitment to advancing the understanding of California law and improving the administration of justice. In addition to updating Witkin's treatises, the institute develops new publications and educational programs for California's judges and lawyers, and supports a variety of professional activities statewide.

The only honorary member of the California Judges Association, Witkin also helped develop California's judicial education center and fund publication of judicial ethics and retirement handbooks. And his financial generosity was as legendary as his scholarship. Witkin and his wife donated millions through the B.E. and Alba Witkin Charitable Trust.

For nine years, in Witkin's honor, the State Bar has presented a medal each year to a lawyer, judge or legal scholar whose lifetime body of work has altered the legal landscape. ■

acceptable results and working hypotheses unless their consequences are canvassed. Our technique for developing the facts and weighing the results of a decision is that of the adversary proceeding. Judges do not investigate, or prosecute, or advocate. We leave that to trained and avowed contestants. The only interest, and, indeed, the place and duty of each is to develop his side of a controversy. We believe that by this regulated warfare of ideas, the facts will be best developed, and possible solutions most fully displayed and considered.

I venture to think that this aspect of the legal profession's harmonious dichotomy of enmity and amity will strike you first. At first the practice of law will seem all conflict and disharmony. Your feelings will be of pride in your own accomplishments and, if you are as human as I think, chagrin and perhaps resentment at your opponent's.

But I also venture to think that if your own conduct is all that you would want of an honest and vigorous opponent, you will find that your enemy is your ally. Your adversaries will be your companions. You will come to appreciate and cherish the tradition that has been given into your keeping. When this point is reached, you will enter into full estate in an ancient fellowship. I congratulate you on your first admission. I welcome you to the fellowship. I promise that it holds more for you than you suspect. ■

builds on the past."

— A. Stevens Halstead Jr., 1967
State Bar president
(State Bar's 40th anniversary speech)

"We think it is important that the public whom we serve have confidence both in the quality and in the independence of lawyers. We have responsibilities to the public. If on a particular question, the public interest and the interest of lawyers are in conflict, the public interest must come first. We want these views and the integrity of our processes of decision to be publicly visible."

— Seth Hufstedler
State Bar president, 1974

"The trials of the bar over the past few years have been well documented. We have debated our future, reformed our practices, streamlined our operations and will continue to do so over the next year. As a group, we have all contributed to the solutions and should be proud of what we have accomplished in such a short time."

— Karen Nobumoto
State Bar president, 2001-2002
(Installation speech, September 2001)

"What I think you see is that while women in many places are more than 50 percent of law school classes, and while they are not encountering the kinds of barriers that used to exist to entry, there are still barriers in place that are barring access to positions of power and authority within the profession. I think that's where the focus needs to be."

— Hon. Margaret M. Morrow, 2002
State Bar president, 1993-94

"It's so important that lawyers recognize what kind of animal that the State Bar is, that it is a public agency, that it's in the judicial branch . . . and it should speak with a single voice."

— Anthony Murray, 2002
State Bar president, 1982-83

"It was a very public-spirited bar. I don't think it's changed, but I think it's a lot more difficult these days because there are so many divisions of opinion."

— Seth Hufstedler, 2002
State Bar president, 1973-74

"I think that the State Bar has been a very good thing for the legal profession in terms of its maintaining its integrity with the public. Without a State Bar, I can't imagine what the relationship would be between the legal profession and the public. I think it would be haphazard and unacceptable."

— P. Terry Anderlini, 2002
State Bar president, 1987-88

"Together we can solidify our future. Together we can make a difference."

— Karen Nobumoto
State Bar president, 2001-2002

WELCOME / from page 17

disputes between real people. Those judgments conclusively bind the parties before the court. Until changed, they are working hypotheses for others not before the court. That sort of power to answer questions is awesome. It is literally the power of life and death. Short of social upheaval, protection from abuse lies in the ability and integrity of the men who use it, in a mature tradition for its exercise, and in a developed technique for presentation and resolution of controversies which cannot be left for adjustment through the amenities of social intercourse.

From the members of the bar must come the men who will exercise this power. Your admission to the bar is the state's certification of its belief in your integrity and its belief that you have the ability and preliminary training that maturity can bring to the requisite standard. But only a few of you will be judges. The rest must be content with other parts.

To all of us, however, is committed the preservation of a sound tradition of adjudging. All of us must play our parts well if our technique for presenting and resolving justiciable controversies is to remain workable and working.

Controversies cannot be decided — questions of group living cannot be answered — until the facts are shown. Decisions cannot even approximate

HEILBRON / from page 7

asked for his opinion, “which given, may be construed as legal advice,” he says, he maintains an active bar number — the same one he received 71 years ago.

Back in the 1920s, Heilbron majored in political science and was active in debate at the University of California at Berkeley. Law school, he says, “just seemed to be the natural thing to do.”

He went on to Boalt Hall, where he and a colleague won the moot court competition in 1931. There was, he recalls, just one woman in his class. After graduation, she married an attorney in a one-man firm and quickly became managing partner. “Now, of course, 50 percent or more of the students at Boalt are women,” Heilbron noted, “and women can and do become managing partners in a more conventional progression.”

NIGHTINGALE / from page 8

won her case, and soon landed a night job enforcing child labor laws. “It was interesting, but it wasn’t legal work,” she says.

Transferred to a day shift a year later, Nightingale thought that she would finally practice law again. “Instead,” she says, “they assigned me to inspecting men’s latrines — and I had never seen a man’s latrine before. That was my introduction to the labor commissioner.”

Eventually, Nightingale’s job did

Several years after passing the bar, Heilbron joined Heller Ehrman, San Francisco’s fourth largest law firm with just 13 attorneys. In those days, he says, attorneys were expected to handle the full gamut of cases, from real estate claims to wills and trusts.

“We were expected to do everything,” he recalls. “That certainly has changed. Specialization has certainly changed the practice of law.”

Heilbron, too, went on to find a specialty. During World War II, he wound up in Austria, where he served as deputy labor chief of the U.S. element of the Allied Control Commission for Austria. During that period, he was part of a committee that supervised the rehabilitation of Austria’s social security system, and helped develop labor standards for the newly independent country.

When he returned home, his overseas experience led him to specialize in the representation of management

evolve into legal work. But then, in the mid-1940s, she became pregnant and was denied paid maternity leave, she says. Once again, she fought the status quo and, after a personnel board commission hearing, was allowed to use her sick leave for her pregnancy. It was, she says, another first.

She later became chief trial attorney for the State Labor Commissioner. And in the 1960s, she ran unsuccessfully for municipal court judge twice — once coming in second against 14 men (with

in labor law along with general civil work at Heller Ehrman. But it was a different work experience back then.

“You looked across the desk at a secretary who could take dictation and with whom you could exchange pleasantries without risking charges of sexual harassment,” he said. And, he pointed out, because “corrections on agreements, documents and briefs required typing of whole pages, you tended to be careful the first time around.”

On a “serious note,” he adds: “Some principles of practice have not changed over the years — excellence in the knowledge and application of the law in the areas of service to clients, and adherence to the highest standard of ethics in the representation.”

Along the way, he married and had two sons. One of them, David, is an attorney who served as the State Bar’s 1985-86 president; the other, John, is a published author, lecturer

and retired executive vice chancellor of UC Berkeley. Heilbron now has three granddaughters as well.

For decades now, higher education has been at the heart of much of his pro bono work. He has, for example, served as chairman of the trustees of the California state college system.

And he is a recipient of a Boalt Hall Citation, the alumni association’s highest honor recognizing “exceptional achievement” by alumni who distinguish themselves in the legal profession.

But while he officially retired as a senior partner and shareholder with Heller more than two decades ago, Heilbron has no intention of moving out of his office anytime soon, a staying power that sparks awe in those around him.

“There are days when he has more energy than I do,” marvels legal secretary Martha Foster, “and I am many years younger.” ■

more than half a million votes) and later challenging an incumbent in the state’s first judicial race between two women. In 1962, she became a workers’ compensation judge, retiring a decade later to practice law.

On her 60th anniversary as a State Bar member, U.S. Rep. Henry Waxman tagged Nightingale “a key figure in the crusade for women’s rights in California.” He noted, in a declaration, that Nightingale “broke many barriers which prevented women from advancing in the legal profession.”

She also has seen dramatic changes in the profession. “Women have advanced tremendously,” she says. But the practice of law, she adds, has become “much more difficult, much more technical.”

Still, Nightingale, now a great-grandmother, has too much work left to consider retirement. “As a matter of fact, I told several of the judges that I want to finish my cases before I die and they say, ‘Oh, you’ll outlive all of us,’” she recalled, with a laugh. “It’s a wonderful profession. There’s nothing like it.” ■

HISTORY / from page 6

nationwide to include non-lawyer members. Board meetings, too, opened up to the general public. And non-lawyers were brought into the discipline process as well.

Watergate "focused a lot of national attention on discipline systems and attorneys' ethical duties, generally," recalls Fran Bassios, special assistant to the State Bar's executive director.

At about the same time, the bar began shifting away from its all-volunteer discipline system. Bassios still recalls facing skepticism from some local administrative committees when he and others were hired in the early 1970s to investigate and prosecute disciplinary matters. But the change, he says, helped bolster the system's credibility.

For decades, local administrative committees — all volunteers — had, for the most part, handled the attorney complaints themselves and presented them to the bar's board for review. In turn, the bar's staff had remained small.

John Malone, the State Bar secretary (the equivalent of today's executive director) back in the 1970s, fondly recalls beginning his bar career in 1953, a day after his admission to the bar. He was one of just two attorneys in the Los Angeles office. His boss at the time served as the bar's secretary and general counsel, as well as its legislative representative.

In those days, Malone personally reviewed every consumer complaint that landed in the Los Angeles office. Discipline trials took place in conference rooms, often late in the day to accommodate the volunteers' schedules. "I remember one trial had some 40 hearings," he said, "and most of them were after hours."

The State Bar's board, back then, still did almost everything for themselves — from evaluating disciplinary cases to reviewing judicial candidates for the governor to attending to the nuts-and-bolts of the bar's finances. "There was this feeling of dedication," recalls Malone, now a Hastings law professor.

Eventually, however, the disci-

pline caseload became overwhelming. In the late 1960s, the board appointed two special disciplinary boards to step in. And a decade later, a volunteer State Bar Court was launched. But then California's attorney population exploded, nearly tripling in size from the early 1970s to the mid-1980s. A corresponding jump in complaints pushed the still largely volunteer



The first legal services trust fund check is presented to State Bar President Anthony Murray in 1983, following legislation (IOLTA) allowing the bar to distribute attorney trust account interest to

system to the brink of collapse. And a backlog of some 4,000 unanswered complaints sparked sharp criticism from the public and legislators — and a call for reform.

"We were really under the gun," recalls Terry Anderlini, the 1987-88 State Bar president. "I question whether we would have a State Bar as we know it if we hadn't made the commitment and done the reforms."

Working with independent discipline monitor Robert Fellmeth on a blueprint for a revamped system, Anderlini and fellow board members took to the road to sell local bar associations on the cost — a doubling of their annual State Bar dues.

"Going into those meetings, they were all saying, 'No,'" the San Mateo attorney recalls. But in the end, the system-wide changes, including the

cost, won support from attorneys and legislators. And the crisis led to an overhauled system with the nation's first full-time State Bar Court, later tagged a "model for the nation."

Further scrutiny and cost-cutting followed five years later. And most recently, a blue-ribbon committee is evaluating several American Bar Association recommendations, including one to place the discipline

mer State Bar special assistant for administration of justice.

"Its major role is going to be in trying to improve the access to justice and access to legal services."

Recent years also have seen new restrictions placed on State Bar activities. In 1990, for example, the U.S. Supreme Court issued an opinion in *Keller v. State Bar*, ruling that the bar could not use mandatory dues for programs beyond its core functions.

In late 1997, Gov. Wilson's dues bill veto marked the most serious threat ever to the State Bar's existence. And the reviving dues bill, signed in 1999 by Gov. Gray Davis, set further limitations on the nation's largest state bar.

The fallout is a streamlined State Bar that is today more restricted in how it spends member dues. The bar's 16 sections, for example, are now self-funded. Members recently got the option of deducting State Bar lobbying costs from their annual dues. And the Conference of Delegates — affectionately termed the State Bar's "park bench" by one past president — is likely to be officially separated from the bar this month.

But Executive Director Judy Johnson notes that the bar also has become stronger, more efficient and more responsible in recent years.

And, she says, "its work is just as vital to the profession and to public protection today as it was 75 years ago."

If history is any indication, however, the State Bar may also be destined for a perennial debate over what its role is and what it should be.

Some see an inherent tension in the bar's role. The organization represents lawyers on the one hand, and polices them on the other, Morrow notes.

"That, from time to time, causes the groups with whom the bar interacts, such as the legislature, to conclude that the bar is not doing a good enough job of its enforcement role and, on the other hand, from time to time, to cause the members to feel that the bar is not representing their interests adequately," she said. "It's a very, I think, delicate and difficult balance." ■

A Message from State Bar Executive Director Judy Johnson

The more things change, the more they stay the same. When I look back at my decade-long involvement with the State Bar, I'm amazed at how little some of the issues we faced during those years have changed.

The dues, for instance. I watched them climb to an all-time high of \$478 from 1991-1996, and fall to a low of \$77 in 1998, after Gov. Wilson vetoed our fee bill. No matter the level, our members always seem obsessed by the amount of dues.



MCLE is another ongoing issue. The Supreme Court rule that lawyers complete continuing education courses was instituted while I was on the board of governors in 1992. I supported it then, and I continue to support the requirement. The program has been the subject of surveys, studies and court battles, and it has evolved over time, but it seems to remain controversial with the membership.

Throw the rascals out. That was the moving force behind the creation of the State Bar in 1927 and it remains a prevailing sentiment today, both among members of the public and the profession.

On the other hand, many parts of the bar have changed dramatically over the years. We have faced serious crises, survived them and, I believe, grown stronger and more responsible as a result. The fee bill veto, of course, was the most serious blow to the State Bar, for it meant some 500 people lost their jobs and the bar's principal public protection function — regulating attorneys — was seriously impaired.

The veto, combined with the *Keller* and *Brosterhus* court rulings, changed the way the bar does business. It does not involve itself in controversial politics, either in Sacramento or Washington. Its Conference of Delegates shortly will become independent, and its educational sections are self-funded. The dues are lower, the staff is smaller, and many programs are scaled back and funded independent of member dues.

In short, the bar is far more streamlined than it was years ago and operates far more efficiently.

It also has a different face, far more diverse than in the past, although still far from representative of California's population at large. It continues to expand programs designed to provide access to justice for those who need it most and to develop programs to benefit its members.

As it always has done, the bar will continue to deal with the issues that seem never to change and those that arise as the world changes. We will listen to our members as we debate questions new and old. We'll never be able to please all 180,000 California lawyers, but we always will try to be fair and work to make their lives easier. That is our mission as the bar moves toward its century mark. ■

ORIGINS / from page 3

ment, by self-regulation and by self-discipline.”

On March 31, 1927, Gov. C.C. Young signed the bill creating the State Bar. With him as he signed were Joseph Webb of San Francisco and Kemper Campbell of Los Angeles, two dynamic members of a committee from the California Bar Association which had spearheaded a campaign for enabling legislation.

Chief Justice William H. Waste, chairman of the commission established to organize the new State Bar, appointed Webb and Campbell along with Charles A. Beardsley of Oakland and Thomas C.

Ridgway of Los Angeles as commissioners responsible for launching the new organization. Andrew Y. Wood of San Francisco, editor of *The Recorder*, whose faith had led him to establish the *State Bar Journal* in 1926 as an instrument to campaign for the integrated State Bar, was made secretary.

They faced a demanding job. All lawyers in California were required to belong to the State Bar. But who were they? How many were there? It took hectic months of effort to find out. The mechanics of electing members of the Board of Governors had to be worked out, plans for disciplinary work had to be made, offices had to be opened and an organizational meeting arranged.

At last the preliminary work was done. On Nov. 17, 1927, lawyers from throughout the state gathered for the victory banquet. The next day, the State Bar was officially organized, with the commissioners — less the Chief Justice — becoming members at large of the Board of Governors. Eleven more were to be elected, one from each Congressional district, to represent nearly 11,000 lawyers.

Why an integrated State Bar? A prime objective, said Kemper Campbell “was to kick the rascals out” of the profession, to provide effective means of discipline and draft proper requirements for admission to the bar. He summarized the urgent needs of the bar as: restoration of the rule-making power of the judiciary, the establishment of the self-governing bar, raising the standards of legal education and for admission to the bar, active participation of the bar in judicial selection, improvement of judicial tenure and compensation of judges, restatement of the law, constructive social service.

The idea of incorporating the lawyers of a single state into an all-inclusive and self-governing bar was perhaps first considered in Wisconsin in 1914. It was picked up in other

states and then considered in the House of Delegates of the American Bar Association — of which Joseph Webb and Kemper Campbell had served as delegates from California.

In California, there were a number of voluntary local bar associations, including the San Francisco bar (organized in 1872); the San Bernardino bar (1875); the Fresno association (1882); and the Los Angeles bar (1888). And there was the California Bar Association, established in 1909 as the

first statewide voluntary bar. However, by 1917, this organization had only 593 members. In 1918, the group began to consider how the bar could be better organized to improve service to the public.

The California Bar Association appointed a special committee to study the problem. It recommended that powers of bar associations be enlarged and that they be given legal standing with authority to regulate admissions, define unprofessional or improper conduct, control discipline and disbarments and do such things as might be necessary to regulate the profession. The bar adopted the recommendation and took steps to implement it.

As history demonstrates, crystallization of sentiment and action often

They did, and a bill defining unauthorized practice of the law was passed by the 1921 legislature and signed by the governor. The banks and trust companies retaliated by bringing the issue to the people in a referendum. The lawyers were defeated, and the measure did not become law.

California lawyers were now incensed. The California Bar Association appointed a committee to investigate and make recommendations at the 1923 state convention.

There, the committee reported on its widespread efforts to determine what the experience of other state bar associations had been and to evaluate public opinion on an integrated bar. They presented the convention with a draft bill, which they proposed unanimously and author-

ized the committee to conduct a campaign for the bill's passage.

The San Francisco and Los Angeles bar associations had gained enough prestige to command legislative attention. In addition, most of the organized bar associations contributed time, money and effort to win support from lawyers, the public and the legislature.

Leading the movement were Webb and Campbell. Webb, the son of a Salinas judge, studied law in the

Richardson appointee who was influential with the governor. Campbell explained that, while other boards were properly a part of the executive branch, the bar was an arm of the judiciary. Politics, he said, should be kept out of the regulation of the bar, and this could be done only if the lawyers elected their own board of governors.

At the same time, the movement toward the integration of the bar also was receiving significant support in

other parts of the United States. Among the national leaders pushing for reform were U.S. Chief Justice William Howard Taft, Elihu Root and Charles Evans Hughes.

The movement was gaining momentum

in California. With President Charles Shurtleff of San Francisco presiding, the California Bar Association at its 1926 convention girded itself for battle in the 1927 legislature. The San Francisco and Los Angeles bar associations put on drives to increase their membership and that of the state association to give them more political leverage.

In the next primary election, Campbell worked for the nomination of C.C. Young for governor. Young had already indicated that he favored the creation of an integrated State Bar. Campbell made it clear that he wanted no favors for himself, but that he would appreciate what the governor could do for the legal profession.

The campaign cry before the public was that the organization of the bar was necessary to “kick the rascals out of the profession.” When the time came for a showdown, leaders of the State Bar movement estimated that it was supported by 70 percent of the state's lawyers. There was organized opposition in the Senate, but the bill passed and, after a short delay, was signed by Young, the new governor.

The California Bar Association, which had worked for the public interest for 17 years and whose lack of power had led it to sponsor the new State Bar of California, held its last regular meeting in 1927. And a day after the victory celebration, its executive committee turned over its records, files and reports to the first board of governors of the State Bar of California. ■

Editor's note: This historical summary was excerpted and edited from the State Bar's 50th Anniversary Souvenir Album. Judge Leon T. David of Danville, then-chairperson of the State Bar's History of Law Committee, recounted the events leading to



The campaign cry before the public was that the organization of the bar was necessary to “kick the rascals out of the profession.”

awaits a traumatic incident. In the fall of 1920, the San Francisco Bar Association, for ample cause, successfully sponsored the recall of two police judges in the city. A subsequent attempt to have these former judges disbarred by the courts was futile because a bar committee had no power to compel witnesses to attend disciplinary proceedings.

A San Francisco bar committee prepared an integrated bar bill based on a model followed in other states. It was introduced at the 1921 session of the legislature, but no campaign was waged in its support and the bill never left committee. How could other lawyers in the state be encouraged to support such a measure?

Meanwhile, in Southern California, certain banks and trust companies were openly advertising for legal business. They were drawing wills free of charge, drafting trusts and practicing law in various other ways. Some Bay Area banks and trust companies were similarly charged with unauthorized practice of the law. Here was one issue on which most California lawyers could unite.

YMCA Evening Law School in San Francisco while working in an attorney's law office. Admitted to the bar in 1904, Webb helped secure passage of the bill to define the unauthorized practice of the law. When that bill was defeated in the referendum, he made the campaign to create a state bar a personal crusade.

When Campbell was just a boy, his father, a Midwest doctor, died. Campbell and his brothers went into the cannery business in Los Angeles. In this way, he was able to finance his studies at the University of Southern California Law School. While still a student, he worked in a judge's chambers. After going into practice, he became active in bar association activities as well as in city and state politics.

The legislature of 1925 passed the State Bar bill. But the measure died when Gov. Friend Richardson pocket-vetoes it because supporters of the integrated bar were unwilling to give him the power to appoint the board of governors.

Campbell wrote a letter to Associate Justice John W. Shenk, a

Historical tidbits

■ Just 107 cases of formal attorney discipline were recorded in the 76 years prior to the formation of the State Bar of California in 1927.

■ In 1935, attorneys were asked: Do you favor repeal of the State Bar Act? There were 5,457 “no” votes and 1,899 “yes” votes.

■ In the early 1940s, a township justice's salary could range from \$5 a month to \$4,200 a year, to, in one county, \$7,500 annually.

■ The first written bar exam attracted some 137 applicants. Today, some 14,000 take it annually — one seventh of all such test takers nationwide.

ADMIT / from page 9

Stephens on Pleading; Lube's Equity Pleading; Parsons on Contracts; Pomeroy's Introduction to Municipal Law; the Code of Civil Procedure, Civil, Penal and Political Codes of this State; and the Constitution of the State and of the United States.

By the early 1900s it was apparent that the wild west was attracting an increasing number of law students, and overworked judges began delegating the testing task to committees of attorneys.

Members of the legal profession became concerned about consistent standards of admission in the state and eventually supported legislation to establish the California State Board of Bar Examiners in 1919.

On Aug. 4, 1919, the California Supreme Court issued an order appointing three prominent northern California attorneys to the new Board of Bar Examiners. Today's Committee of Bar Examiners has 19 members, nearly half of whom are non-lawyers.

The bar's admission process may

have been a little easier in the early days, but that doesn't mean it came with any guarantees.

"In those early days, you could be admitted to the bar on a motion," says Jerome Braun, the State Bar's senior executive for admissions. But board members did not hesitate to deny admission to applicants whose qualifications they felt were less than stellar.

From the minutes of the Dec. 2, 1919, meeting of the new board: "The secretary was directed to write to Charles H. Gray and inform him that the Board would not recommend him until he could produce strong letters of recommendation from reputable members of the Washington bar, and could clear up the charges against him in the disbarment proceeding which was dismissed by a court of the State of Washington."

The minutes also gives an accounting of the work that went into the first written exams, which included surveying state bar associations across the nation about test question content.

"The Secretary was instructed to

prepare for each examiner sheets of paper with one of the subjects upon which the examination is to be given at the head of each sheet. The examiners will each place the questions with the answers there-to on the sheet which is headed by the subject under which their question falls: each examiner will prepare a set of at least fourty (sic)

questions and have them ready to hand in on December 10, 1919."

For many years the California examination consisted of a written test exclusively. And under some circumstances during World War II, bar examiners waived the exam requirement for returning soldiers whose legal careers were interrupted.

In the early 1970s, the Multistate Bar Examination (MBE) multiple

choice questions were added to the essay exam. And in 1975, California became the first state to introduce the Professional Responsibility Exam, a two-hour test on legal ethics and rules of professional conduct. A moral character background check is also part of the admissions process.

In California today, anyone who has the initiative can study law. In addition to a choice of many law schools, California allows students to study through correspondence courses and even the old-fashioned way — "reading" the law with a lawyer or judge (see California Bar Journal, December 1996).

The state's notoriously difficult bar exam "serves as a check on the legal education offered to students," says Braun. "The exam has to be rigorous because our ultimate purpose is public protection." Opening up the field of legal education to any resident is a proud tradition in California, says Braun — and in keeping with the pioneer spirit of the early days in the land of golden opportunities. ■



Jerome Braun

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CHANGES / from page 9

percent. In California's general population, minorities comprise 53.7 percent. Non-white attorneys, however, make up just 17 percent of the bar.

No ethnic group managed to bridge the diversity gap, and most didn't even come close. Asian attorneys made the most significant leap in bar representation in the past decade, doubling to 6 percent. The new numbers push the ethnic group past the halfway point in approaching the state's 11 percent Asian population. But African-American and Hispanic lawyers made gains of less than 1 percent.

The most woefully under-represented group are those who identify as Latino or Hispanic: They represent more than a third of the state's population, yet only 3.7 percent of them are lawyers. African-American lawyers comprise 2.4 percent of the bar, but 6.4 percent of the state's population.

Remaining non-white lawyers are .5 percent Native American, 1.5 percent mixed race and 2.8 percent "other."

A report in 2000 by Jerry Braun, the bar's senior executive for admissions, suggested the only way diversity in the bar can catch up with that of the state is by encouraging more minorities to go to law school. Braun's projections, although admit-

tedly unscientific, suggested that the State Bar will still be disproportionately white 20 years from now.

African-American attorneys will likely make the most gains, he said, but for Hispanics, the gap is expected to grow wider.

Ethnicity aside, diversity in terms of gay and disabled bar members seems to have depreciated slightly. Despite recent expansions to the Americans with Disabilities Act, fewer attorneys reported a physical disability in 2001 than they did a decade ago. Disabled lawyers now make up 4 percent of the bar; in 1991, they comprised 6 percent of the membership. Learning disabilities were not included in the poll.

The number of attorneys who identify as gay, lesbian, bisexual and transgender shrank slightly, though the difference was less than a percentage point. In 1991, 97 percent of attorneys identified as straight; this year, it was 97.6 percent. But Hertz warned against drawing any conclusions from the statistic since it is unknown whether numbers in the 1991 study were rounded up.

Also, some respondents said they took offense to being queried about their sexual orientation, with 8 percent refusing to answer.

To some attorneys, questions about salary were even more offen-

sive — 25 percent refused to state their earnings. But about half of those who answered said they make less than \$100,000 per year; the other half makes more than that.

That's not to say most attorneys are rolling in dough: More than a third reported salaries in the \$50,000 to \$100,000 range. But 24 percent did say they earn in excess of \$150,000 per year, with 4 percent of those respondents pulling in more than \$300,000.

Men are still earning somewhat more than their female counterparts. On the lower end of the salary spectrum, 44 percent of men — and 60 percent of women — said they make \$100,000 or less.

More than three out of four attorneys said they are in private practice, and the survey shows that when those attorneys are women, they are much less likely to be partners at their firms — 82 percent are male.

The average work week for California attorneys is higher now than 10 years ago, rising from 44.4 hours per week to 47.2 in the current survey. Those in private practice are more likely to work longer hours than their government and corporate counterparts. They are usually associates working at large firms with more than 70 attorneys.

And 22 percent of attorneys say

they work more than 60 hours per week, up from 15 percent in 1991. Solo attorneys proved more likely than others to put in 40 hours or less. Although private attorneys work more, statistically speaking, they also tend to perform more pro bono service — 63 percent of attorneys who provide free legal aid are in private practice. Overall, fewer attorneys said they do any pro bono work, but the average number of annual pro bono hours increased.

Maybe it's those long hours, but the state's lawyers are looking a bit grayer than they did a decade ago. At least the men are: Of attorneys 55 and up, 80 percent are men. Nearly a quarter of the bar — male and female — is over 55 this year, up 10 percent from 10 years ago.

Since 1991, 7 percent more lawyers have hit middle age, with 28 percent reporting they are between 45 and 54 years old. The number of lawyers under 35 has remained fairly constant at 24 percent. Where youth may be winning out, however, is in boosting bar membership among women. Only one out of five lawyers over 55 is a woman, but close to half of lawyers under 35 are female.

The bar is still largely male, at 68 percent, but their numbers are slowly shrinking. ■

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1927 - 2002 | State Bar Presidents

Joseph J. Webb	1927-1928	Eugene M. Prince	1953-1954	David J. Levy	1978-1979
Thomas C. Ridgway	1928-1929	DeWitt A. Higgs	1954-1955	Charles H. Clifford	1979-1980
Charles A. Beardsley	1929-1930	James H. Farraher	1955-1956	William F. Wenke	1980-1981 (first half)
Leonard B. Slosson	1930-1931	Joseph A. Ball	1956-1957	Robert D. Raven	1981 (second half)
Peter J. Crosby	1931-1932	Edwin A. Heafey Sr.	1957-1958	Samuel Williams	1981-1982
Guy Richards Crump	1932-1933	Graham L. Sterling Sr.	1958-1959	Anthony Murray	1982-1983
Hubert C. Wyckoff	1933-1934	Burnham Enersen	1959-1960	Dale E. Hanst	1983-1984
Norman A. Bailie	1934-1935	James C. Sheppard	1960-1961	Burke M. Critchfield	1984-1985
Theodore P. Wittschen	1935-1936	Theodore R. Meyer	1961-1962	David M. Heilbron	1985-1986
Alfred L. Bartlett	1936-1937	Hon. William P. Gray	1962-1963	Hon. Orville A. Armstrong Jr.	1986-1987
Gilford G. Rowland	1937-1938	Samuel H. Wagener	1963-1964	Paul Terry Anderlini	1987-1988
Paul Vallee	1938-1939	Augustus F. Mack Jr.	1964-1965	Colin Wied	1988-1989
Gerald H. Hagar	1939-1940	John A. Sutro	1965-1966	Alan Rothenberg	1989-1990
Loyd Wright	1940-1941	A. Stevens Halsted Jr.	1966-1967	Hon. Charles S. Vogel	1990-1991
Philip H. Angell	1941-1942	John H. Finger	1967-1968	John M. Seitman	1991-1992
Frank B. Belcher	1942-1943	Samuel O. Pruitt Jr.	1968-1969	Harvey Saferstein	1992-1993
Russell F. O'Hara	1943-1944	J. Thomas Crowe	1969-1970	Hon. Margaret M. Morrow	1993-1994
M.B. Wellington	1944-1945	Forrest A. Plant	1970-1971	Donald R. Fischbach	1994-1995
Hon. O.D. Hamlin Jr.	1945-1946	David K. Robinson	1971-1972	James E. Towery	1995-1996
Hon. Julius V. Patrosso	1946-1947	Leonard S. Janofsky	1972-1973	Thomas G. Stolpman	1996-1997
F. M. McAuliffe	1947-1948	Seth M. Hufstедler	1973-1974	Marc Adelman	1997-1998
Harry J. McClean	1948-1949	Brent M. Abel	1974-1975	Raymond C. Marshall	1998-1999
Archibald M. Mull Jr.	1949-1950	David S. Casey	1975-1976	Andrew Guilford	1999-2000
Homer D. Crotty	1950-1951	Ralph J. Gampell	1976-1977	Palmer Brown Madden	2000-2001
Hon. Emil Gumpert	1951-1952	Edward Rubin	1977 (7/29-9/28)	Karen S. Nobumoto	2001-2002
Charles E. Beardsley	1952-1953	Garvin F. Shallenberger	1977-1978		

LOOKING TO THE FUTURE

By JAMES HERMAN
2002-2003 State Bar President

Seventy-five years from now, the 2077 president of the State Bar, through a direct cranial chip download (which may be blocked at a member's option) of the Bar Journal, will remind our 500,000 members of our mission: "To improve the justice system and ensure a fair and just society under the law."



There is little doubt the means of practicing law, serving the profession and bettering society will change radically in the next 75 years. But the ends we all serve as partners with the courts in the third branch of government will not.

There is no question technology and globalization will have great impact on delivery of legal services. For all we know, in 75 years there may be a national or even a world bar card. Perhaps the rule of law will be accepted and respected in places where today exist only violence and chaos.

However, if "what's past is prologue," we know for certain our lawyer members will continue to competently and ethically serve the interests of clients, devote time to their communities and families and seek improvement of the profession. Our members will, in a tradition older than Shakespeare, "Strive mightily but eat and drink as friends." We will still cherish our core professional values implemented, out of our own pockets, through our Rules of Professional Conduct, and through the most rigorous admissions process and the most professional discipline system in the world.

But what of our aspirations for the future to which we will all contribute?

Our aspirations for the future of the profession must include access to justice for all the citizens of this state. As Chief Justice Ronald M. George said recently, "If the motto 'and justice for all' becomes 'and justice for those who can afford it,' we threaten the very underpinnings of our social contract." Many of the unauthorized practice of law pressures on our profession the State Bar is addressing arise from our inability to connect underemployed lawyers with under-represented litigants.

We must also ensure the faces of our profession will in the future more closely reflect the faces of the people of our state. That over 70 percent of our membership voluntarily contributes to our elimination of bias fund demonstrates diversity within our ranks is a core value.

Finally, we must ask how to instill increased pride in the third branch of government, the profession and membership in the State Bar of California.

I remember how proud I was on the day I was sworn in as a California

lawyer. How can your State Bar help renew the same pride we all felt on the day we were admitted? Educate the public about the good lawyers do and about the state's best-kept consumer protection agency secret — the State Bar of California. Promote member services to make our practices easier and more enriching. Stick to the basics.

I am personally proud of a membership that takes care of its own bad apples at no cost to the public, serves on every voluntary board in every community in the state, provides countless hours of pro bono services and contributes generously to improving the profession through the State Bar Foundation.

And the epilogue? Child advocate Marian Wright Edelman has written, "The future which we hold in trust for our own children will be shaped by our fairness to other people's children." Our mission will continue: "To improve the justice system and ensure a fair and just society under the law." ■

The State Bar of California acknowledges all of its presidents, as well as the many volunteers too numerous to name, for their significant contributions throughout the bar's 75-year history. And we thank State Bar librarian Theresa Mesa and her assistant Maureen Zogg for compiling many of the historical materials that helped make this special celebratory issue possible.

