CA Appellate Court Legacy Project—Video Interview Transcript
Justice Laurie D. Zelon

Dennis Perluss: Welcome to the Legacy Project. This is slightly different from other interviews. We're recording remotely in May of 2021 because of circumstances. I am Dennis Perluss, the Presiding Justice of Division Seven of the Second Appellate District, and I'm happy to be here with my good friend and colleague, Justice Laurie D. Zelon. We are here in the Reagan State Building, the home of the Second Appellate District, where Justice Zelon and I served together for 17-plus years. Everything starts at the beginning. I intend to go basically in chronological order. So, Justice Zelon—Laurie—could you tell me a little bit about where you were born and growing up and your family?

Laurie Zelon: Sure. I want to start by thanking you for doing this for me. We have been friends and colleagues for a very long time, and it's nice to have this experience. I was born in North Carolina. My parents had moved there from New York after their marriage and raised me there until the age of 10, when we moved to New York. But I went to elementary school in North Carolina. With my brother, we're participants in watching my parents serve their community and engage us in the community around us.

Dennis Perluss: What did your parents do? Did they both work outside the home?

Laurie Zelon: No. My father ran a small business. My mother did not work outside the home. She was a full-time mom, but she also was engaged in a number of volunteer activities in the community, some related to our temple and some just communitywide, and provided that example for me and my brother all the way along.

Dennis Perluss: Prior to college, was your life all in North Carolina?

Laurie Zelon: No. We moved to New York when I was 10 years old and lived in New York City for a while and then moved to Long Island. I went to high school on Long Island, went to college at Cornell in upstate New York, and then went on to law school from there.

Dennis Perluss: Do you think that those early years in the South at the time that you were growing up, which would have been in the—

Laurie Zelon: The '50s?

Dennis Perluss: I think the 1950s, early 1960s, impacted on your view of how to give back to society and public service?

Laurie Zelon: Absolutely, because I was aware enough—because my parents helped me to be aware—of the inequities in the society. I was subjected, myself, to some discrimination when I went to public school because of my religion, and we were very aware that the life we had was very privileged. It was privileged because of the society, not because we were wealthy, but because things were open to us that were not open to others, and I think that that's something that by osmosis I learned early on, and it stuck with me. I've always tried to understand that I come from a place of privilege.

Dennis Perluss: At what point in growing up through college, I guess, did you decide that law school and a legal career was what you wanted to do?

Laurie Zelon: Well, I started off college as premed and changed course when I discovered at the end of my first year that Cornell, although it was a great university in 1971, still had the position that women premeds did not have the files created for them that were necessary for them to apply to medical school that were created for men.

Dennis Perluss: Wow.

Laurie Zelon: And when I found that out, it made me rethink what fight I wanted to fight and how I wanted to fight it, and I became a liberal arts major and not too long after that set my sights on law school.

Dennis Perluss: Well, when you went to law school, to Harvard Law School, that was also not a very easy place for women.

Laurie Zelon: It was better by the time I got there. My class was about 20 percent women, and Ladies' Day did not exist except in Professor Arthur Miller's class, which was first-year civil procedure.

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Dennis Perluss: Perhaps, for younger folks who are viewing this at some point in the future, you could explain what Ladies' Day was.

Laurie Zelon: Well, in the bad old days at Harvard Law School and probably at other law schools, as well, women did not get called on in class except for one day of the year. That was Ladies' Day, and you can only imagine what that engendered. But it was largely gone by the time I was there, and there were many more opportunities. I did have a first-year—we had a legal studies program, which was our first-year small class. And there were three women in that class, and the

instructor—he was not a professor, he was an instructor—did at some point or another say to each of us, "You shouldn't be here. You are taking away a draft deferment, and somebody is going to die because you're here," which wasn't great to hear.

He also, however, had a profoundly positive impact on me because he told me, "When you negotiate contracts as a woman, you should always be passive, and you should never take the lead in negotiating contracts." You're smiling because you know me. Perversely, what that meant was that in the Harvard first-year contract competition, which is one of the only competitions open to first-years, I put together a team where I was the lead negotiator, and we won the competition. I was the first woman to ever win the competition. Mind you, it took about 10 years for Harvard to put my name on the plaque, but I did win the competition and I really do owe that to that instructor who told me what I shouldn't do.

Dennis Perluss: Any particular positive professor? This one, I suppose, was positive in a counter indicated way, but any that were particularly useful, helpful to you or inspiring to you?

Laurie Zelon: Yeah, my advisor was Vern Countryman, which everybody thought was kind of weird because I was, even then, leaning towards a career that was looking at something other than doing contract work for the wealthy, and Vern Countrymen, of course, was the corporations professor. But he was very wise, and he was very helpful, and he was always very supportive, and that was a wonderful experience. And the other wonderful part of the experience was my lawyer, my legal methods class with Jeanne Charn and Gary Bellows, where we were—this was a third-year class where we were doing practical lawyering, and they began the process of teaching me not to be a law student but to be a lawyer, and that was a fantastic experience.

I also have to give a shout out to Erwin Griswold, who was no longer on the faculty when I was there, but I was the editor-in-chief of the *Harvard Civil Rights–Civil Liberties Law Review* and he wrote a letter to the editor-in-chief of every law review that Harvard had after each issue came out commenting for good or bad on what he thought of the issue and how it related to something he was thinking about. So, I have my letters from Erwin Griswold. They were largely complimentary, although I think in one of them, he thought I was off base because I had published a satirical review of the new version of the Harvard *Bluebook* and he was very touchy about *The Bluebook*.

Dennis Perluss: You did the Williston Contract Negotiation Program in your first year. How did you elect from all the other activities at Harvard Law School to get involved in the *Civil Rights–Civil Liberties Law Review*?

Laurie Zelon: Well, I had some connection with civil liberties. I had been on the board of the New York Civil Liberties Union when I was in college. Cornell was the only campus in the country that had a membership on the board of a state Civil Liberties Union chapter, and I met some of the people at CRCL (at the law review) and tried out (they did a competition where you site-checked an article) and got onto it, and, I thought, the articles they were writing were of interest to me. Harvard has a third-year paper requirement, and I wanted to write about something that involved civil rights and civil liberties, and so it was just kind of a natural fit for me.

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Dennis Perluss: But you did not end up going to work at the ACLU or some other organization that concentrated on that type of work, so a compound question: How did you decide to come to California after law school, and why to the firm that you selected?

Laurie Zelon: Well, it's actually a single answer to a compound question. I came to California because Beardsley, Hufstedler & Kemble was in California. I had no other ties to California. And I came to the firm because they had great interviewers on campus. But I came to the firm because the firm was unique. It was small but very well respected. It only did litigation. (At that point, I knew what I wanted to do was litigation.) And it had a commitment to the community that I hadn't seen in anybody else that I interviewed with (and they promised that I could do pro bono): a vision of the community that all of the senior partners reflected and a place where I believed I would be able to develop as a lawyer because I would have people around me who were interested in making sure that I developed into a good lawyer in the mold of the lawyers already there.

Dennis Perluss: When you came to California and started at Beardsley, Hufstedler & Kemble—and, I'll add for clarification, I was one of the on-campus interviewers—when you came, what were your career goals at that time? What did you think if one were to go back then to think about what you were thinking you would be doing in 5 years or 10 years or 40 years?

Laurie Zelon: I wasn't thinking 40 years ahead. I have to say I was 20-something years old. What I wanted to do was to learn to be a good lawyer. I wanted to be a good litigator, and in my mind that was not the "sit in the office and write briefs" so much as actually "go into a courtroom and represent people." I wanted to be sure that I was giving back to the community in the way that I had been raised to give back to the community, and somewhere along the line I began to think that if I was very good at what I did and I comported myself appropriately, that maybe I might consider going on the bench, but it was more of an aspirational goal than a realistic goal for me. First, I wanted to learn my craft.

Dennis Perluss: Were there individuals—a particular individual—who were especially significant as a mentor to you in the process of learning?

Laurie Zelon: There were, and I have to preface that with, because the firm was small and because the people in it were who they were, everyone was a mentor to me. The first assignment I got as a lawyer was from Burt Gindler, who is no longer with us, but Burt sat down and gave me a long explanation of a case I was going to work on and then at the end of it said, "Okay, go draft the summary judgment motion."

And I went back to my office and realized I had no idea what a summary judgment motion was (because Harvard only taught federal civil procedure, not state civil procedure) and went back to Burt's office kind of cautiously thinking he's going to think I'm an idiot, and instead he was very patient with me. That was how the firm was. But for me, I had special relationships with Sam Williams and Pat Phillips, who took me under their wing very early.

I think in my first year of practice, Sam said to me, why aren't you doing something with the bar association and Pat was the same way. Both of them mentored me both as lawyers and as a contributor to the legal community and to the community at large, and that continued until Sam's untimely death. We were very close, and we worked on a number of cases together, and I still talk to Pat on a regular basis because she's important to me.

Dennis Perluss: Somewhat early in your career at the firm, you and Sam—Sam, I guess, assisted by you, is a more accurate way to say it—were involved in an episode involving police violence, Eula Love. Could you talk a little bit about that and both about what the case was about and how it contributed to the lawyer, the person, the judge that you ultimately became?

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Laurie Zelon: Eula Love was an African American woman who lived-in South-Central L.A. She became involved with the police because she was late on her utility bill, and when the utility company came to either talk to her or turn off her utilities—I'm not sure I remember precisely—she was aggressive with them, and she displayed a kitchen knife to them. They called the police. The police came and the public story that was first put out was that the police reasoned with her, asked her to drop the knife, and when she charged at them or threw the knife at them—made a motion to throw the knife at them—they shot her, and she died on the scene.

There was a great deal of consternation in the community over this shooting, and the police chief at the time took the attitude that his officers were to be believed and that their story was really not to be questioned. So, there was a very preliminary investigation, after which the officers were cleared.

Sam was on the Police Commission at that time, and the police chief came to a bar association lunch and spoke about the case and spoke about it in such a way that I became incensed as only a 20-something-year-old can and stormed into Sam's office after the meeting and said, "Somebody has to do something about this," whereupon Sam said to me, "Okay, you're the one; you're going to do this."

Working with the staff of the Police Commission and under Sam's guidance, we reinvestigated the shooting, hired an independent coroner, determined among other things that some of the shots that had been fired were fired after she was already prone on the ground. Also determined that given her size and the weapon that she had, the police were in no obvious danger at the time of the shooting. A report was ultimately prepared by the Police Commission about the shooting, and it was critical of the officers involved in the shooting and critical of the training they had received.

One of the things that was noted is that the officers were supposed to use tactics to calm a situation and that there was a period of time that it takes to do that. You can't just show up and say, "Okay, be calm now." With the assistance of the Police Commission staff, we actually drove the route from where the police officers received the call to the place where the shooting took place. We drove it enough times so that we had a pretty good range of how much time it took

to drive the route. And based on the timeline of the shooting, we determined that the officers had been there for a matter of seconds before the shooting and that they could not have had the time to deescalate in any reasonable manner, and that was part of the report as well.

It feels, given what's going on in the country right now and the discussions right now, as if that was not 1970 but rather 2019 or 2020, and I think the issues of police relationships with their communities and police training are still very much with us.

Dennis Perluss: Yes, hard to believe but it was '77?

Laurie Zelon: '78.

Dennis Perluss: Yes. Sam said, why aren't you involved in the bar? You got involved.

Laurie Zelon: Well, Sam was president of the county bar, so he appointed me to a committee. One thing I found out about Sam quickly on, although he was among the most wonderful mentors that a person could have because he was a great lawyer and a great human being with a wonderful sense of humor, is that you had to put your money where your mouth was with Sam. He expected no less of me than he expected of himself.

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Dennis Perluss: But you didn't just serve on one committee. Could you talk a little bit about your Los Angeles County Bar career?

Laurie Zelon: Well, I became a bar junkie. Sometimes, my husband wondered why, but I became a bar junkie and served over time on different sections and ultimately became president at a time when the association was open to more assistance for the community and was very lucky to be part of the leadership in the association at a time when we could expand pro bono and expand services and really bring the bar more in line with some of the needs of the community.

Dennis Perluss: Did you specialize within the firm on any kind of practice?

Laurie Zelon: Not initially. I have a poster that hung in my office the entire time until I retired that said just remember it all began with a mouse. My first client was Walt Disney, and so I had a pretty varied practice in

state and federal court—a lot of shareholder work initially. Ultimately, Sam and I became involved in a series of cases involving soil subsidence and real estate litigation dealing with troubled properties, which caused me to learn a lot of engineering, which was very entertaining to people and really became a specialty of mine. From there, I moved more into the environmental law area and working on issues of water rights and other environmental issues.

Dennis Perluss: At some point, becoming a judge was no longer aspirational but became a practical goal. How did that come about? How did you decide to apply, and what was the process of applying?

Laurie Zelon: I was about 23 years into my career and was ready for a change. The political climate was right for a change. There was never a question about what my political affiliation was. And we had a long series of governors who would not have appreciated my political affiliation, and that changed. And I was frankly encouraged by people who knew me that they thought I could be a good judge. I didn't want to take it on if I couldn't do it well. So, at that point, I listened. I had actually applied to be a federal magistrate and had been offered that position and decided that I wanted to wait and see if I could be appointed to the state bench. So, I put my application in, I got a great deal of support from my partners and my friends in the community. And Burt Pines was the judicial appointments secretary for Gray Davis when I applied, met with Burt a number of times, and ultimately was appointed to the bench by Gray Davis.

Dennis Perluss: In 2000?

Laurie Zelon: 2000.

Dennis Perluss: And what was your first assignment?

Laurie Zelon: My first assignment was Metropolitan Court House in Los Angeles, which is traffic court.

Dennis Perluss: You were there for how long?

Laurie Zelon: I was there for about six months.

Dennis Perluss: And then, well, not just traffic court, DUIs as well.

Laurie Zelon: DUIs, yes. I got to the point where I had heard so many DUIs that I could actually recite along with the experts on both sides what their

testimony was, but that doesn't take long if you do DUIs every day. I went from there to Downey, which basically handled misdemeanor criminal and small civil matters, and did misdemeanor criminal there. And I was there for most of a year, and then I was transferred downtown to the Foltz building, which was the criminal courts building. The pattern here, of course, is that I had been a civil litigator for 23 years, and I was now doing almost exclusively criminal cases.

Dennis Perluss: Yes, and you were not on the Los Angeles Superior Court for very long before you were elevated. When did that happen, and how did you decide to apply to be elevated?

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Laurie Zelon: Again, intervention by friends who said, "Laurie, this is time, and you should do it." So, I put in an application again, and Burt Pines was again supportive and enthusiastic, and so, in 2003, shortly before the recall election, Governor Davis appointed me to the second district, where I joined you.

Dennis Perluss: In Division Seven. Before we start talking about your career at the Court of Appeal, have I left anything out that I should have asked you about in terms of at least your professional life before you were elevated? I do want to ask you a little bit about family life. You were not simply a lawyer for all of those years.

Laurie Zelon: I was not. I had two children while I was still an associate lawyer, which caused a great deal of headshaking among people. Actually, in clearing out my files, I found letters from clients and from friends written saying, "I don't know how you think you're going to do this, but good luck."

My husband and I had two sons, one of whom followed his father into the accounting profession, and the second one followed me into the legal profession. They're both married and have children of their own. The three men in my life were very understanding of the time that I spent both being a lawyer and being active because other than the LA County Bar, I also had significant activity in the American Bar Association and in the State Bar.

Along the way, the California Commission on Access to Justice was formed after a study group that was chaired by another colleague, Earl Johnson. I was on that study group, and when the commission

was appointed by the State Bar, I became the first chair of the California Commission, which was a great joy in my life. Getting that started and off the ground was a matter of great pride to me. The commission was one of the earliest commissions in the United States and is still going very strong.

Dennis Perluss: What is the mandate of the commission?

Laurie Zelon: The mandate of the commission is to look for inequities, problems, gaps in legal services for poor and moderate-income Californians to identify solutions and then to help establish those solutions. The commission was more of an incubator of ideas than a project director. We didn't do projects directly, but we did a number of reports, took matters to the Legislature, began the first authorization of court rules for people to do partial representations so that they did limited-scope work for people who could not afford to hire a lawyer to handle their whole problem but needed help with a part of it, and made a number of recommendations in that regard concerning language access and rural, some of which were taken up by the Judicial Council and became policy of the judicial branch of California, some of which became legislative policy.

Dennis Perluss: Was your ABA work also access-to-justice oriented?

Laurie Zelon: Yes, I worked on pro bono and legal services issues at the ABA. I ultimately went on the Board of Governors and had a somewhat broader portfolio, but my volunteer work with the ABA was all related to pro bono and legal services. Sent me to testify before Congress. In the Reagan years, it was a kind of hostile Congress to legal services, but nonetheless the ABA had a voice then that I could represent in terms of supporting the national legal services movement.

Dennis Perluss: Did you find with the move from practice to the bench that your ability to advocate for these kinds of reforms was curtailed, or did it just give you a different kind of platform?

Laurie Zelon: It was the latter. I obviously could not take pro bono cases anymore, which I had—had always been part of my career.

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And for the first few months on the bench, I found myself sitting on my hands and clamping my mouth shut because I wanted to say

something that I shouldn't as a judge. But it just gave me a different platform. I was able to participate more fully in Judicial Council committee work and activities. I was able to speak from the perspective of someone who sees people in court, especially when I was in the trial court, and to see what was going on in the system. So, it was less political but also gave me the ability to work more on policy issues.

Dennis Perluss: You came to Division Seven of the Second Appellate District in 2003, and you were here for 17 years. It would be impossible to summarize in any comprehensive way all of your work on the court, but from the standpoint first of the actual decision making part of the job, are there—I have a list; I'm going to ask you about a few cases—but are there two or three cases that, if somebody in a—I don't know if there are cocktail parties anymore—but if there's somebody at a cocktail party said, "What were the most significant cases you did?"—or, indeed, somebody interviewing you—what would be the two or three cases?

Laurie Zelon: One of the cases was relatively early and it was a case involving an autistic child. The parents were divorcing and there were two children, and one of the children was autistic; the other one was not. The father proposed splitting the children so that he would take the non-autistic child and raise that child and the mother would raise the autistic child. They proposed this in court and under the theory that the autistic child was causing developmental delays in the non-autistic child. There was no expert testimony, but the trial court found the argument to be of merit and agreed to divide the children.

That was a case in which there was simply no evidence to support the finding of the trial court. It was a facially attractive argument but had no basis in science or in psychological evaluations of either child. Struggling to decide that case, to look and make sure that there was in fact no evidence in the record, and to determine how to resolve the issue was a struggle, but it was very important because the rights of those children, both children, to be raised together as siblings and to have a basis if they were indeed going to be split up was a big issue and a matter of some importance. The disability rights community was interested in the case, and I believe we had some amicus support on it. That was the case that has stuck with me.

Dennis Perluss: But not the only case that you wrote involving autistic children. There was a health-care issue, insurance issue, as I recall.

Laurie Zelon: Yes, life is sometimes funny when we do random draws of cases to end up with another case with autistic issues and the scope of health insurance, and again, looking at what is faced by families who have disabled members, in terms of obtaining appropriate care for them, are very large issues that often go unseen. Not that a court is necessarily the right venue to decide these issues, but when they come to court because there's a fight, for example, over insurance, it's unavoidable, and we decide them as best we can. That was what I tried to do.

Dennis Perluss: You also wrote a lot, the randomness of draw notwithstanding, in CEQA in environmental cases.

Laurie Zelon: Yeah, I guess, you know, number one, I was afraid of those cases because I had litigated them.

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There was, I think, a time period where there was a spate of CEQA cases in California, and they're very interesting cases for nerdy people like me because underneath all of the rules and the regulations, there again are big policy questions that sometimes the gaps in the legislation leave those big questions to be answered. And, yet again, people's rights to water and clean air and fair apportionment of the land are at issue, so you can't avoid those issues.

Dennis Perluss: One of your most widely publicized, if not most well-known cases, involved Roman Polanski?

Laurie Zelon: Yes.

Dennis Perluss: Well, tell us a little bit of the Polanski case.

Laurie Zelon: Well, the Polanski case involved the surfacing of some new evidence about a relationship or a purported relationship between the prosecutor of the Polanski case and the trial judge and whether there had been improper communications and whether this had ever been properly investigated. Polanski's lawyers wanted to overturn the conviction based on this. At the time, the issue was live because Mr. Polanski wanted to come back into the United States in order to do a film and he had been living abroad for many years because he had, shall we say, run out on his probation many years ago.

The issue that came before us was number one, was there new evidence, had it been appropriately reviewed, and was this the basis to overturn the conviction and start the process over again? It's the only case I can recall during the entire time I was on the Court of Appeal where there were requests by the media to come into the courtroom and film oral argument, and as I recall, we ended up with one feed camera that went out to a number of interested news outlets.

They were more interested in the nontechnical aspects of the case because it was, after all, Roman Polanski, and he had been out of the United States for so many years and wished to come back. The legal issues were complex but not nearly as interesting to the public as the fact that it was Roman Polanski.

Dennis Perluss: A more recent case that has certainly gathered a lot of conversation in the judicial community is Dueñas. Can you talk a little about that case and what went into it and its significance to you in terms of all the other work that you'd been doing?

Laurie Zelon: Dueñas was a case about fines and fees. As things stand now, when someone has a criminal conviction that results in a nominal fine, by the time court fees and other costs that have been passed by the Legislature are added onto it, the ultimate fine is many, many times the "punishment" for the misdemeanor that has been—or felony that was—committed, and for many people, including Mrs. Dueñas, who was the party in the case, that means that they can never successfully get out from under. They can't successfully complete probation, they cannot restore all of their rights as citizens, and they remain under incredible financial pressure because the state can ultimately hire a debt collector to go after the fines.

For people who are living in poverty, the fines can really be the difference between being able to succeed and not. The question in the Dueñas case was whether it was constitutional to have those fines and fees—whether it was a violation of due process to impose punitive fines and fees on people where the court either had reason to know or did not inquire as to whether the person had any reasonable ability to pay those fines.

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Looking at the legislative history on most of the add-on fines and fees, they were not intended to be punishment for the crime. They were intended to support programs such as policing and court

functions and ambulance and other emergency services and it was a way to address budgetary concerns, but they were not related to the crime itself in a direct manner. They were not victim restitution; restitution was a part of Dueñas but let me handle that separately.

In looking at the fines and fees without the ability-to-pay determination, it was my belief—and the panel was unanimous—that it was a violation of due process to impose those kinds of restrictions and ongoing limitations on a person's freedom, in essence, without the due process of considering whether they had the ability to pay. For example, one cannot send someone back to prison. We don't have debtors' prison anymore. You can't send somebody back to prison because they don't pay a fine or fee, but you can make a prison of their life. And that was the situation Mrs. Dueñas faced.

There was a restitution fine involved, and that was a harder question because it was directly related to the crime. But we concluded that there was a due process violation here. There was also an analytical piece under the Equal Protection Clause, which would lead in the same direction. And the U.S. Supreme Court had just decided a case on the Eighth Amendment on improper punishment, and it was unclear how that applied to the Dueñas situation, so we mentioned it in a footnote, but did not rely on it in our answer. Since then, of course, there have been a number of cases in California looking at the same issue, and it is a national issue, as well.

But there have been a number of cases, and one of those cases, review was granted, and briefing is, I believe, now complete at the California Supreme Court in that case. Interestingly enough, the parties did petition the California Supreme Court for review in Dueñas, which was denied. So, Dueñas was, I believe, the only case left standing after review was granted in the cop case, which is the case currently before the court.

Dennis Perluss: And there was legislation post-Dueñas that passed but was vetoed.

Laurie Zelon: Correct. And there have been some attempts to limit fines and fees and to move away from fines and fees. The irony of the whole situation is part of the support for fines and fees is that it does support other worthy operations of the state, but it doesn't really, because if you impose fines and fees on people who can't pay them, they can't pay them.

Dennis Perluss: You answered this, I think, in part when we were talking a little more broadly. But in terms of your 20-plus years on the bench, what extracurricular, if you will, activities were you involved in, in terms of either working with the Judicial Council or otherwise in terms of promoting justice throughout the country.

Laurie Zelon: Well, I continued my work on the Access to Justice Commission even after I finished my term as chair and worked on several projects with them. I also jokingly said that I was on Chief Justice George's Rolodex because he called on me several times to participate in activities. I think the most significant one that I did while he was Chief Justice was the Elkins Family Law Task Force. That arose out of the case that the Supreme Court had decided. It involved a self-represented litigant who was harmed by the fact that he was not ready to go forward in his case.

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The Supreme Court concluded that there was a problem there and somebody ought to look at it and called, in its opinion, for the establishment of a task force to look at family law rules, because at the time—and it is still probably true—80 percent of people in family law matters are self-represented. The number of problems that causes in the web of complicated procedures that is family law is enormous, with consequences for families, for children, and for individuals.

So, he called for the appointment of a task force and then appointed a task force and called me up one day and said, "Laurie, I'm going to appoint you chair of the Elkins Task Force." And I said, "Chief, I'm perfectly happy. I'll do anything you ask. I'm perfectly happy to be a member of the task force, but I doubt that there's anyone in the State of California who knows less about family law than I do." And he said, "That's why I want you to be the chair." And that task force went forward for about three years. We issued a report. We also went to the Legislature, and the Legislature adopted some very far-reaching changes in family law and how it's processed that, I think, have made life better for the litigants.

For example, the reason that Mr. Elkins got into trouble was that the rule of court at the time in the court in which he was appearing prohibited live testimony and required people to present all of their testimony by virtue of affidavits and declarations. Well, he didn't know that, and he came to court prepared to testify about the issues

in his case and was told, "You can't testify," and was defaulted. The Legislature adopted a rule that required oral testimony—live testimony—in family law cases where the parties ask for it, and that was a huge change. It was a change for court operations that required new rules and new procedures, but it moved the ball forward, so I was very happy to have been a part of that.

The same with the Language Access Task Force, which our current Chief Justice established, which really made huge steps forward towards providing realistic language access for people in court proceedings—not only interpreters during trial, but language access at the clerk's office and at other stages of the case, which are really important, especially, again, if people are self-represented.

Dennis Perluss: You have a particular concern about self-represented litigants? And I know of a couple of the significant efforts that you made in that regard, but could you talk a little about the self-help center at the Court of Appeal and what that was all about.

Laurie Zelon: When I got to the Court of Appeal, of course, because I knew nothing about how things should operate, I decided I knew how things should operate. I was troubled by the fact that we were seeing cases where parties had been self-represented at the trial court, or had had lawyers but no longer did, and were coming on appeal without a proper record because they didn't know how to get it and coming to us without the proper ability to file briefs because they didn't understand the rules. In those cases, because of the rules that we follow on the Court of Appeal, it was very hard to reach the merits of their cases, and to see cases that potentially had merit about which we could not render a decision one way or the other was really troubling to me.

I had been heavily involved in efforts to establish self-help centers in the trial courts in the late '90s and saw what a difference having access to information and to some legal assistance could make and thought that we could do the same thing at the Court of Appeal. With the help of a number of people on the court and a number of lawyers in the community, we came up with a pilot program to establish a staffed office in the Court of Appeal adjacent to the clerk's office where people could get information about the appellate process.

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Get information on how to properly get themselves in a position where their case could be decided on the merits, and to review those cases to see if there was a meritorious case where pro bono assistance could really help. The person who was running the office, who is now a judge of the Los Angeles Superior Court, Lisa Jaskol, made arrangements to have pro bono representation.

The office was run by public counsel, initially with a grant from the Equal Access Fund in the state and served a number of people. I mean, people were lined up to get in, and it was truly, if you build it, they will come, and they were there. I know that our division heard arguments in several cases where the pro bono lawyers had been recruited through the office. We were able to decide those cases on the merits, and I think everyone in the court felt better about being able to reach the merits of cases for people.

Dennis Perluss: You have been a teacher internationally about self-represented litigants, but what can you tell me about that?

Laurie Zelon: Well, I obviously had an interest very early on from—even when I was doing pro bono as a lawyer—seeing what was going on in the courts. It grew, and when I was at the ABA working on the new ethics rules, in the inaptly named Ethics 2000 Commission—inaptly named because it was supposed to finish its work by 2000 and of course, did not—but I was able to meet with some people and connect with some people who really had a more academic understanding of what was going on.

Together, we began work to not only change the ethics rules to acknowledge an ethical obligation with respect to self-represented litigants, but also to think about a curriculum for training judges, because in judicial training, traditionally, there's been very little emphasis on the role of the judge when one of the litigants is self-represented. We understand what to do when there are two or more lawyers in the courtroom, but it's much harder to run a courtroom when someone is self-represented and make sure that there is both equal access and justice, but also due process for both parties.

So, a number of us with a grant from the State Justice Institute developed a curriculum for judicial officers on dealing with self-represented litigants that addressed both the procedural and the ethical issues to do that. Those of us who had helped develop the curriculum first taught other people to teach in their own states, but

then became kind of a traveling bard for the issue, and it took me to several states in the United States and to Canada to teach about that.

Dennis Perluss: You have an overwhelming—impressive is not adequate—an overwhelming list of awards over the years. Is there any one in particular that you're especially proud of?

Laurie Zelon: Yes and no. I am very, very proud of an award that bears my name that is given by the Pro Bono Institute in Washington, D.C. I have to say and I have to acknowledge that I helped found the Pro Bono Institute in Washington, D.C., which started out as a way to get major law firms—that is, the law firms serving the biggest corporations—to really devote the kind of time to pro bono that a lot of sole practitioners and small firms were already doing, and set a goal of either 3 to 5 percent of hours.

Many large firms signed on, and the institute supported those firms. It ultimately also supported large corporate departments—law departments—in doing the same thing. I was on the board of the institute for a long time, and they honored me greatly by naming the award that is given to a lawyer who has contributed greatly to pro bono each year in my name.

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I was the first recipient of the award, and I would be lying to you if I told you that wasn't really meaningful to me.

Dennis Perluss: Of course.

Laurie Zelon: But I have received some awards in California that are very meaningful to me, as well. Every time I received an award, I was awfully grateful to be recognized for what I had done, but I always felt a little bit like a fraud, because I never did the work by myself. The successes that were recognized were successes that were done with other people of like mind who were working just as hard as I was, so all of those awards, I felt like, belonged to groups of people.

Dennis Perluss: I have several final questions, but before I do that, what are your, if you have any, post–Second District retirement plans?

Laurie Zelon: It's not entirely clear yet. I retired a little bit before I had intended to because I had some uncertainties about health issues, and those seem to all be moving in the right direction. Although a number of

people have asked me what I intend to do when I grow up, I think for the time being, I am going to serve in the Assigned Judges Program where needed and think about what else I can do.

I do have four grandchildren that I would like to spend some time with, and I have some projects that got going while I was still on the bench that I'm privileged to still be involved with. One is a national project that really talks about rethinking and reengineering how we deliver justice to deal with inequities in the system, both racial and financial, and to restructure things so that we reach out to the broader community to provide services to people, because often people with legal problems either don't know they have legal problems or don't know how to get a legal solution, and so they end up talking to their religious leaders, they end up talking to social services and other people.

Making the link between the places where people go for help and the help that they need is a really significant issue, and we were lucky to get a lot of national grant funding to put this project under way. It is now running in 14 states. I'm still involved in trying to push that forward, and that's taking up some of my time right now.

Dennis Perluss: The final questions I sketched out: one is, is there any decision point that you look back on and think to yourself, "I wonder how my life would have been if A rather than B?" I mean, one that occurs to me from this interview is if Cornell had been more supportive of women who wanted to go into medicine. Is there anything that you think about in those terms?

Laurie Zelon: I think there are a lot of doors that open sometimes, and you can only go through one at a time. I think I probably would have been a pretty good pediatrician, which is what I started out to be, but I also think that I have been privileged to have a great career where I could be both personally satisfied and answer the voice of my parents that's still in my head about being of service.

Maybe I would have been a good doctor. Maybe when I was thinking about going for a PhD in English Literature and my advisor said to me, "Laurie, you're never going to make any money doing that. You really should go to law school." If some of the people who said to me, "You can't do this," hadn't said that—which, because they said it, I went and did it—I might not have ended up where I was, but I've been really lucky. I mean, I had two wonderful careers: one as a lawyer, one as a judge.

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I have a husband who is the light of my life and has supported me for more than 40 years now in everything I have tried to do. I have children who I am proud of and grandchildren who are growing up to be wonderful people of their own, and that's a privileged life.

Dennis Perluss: I would agree, and perhaps I may have answered my own second question for you. The question was going to be, how did you do it—wonderful family, pro bono work, bar activities, active and successful practice—other than finding a David and not getting a lot of sleep? Are those basically the two answers?

Laurie Zelon: Those are basically the two answers. If you set your mind to something, you can do it. You can either watch TV and read books, which I didn't do a lot of for a long time, or not, but I don't feel any loss in that regard.

Dennis Perluss: Final question for you. What do you want people to think when they hear the name "Justice Zelon?"

Laurie Zelon: I want people to think that I tried to do my best at whatever I tried to do and that in some way I left behind a little bit better system than the one I started with for people who need the system. That would mean a lot to me.

Dennis Perluss: I've known you for, surprisingly, close to 50 years now. I've always been impressed by you. I have to say after talking to you for an hour and even more, thank you for spending the time.

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Laurie Zelon: Thank you. We've fought a lot of battles together.

Dennis Perluss: Indeed.