# Justice Maria P. Rivera

JUSTICE SANDRA MARGULIES. I am Justice Sandy Margulies of the First District Court of Appeal, and today I am here to interview Justice Maria Rivera, retired Associate Justice of the First District Court of Appeal, Division Four, and I am interviewing Maria as part of the Legacy Project for the Courts of Appeal of California, and this is being videoed. This video will be in the Law Library at the State Building for posterity purposes and for anyone who wishes to see to learn something about Justice Rivera in the future.

So, I would like to start out first of all, Maria, and ask you if you can tell us what you think is significant about your family? I know family is very important to you, and maybe you want to go all the way back to your grandparents.

JUSTICE MARIA RIVERA. Yeah, I am from an interesting combination. My grandfather and grandmother are Puerto Rican, lived there their whole lives. My father came to the United States when he was about 21, and he eventually attended the Church Divinity School of the Pacific and became an Episcopal priest, and later was elected the bishop for the Diocese of San Joaquin. He was the first elected Hispanic bishop in the United Episcopal Church, in the United States.

My mother was a daughter of the Mayflower. She could trace her lineage all the way back to the Mayflower and she is a Starbuck, not the coffee Starbucks but the whaling Starbucks. She's descended from the Starbucks and the Coffins in the East Coast.

And so, it's kind of an interesting combination, probably the most Anglo of Anglos on my mother's side and the Latino on my father's side.

JUSTICE SANDRA MARGULIES. So, how did your father come to settle in the San Joaquin Valley? I'm assuming Visalia, is that correct?

JUSTICE MARIA RIVERA. Yes, that's correct. That was interesting. When he graduated from the Church Divinity School of the Pacific in Berkeley, he looked for a job and couldn't really find one, but what he really wanted to do was go back to Puerto Rico and become a priest there because they have a very small Episcopal Church; practically half of Episcopal Church in Puerto Rico is probably my family, my extended family.

And so, he went there and he asked the bishop for a position in one of the churches, and the bishop said, no that he would only put Anglo priests in the churches in Puerto Rico, which was very strange.

So, my father returned to the United States and started looking for a job, and he found a very small little parish in Visalia and he grew it to one of the largest churches in the valley.

JUSTICE SANDRA MARGULIES. And how involved was your mother in the church?

JUSTICE MARIA RIVERA. Very involved. My mother was sort of the perfect priest's wife. She sang in the choir, she belonged to the ladies' clubs. She entertained all the time for my father.

We had a lot of gatherings in our house of different groups of people and meetings and so forth, but she also worked and she worked variously as a middle school teacher, and a social worker, and an architect's draftsman. She was really good with drafting, back in the day when it wasn't done on computer.

And then she became interested in church growth and she got her divinity degree from a little seminary in Fresno and started working in the area of church growth, and she went all the way to Australia once to give a seminar.

JUSTICE SANDRA MARGULIES. So, what traits did you inherit from your father and what traits did you inherit from your mother?

JUSTICE MARIA RIVERA. Actually, from my father I inherited really a love of the outdoors. I used to go hunting and fishing with him because there were only girls in my family. And so, I guess, I don't know why neither of my sisters went with him, but he took me hunting and fishing and he taught all of us girls how to use tools properly and all that outdoorsy kind of mechanical things.

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But also it was his love of people. He had a huge heart. Although he was also very politically astute, but he had a huge heart and he was very inclusive and I got that from him.

My mom was very, very disciplined and it was the most important thing for, as far as she was concerned, was getting our education. She said to me once or many times, do not get married until you've graduated from college and established yourself in a career, do not even think about getting married until you know you can stand on your own two feet; and, I followed her advice.

JUSTICE SANDRA MARGULIES. I understand exactly what you're saying, because that's the advice I got from my father and mother. So, you mentioned siblings, I assume you come from a family of three daughters?

JUSTICE MARIA RIVERA. You are right.

JUSTICE SANDRA MARGULIES. And why don't you tell me something about your siblings and growing up with them?

JUSTICE MARIA RIVERA. We're very close. I feel really lucky because I know a lot of sibling groups that don't get along very well and they have a lot of conflict, but that's just not so with my sisters and I, not that we don't argue and certainly we had lots of fights growing up including physical ones, but now we are very, very close. Growing up together was … we were very close in age and so because of that we played well together, we did things well together, and we practically read each other's minds because we were so tight.

And so, my sister, my oldest sister grew up to become a … she was a physics major in college, but then she went to seminary and she followed in my father's footsteps. She became a priest and then a bishop, a Suffragan Bishop. That did not sit well with my parents at first because …

JUSTICE SANDRA MARGULIES. Now why was that?

JUSTICE MARIA RIVERA. Yeah, my father was one of the leaders of the opposition to women in the priesthood. He was very vocal about it, and so when my sister decided to go to seminary and become ordained, it really strained the relationships between my sister and our parents and God bless her, my sister just kept coming back and reaching out and reaching out to them, and pretty soon they came around and—excuse me, I get a little emotional in this—and by the time my sister was in the running for the Suffragan Bishop position up at the Diocese of Olympia, my father was 100% behind her.

JUSTICE SANDRA MARGULIES. That's a very nice ending, Sandy.

JUSTICE MARIA RIVERA. It is a very nice ending.

JUSTICE SANDY MARGULIES. Is she still up in Olympia?

JUSTICE MARIA RIVERA. No, she moved, she is retired also, and she's moved to Ohio where her daughter lives.

JUSTICE SANDRA MARGULIES. And what about your other sibling?

JUSTICE MARIA RIVERA. And my other sibling, I'm very lucky; she lives like five minutes from me. So we have been living in the same town for a very long time. We also had children within three months of each other. So, we have kids. The cousins are very, very close.

She mostly stayed at home to raise her daughter, but then she went back to school later in life and got her master's in counseling and became a therapist.

JUSTICE SANDRA MARGULIES. Very good! Now, I know you have children because you and I talk about our children all the time.

JUSTICE MARIA RIVERA. Right, all the time.

JUSTICE SANDRA MARGULIES. So, why don't you tell me about your children?

JUSTICE MARIA RIVERA. Okay. I have three stepsons. My husband was married before and they had three children, three boys, and then after my husband and I were married we had two more boys. So, there were five boys in the family. My two are Joshua and Matthew. Joshua is … he's married, has two children, so I have two grandsons, keeping the lineage here.

JUSTICE SANDRA MARGULIES. Who are very cute because I have seen pictures of them.

JUSTICE MARIA RIVERA. They are adorable. He lives in the Hudson Valley in New York and he works in a media relations, public relations company that handles only green technology products; so that's their specialty, it's green technology. He is passionate about climate change and all the issues relating to that, and so this is partly his passion and partly his job.

JUSTICE SANDRA MARGULIES. And then your younger son …

JUSTICE MARIA RIVERA. My younger son, got his master's in counseling and followed in my sister's footsteps …

JUSTICE SANDRA MARGULIES. At the University of San Francisco?

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JUSTICE MARIA RIVERA. That's correct, and he is now living in Oakland and he works, he works primarily with autistic children. He does a lot of early intervention. He's a board-certified behavioral analyst, but now he's also doing management kind of things in a company at Oakland and he does a lot of training, scheduling. He does troubleshooting with some of the more intractable cases. And I don't know, in the future I think he wants to also get enough hours of supervised therapy so that he can also become a therapist, a licensed therapist.

He has the degree but now he needs 3,000 hours of supervised work, and he wants to do that. He wants to combine the two things.

JUSTICE SANDRA MARGULIES. So why don't you tell me a little bit about your three stepsons.

JUSTICE MARIA RIVERA. Right. The oldest has his own company; it's a PR media relations company. He has mostly tech clients, technology clients, and he lives in Orinda with his wife and they have two girls. So that's Sean.

Drew is number two son and he lives in San Diego, and he is an account manager for a company called Aruba, which designs and builds … there are rooms, where you put all your computers and they have to be temperature-controlled and managed, so that's what Aruba does. He is married and has two sons, Tate and Ian.

And then stepson number three is Craig and he lives in New York City, and he is in the art world. He is an art book publisher for a gallery in New York.

JUSTICE SANDRA MARGULIES. Now, let's talk about your husband Jim, how did the two of you meet?

JUSTICE MARIA RIVERA. I met him at my first job after law school. I went to Morrison & Foerster as an associate and he was there; he was married then so we just … we worked together and I never worked with him, I was not assigned to his team; I worked with Jim Brosnahan mostly.

So I left the firm. I started in 1974 and I left the firm in 1978, and after I left the firm he became separated from his wife and some mutual friends of ours found out he was

separated and they invited both of us to dinner. But then I took off because I wanted to give myself a sabbatical and I went away for six months, and when I came back he was still separated so we started dating.

JUSTICE SANDRA MARGULIES. And why don't you tell us a little bit about Jim's career?

JUSTICE MARIA RIVERA. Jim had a very illustrious career, and of course this was back in the day when everybody stayed at the same firm their whole career, which is not the norm anymore. But he had a wonderful career, the entire time with Morrison & Foerster. He was a litigation partner and his specialty was antitrust.

He wrote a book on international antitrust and he did a lot of speaking for ALI and PLI in the field of antitrust, and he was a fabulous mentor to the younger attorneys at Morrison, and if you talk to any of them, I don't know if you have spoken to Ben Safer about Jim for example.

JUSTICE SANDRA MARGULIES. I have not, but I guess I should.

JUSTICE MARIA RIVERA. Yes. Everyone, everyone who came in touch with my husband thought he was probably one of the kindest, most, what's the word I want, civil attorney they ever came across, because he was not ever one of those rabid attack dogs or aggressive; he was always very calm, very kind, and a role model for many of the young lawyers because he put … he did not elevate work over family.

JUSTICE SANDRA MARGULIES. Now, I remember you telling me about a trip that you and Jim took to Berlin and why don't you tell us just a little bit about that because you were so enthusiastic when you talked to me about it?

JUSTICE MARIA RIVERA. It was a wonderful trip because the occasion for the trip was the 50th reunion of the first class of Stanford in Germany. The very first class went to a little place called Beutelsbach, and he was not only in that group but he was elected the leader of the group and he became actually quite proficient in German while he was studying abroad in his sophomore year at Stanford.

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And so they had a 50th reunion and about half of the people who had attended that year, that Stanford in Germany year, came to the reunion, and we had a wonderful time. They were fabulous people.

Then, we also went to Berlin and met his … he has an identical twin brother, we met his twin brother and his wife and his son Craig, and we all traveled around Berlin together and it was very exciting because Berlin was … East Berlin had become sort of the chi chi place to be. And Jim and I also then extended the trip and we did a small car tour of other places in the area, such as Heidelberg and beautiful places like that, and it was a fabulous trip, especially since Jim is fairly fluent in German and so he could translate everything for us.

JUSTICE SANDRA MARGULIES. So let's segue into school, and if I remember correctly, you went to high school out of state.

JUSTICE MARIA RIVERA. Well, for three years my father decided that he wanted us to go to a boarding school in Arizona. It was run by Episcopal nuns, and he felt we would get a better education there. And so we went there; my oldest sister went for four years, my middle sister and I went for three.

And that was quite an experience. It was a totally different system of education than the norm and it was, in fact, I think it was my exposure to the women … the Mother Superior had been a dean at Smith College and another woman who taught there had been at Smith, and I think that's where I got the idea in my head to go to Smith College.

So I was at the boarding school for three years, but then we decided, my parents decided the education really wasn't up to snuff so I went back to Visalia to finish my last two years in high school.

JUSTICE SANDRA MARGULIES. And this then segues us into Smith College and you have now answered a question I was going to ask, which was why Smith?

JUSTICE MARIA RIVERA. Well, that was—one reason was because of the Smith people I had met in boarding school—but the other was, for some reason I just knew …I was very young when I graduated from high school. I turned 17 the summer after I graduated from high school, and I just somehow knew that I wouldn't do very well in a coed situation, and I wanted to go to a woman's school.

So there were only about 10 at that time to choose from and so I selected Smith, primarily because it had a Junior Year Abroad program. I really, really wanted to spend a year studying in Europe. And so I applied to Smith and to only one other school, Scripps down in Southern California, which was then a girl's school also. And Smith accepted me and gave me a partial scholarship so that's where I went.

JUSTICE SANDRA MARGULIES. What was your major at Smith?

JUSTICE MARIA RIVERA. I majored in Hispanic Studies, Spanish basically was my major and my minor was Psychology.

JUSTICE SANDRA MARGULIES. Now, did Smith live up to your expectations?

JUSTICE MARIA RIVERA. Oh yes, it was … I really felt like a fish out of water. I was …there are a lot of young women at Smith that come from very wealthy families.

JUSTICE SANDRA MARGULIES. And I assume college prep schools?

JUSTICE MARIA RIVERA. And college prep schools so I was in many ways a fish out of water both academically and financially. But the people I met and the education I got were superb, both. The people were wonderful. I didn't stay in touch with very many of them, but they were wonderful, wonderful people to go to school with, to be colleagues in school. And I got to go and study abroad in Spain for a year, so that was fantastic.

JUSTICE SANDRA MARGULIES. Now, where were you in Spain?

JUSTICE MARIA RIVERA. I was in Madrid.

JUSTICE SANDRA MARGULIES. Beautiful city!

JUSTICE MARIA RIVERA. It was terrific. That was one of the smartest choices I have ever made, besides marrying Jim.

JUSTICE SANDRA MARGULIES. Good answer! So you finish up at Smith, did you immediately go to law school or did you work, or …?

JUSTICE MARIA RIVERA. I didn't know what I wanted to do. All I knew was I really wanted to come back to San Francisco. And part of the reason was both my sisters were here and part of the reason was when we were little girls (my mother was born and raised in San Francisco), when we were little girls my dad was on the board of the seminary in Berkeley and so when he came to trustees meetings, we would all pile in the car and come to the Bay Area.

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Dad would go to his meetings and Mom would bring us, three little girls, and we would run around San Francisco and do all the fun stuff that there was to do here. Back in the day, they still had Playland, if anyone who remembers.

JUSTICE SANDRA MARGULIES. Yeah, by the beach.

JUSTICE MARIA RIVERA. By the beach, with Laughing Sal. And so we would go there and the Cliff House, all the wonderful places and all three of us swore we would return to San Francisco after college, and we did.

JUSTICE SANDRA MARGULIES. So when you returned to San Francisco, did you immediately go to law school or …

JUSTICE MARIA RIVERA. No, I didn't know what I wanted to do so I just decided I would just get a job. And so I took the civil service exam and scored very well on it, and because I was fluent in Spanish (at that time I was fluent, I have lost most of it), but I was able to be bumped to the very top of the list. And so I immediately got a job at the Social Security Administration in the Mission District.

JUSTICE SANDRA MARGULIES. And how long did you do that for?

JUSTICE MARIA RIVERA. I was there for a year. What happened was I met one of the people who worked there, we were chatting in the lunchroom and she said, have you ever thought about going to law school, and I said no, not really. And she said well, my husband is at USF and they are recruiting minorities for their scholarships and you should think about applying.

So I thought well, I don't have anything to lose, so I took the LSAT. I scored okay. So I applied to the law school and I got a full scholarship. And so I didn't bother to apply to any other schools, I just started … ended my career at Social Security and started law school at USF.

JUSTICE SANDRA MARGULIES. And that was going to be my question, why did you go to USF and you have answered that question.

JUSTICE MARIA RIVERA. Right.

JUSTICE SANDRA MARGULIES. So at USF, how would you describe your experience there. Was it positive, negative?

JUSTICE MARIA RIVERA. You know, a lot of people didn't enjoy law school. My husband couldn't stand it. He went to Harvard and he hated it, although he did well, but he did not like the whole atmosphere at Harvard.

USF is exactly the opposite of that. USF is collegial, it was friendly, it was full of people like me, a lot of idealistic students. We all helped each other. We were not competitive, we were collaborative. I loved every minute of my three years in law school.

JUSTICE SANDRA MARGULIES. Now, were there any particular professors or professor that had some sort of influence on you?

JUSTICE MARIA RIVERA. There were a couple. I think Paul McKaskle, my Civil Procedure teacher was one who really stands out. But really I think the experience that made the biggest impression on me was being an extern for Justice Raymond Sullivan on the California Supreme Court.

So I did that for the first semester of my third year, and it was pretty much a full-time job. And so I got to work at the court, and draft memos, and see the inner workings of the California Supreme Court, and that's when I decided I wanted to be a judge.

JUSTICE SANDRA MARGULIES. This is very interesting, because I was going to ask you, at what point did you decide that you wanted to be a judge.

JUSTICE MARIA RIVERA. I know, very early.

JUSTICE SANDRA MARGULIES. And that's quite early.

JUSTICE MARIA RIVERA. It's very early. I knew a couple of things; one was I loved research and writing, that's why I loved law school. A lot of people don't enjoy research and writing, they want to do the stand-up work, they want to do the client connection work, developing the clientele work, but that's not what I enjoyed about either being a lawyer or going to law school or, excuse me, about law school.

I loved research and writing and that combined with my semester working with Justice Sullivan just cemented in my brain the idea that I think down the road, someday, I wanted to be a judge.

JUSTICE SANDRA MARGULIES. While you were at the University of San Francisco, were you active in any particular organizations or community work?

JUSTICE MARIA RIVERA. I belonged to the Latino Students Organization. There weren't too many other organizations at USF, but for my summers, both summers, I did work-study at the Legal Services Office in the Mission District, San Francisco Neighborhood Legal Assistance Foundation, so both summers I worked there.

JUSTICE SANDRA MARGULIES. And what did you do there?

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JUSTICE MARIA RIVERA. I did legal aid work, lot of landlord-tenant, and I was able to use my Spanish to help a lot of the clients who came in.

JUSTICE SANDRA MARGULIES. So you got an award at the University of San Francisco Law School, the Recorder Prize. Now, I know what it is but I want you to say what it is.

JUSTICE MARIA RIVERA. The Recorder Prize is given to the person who graduates first in the class.

JUSTICE SANDRA MARGULIES. And that was you?

JUSTICE MARIA RIVERA. And that was me.

JUSTICE SANDRA MARGULIES. And I bet you were really proud.

JUSTICE MARIA RIVERA. I was actually shocked. I was surprised. There were a lot of smart people in my class.

JUSTICE SANDRA MARGULIES. Now, were your parents at your graduation?

JUSTICE MARIA RIVERA. They were. They were bursting with joy.

JUSTICE SANDRA MARGULIES. So you took the bar exam?

JUSTICE MARIA RIVERA. Took the bar, passed, that was a relief.

JUSTICE SANDRA MARGULIES. And did you have a job set up before you had the bar exam?

JUSTICE MARIA RIVERA. Yes, yeah.

JUSTICE SANDRA MARGULIES. And with whom was that?

JUSTICE MARIA RIVERA. That was Morrison & Foerster; my first job out of law school was Morrison & Foerster.

JUSTICE SANDRA MARGULIES. And you were there for four years, 1974 to 1978?

JUSTICE MARIA RIVERA. Three-and-a-half years. And I was in the litigation department. I worked mostly with Jim Brosnahan, who, as you know, is a towering figure in the San Francisco legal community.

JUSTICE SANDRA MARGULIES. And were you doing depositions, interrogatories?

JUSTICE MARIA RIVERA. I was lucky, because although I was kind of stuck on this huge case. What was it? It was IBM. I can't remember who the plaintiff was, but it was a case against IBM for antitrust and I was stuck in a windowless room in Armonk, New York reviewing documents for two weeks at a time. But also, I was given the opportunity to work on smaller cases, and in one case I was able to take the case all the way from complaint through trial.

JUSTICE SANDRA MARGULIES. And what was that case about?

JUSTICE MARIA RIVERA. That case was an inverse condemnation case against the State of California.

JUSTICE SANDRA MARGULIES. Oh, that's interesting!

JUSTICE MARIA RIVERA. Very interesting! And went all the way through trial and there is a wonderful story about that. When I was working on the case, the client called the partner I was working with, whose name was Stan Doten, and he said, "You know, you have got this girl working on our case. I think she is a little too young."

Well, at that time I looked really young and I had very long hair and I looked very youthful and he said, "I think she is a little too young. Can you find someone who has got a little more years on them?"

And Stan said back to him, "Mr. Schulhauser, we will decide how to staff our cases. If you don't like our decision on that, you are going to have to find another law firm."

And so that's Morrison & Foerster. They stood up for their lawyers, and they made sure they got good experiences, and Mr. Schulhauser in fact became kind of a grandfatherly figure to me ultimately. He started giving me advice about love and marriage, and it turned out very well, and we won the case for him.

JUSTICE SANDRA MARGULIES. Now, was that a jury or court trial?

JUSTICE MARIA RIVERA. It was a court trial.

JUSTICE SANDRA MARGULIES. You remember who the judge was?

JUSTICE MARIA RIVERA. I wish I could remember his name. He was such a character. It was down in San Mateo County and at lunch breaks he would usher us all into chamber and offer cocktails during lunch.

JUSTICE SANDRA MARGULIES. That was back … it was different times.

JUSTICE MARIA RIVERA. Very different times.

JUSTICE SANDRA MARGULIES. Very different times.

JUSTICE MARIA RIVERA. Very different times. We all politely declined, but he would take a nip or two.

JUSTICE SANDRA MARGULIES. So, you left Morrison & Foerster after three-and-a-half years.

JUSTICE MARIA RIVERA. Yes.

JUSTICE SANDRA MARGULIES. What prompted you to leave and where did you go?

JUSTICE MARIA RIVERA. I decided I didn't really want to be part of a really large firm. It was just too many layers of people. I wanted to be more connected to my clients and more connected to the cases I was working on, and so I decided to try going into the public sector.

Like I said, I took six months off and I strapped a backpack on my back, and bought a Eurail Pass, and traveled around Europe for six months. That was the third-best decision I made in my life. It was wonderful.

And when I came back I got a job with the San Francisco District Attorney's Office doing consumer fraud work.

JUSTICE SANDRA MARGULIES. So you were on the civil side.

JUSTICE MARIA RIVERA. I was on the civil side, although I had one criminal trial, but only one, but mostly it was civil, mostly it was motion practice, because we would get preliminary injunctions and so on, and once you got a preliminary injunction against a business, then everything got negotiated out.

But while I was there I was able to be sponsored by the District Attorneys Association to write a monograph on antitrust work in the state court.

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JUSTICE SANDRA MARGULIES. So you were there about a year?

JUSTICE MARIA RIVERA. About a year, and then Billy Hunter had been appointed the U.S. Attorney for the Northern District and he looked around the office and decided it was

not diverse enough. In fact, there were very few women and there was only one person of color.

So, he looked around and started recruiting out of the San Francisco legal community, and so I got a call from him asking me to join the office. So I agreed to join but only … he wanted me to join the criminal side, I didn't want to do criminal law.

So, when the next opening came up in civil law he called and I went over to the U.S. Attorney's office.

JUSTICE SANDRA MARGULIES. Now you were at the U.S. Attorney's office from 1979 to 1981?

JUSTICE MARIA RIVERA. To 1981.

JUSTICE SANDRA MARGULIES. And where did you go after that?

JUSTICE MARIA RIVERA. After that, by the way, U.S. Attorney, Assistant U.S. Attorney, one of the best jobs in the legal world.

JUSTICE SANDRA MARGULIES. Now, why do you say that?

JUSTICE MARIA RIVERA. I say that because the way it's structured, you get a case and depending on what agency is being sued, the agency being sued becomes all of your associates. So their legal department does all the workup for you. So if you want documents and so on, they do all that and you just kind of manage the case, and then you get to go to court.

JUSTICE SANDRA MARGULIES. I can understand why you like that.

JUSTICE MARIA RIVERA. That's great fun.

JUSTICE SANDRA MARGULIES. So what prompted you to leave?

JUSTICE MARIA RIVERA. I got married, and my husband, as I mentioned, had three children and they lived in the East Bay in Orinda, and he needed to be near his children

and I thought that was a very wise decision and the right decision; and so, I needed to move. I had been living in the city, and so we moved to the East Bay and I started commuting to the city and I really did not like it. Even back then, when it was a fairly easy commute, I did not like it and then I got pregnant, and so I thought I'm really not going to want to commute to the city when I have small children. So I decided to go ahead and look for a job right away instead of waiting until I had my son.

And so, I found a little boutique firm in Walnut Creek, which was only a 10-minute drive from my house, called Van Voorhis & Skaggs, and they did a lot of real estate work and some commercial litigation, and I was recruited there by a former colleague from Morrison & Foerster.

And so I went there and I started working part-time and stayed working part-time my entire career there. It was great because after had my first son, I had my second son, and that kept me pretty busy.

JUSTICE SANDRA MARGULIES. What was your area of specialty?

JUSTICE MARIA RIVERA. When I started, I did all litigation but I also developed an expertise in appellate law, so from the time I got there I managed all of the appellate work in the office. There wasn't a lot of it, but what there was of it I either managed it or I handled it.

Then let's see, after about six or eight years we merged with the San Francisco firm of McCutchen, Doyle, Brown & Enersen; and another great story, I had been made partner of Van Voorhis & Skaggs, even though I was part-time because they are just committed to bringing women along. And when they were negotiating the merger with McCutchen, the McCutchen management said, "You know, we don't allow partners to be part-time." And all of my partners, all those men stood shoulder to shoulder and said to the McCutchen management, "If you don't take all of our partners as partners we will not merge with you."

And so, I became the first, last, and only part-time partner of McCutchen, Doyle they ever had, and that's thanks to my partners of Van Voorhis & Skaggs.

JUSTICE SANDRA MARGULIES. Did you eventually go from part-time back to full-time at some point?

JUSTICE MARIA RIVERA. No, I stayed part-time. I changed my arrangements. I was associate, then I was a partner, then I became of counsel, because when the boys were getting older the partnership duties became too much, and so I didn't feel I was pulling my weight because I couldn't do the committee work, I couldn't do the recruiting work, I

couldn't do the client development work that I wanted to do as a partner. So I went back to of counsel and I remained part-time. I was about 80–85% time.

JUSTICE SANDRA MARGULIES. Which of course when you say "80–85%" that means …

JUSTICE MARIA RIVERA. That's a 40-hour workweek basically.

JUSTICE SANDRA MARGULIES. Correct, exactly.

JUSTICE MARIA RIVERA. Or a 45-hour workweek. But in the course of that time period, I transitioned into a land-use specialty.

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I became a land-use and a CEQA attorney, and that was a really good fit for me because it involved very little litigation and to the degree there was litigation, it was a writ practice, so it's more like appellate practice than trial practice, which is right up my alley. Lot of research and writing and oral argument, and those are the things I love the most about the law.

And so I did all the appellate work, and I did the land-use and CEQA work at the firm.

JUSTICE SANDRA MARGULIES. So, you were at the firm for a total of how many years?

JUSTICE MARIA RIVERA. Let's see, 1981–1996.

JUSTICE SANDRA MARGULIES. And then in 1996 you went on the bench.

JUSTICE MARIA RIVERA. I went on the bench, 1996, that's right; 1997, sorry.

JUSTICE SANDRA MARGULIES. And you'd always wanted to be on the bench?

JUSTICE MARIA RIVERA. I always wanted to be on the bench, applied for it, applied to the Governor to get appointed. Didn't get appointed.

JUSTICE SANDRA MARGULIES. Now, when was that?

JUSTICE MARIA RIVERA. Pete Wilson.

JUSTICE SANDRA MARGULIES. And what year was that?

JUSTICE MARIA RIVERA. It was like 1994–1995.

JUSTICE SANDRA MARGULIES. So, who appointed you to the trial court?

JUSTICE MARIA RIVERA. I was elected.

JUSTICE SANDRA MARGULIES. That's right! You ran for election.

JUSTICE MARIA RIVERA. I ran for election.

JUSTICE SANDRA MARGULIES. And you ran for an open seat?

JUSTICE MARIA RIVERA. I ran for an open seat.

JUSTICE SANDRA MARGULIES. And you ran against Jack Quatman from the Alameda County superior court's office.

JUSTICE MARIA RIVERA. I did indeed. That was quite an experience.

JUSTICE SANDRA MARGULIES. Yes, I remember, and did you run for the open seat because you felt that your chances of getting appointed by the Governor who at that time was …

JUSTICE MARIA RIVERA. Pete Wilson.

JUSTICE SANDRA MARGULIES. It was unlikely, it sounds like.

JUSTICE MARIA RIVERA. That's correct.

JUSTICE SANDRA MARGULIES. So, tell me about what it was like to campaign?

JUSTICE MARIA RIVERA. Campaigning is like living in another world. The phrase that comes to mind is, it was the best of times, it was the worst of times.

JUSTICE SANDRA MARGULIES. Charles Dickens.

JUSTICE MARIA RIVERA. Charles Dickens.

JUSTICE SANDRA MARGULIES. *A Tale of Two Cities*.

JUSTICE MARIA RIVERA. Right! I was never very political. I did not … I was not interested in politics, I never worked for candidates, it's just … politics just didn't interest me in the least, so I had to learn an entirely new language, way of being, way of speaking, way of presenting myself. I had to ask people for money; that was really hard.

JUSTICE SANDRA MARGULIES. I am told that's the hardest part.

JUSTICE MARIA RIVERA. It's so hard, but the hardest part is that you are just always, always, always, always on. And in that year, that was the year they moved the primary up to March instead of June, which meant you had to have your papers filed by the previous November, which meant you were running for an entire year, 12 months, and from November until the primary in March, I was every spare minute that I had I was at a girls' and boys' club dinner, I was going to the all the PACs trying to get money from the political action committees. I was going to people's homes. I was knocking on doors, I was raising money, I was everywhere all over that county, and it was really …

JUSTICE SANDRA MARGULIES. That was Contra Costa County.

JUSTICE MARIA RIVERA. That was Contra Costa County, that's right. It's a big county, and then I took a one-month break after March after the primary, and then I was at it again until November. So, it was very, very long.

JUSTICE SANDRA MARGULIES. How many candidates were there in the primary?

JUSTICE MARIA RIVERA. There were five, which is why I couldn't win it in the primary because we were just split too many ways.

JUSTICE SANDRA MARGULIES. And then you had the run-off against Jack Quatman?

JUSTICE MARIA RIVERA. And then Jack Quatman. I came in first in the primary, he came in second, and so then we had to have a run-off. So that's who I was running against. He was a very unpleasant person. His mode of campaigning was primarily negative, attacking me and then telling everybody he was the law-and-order candidate because he was a DA.

But, I had a couple advantages. One is, I'm told, and I think this is borne out by the statistics, most voters prefer women.

JUSTICE SANDRA MARGULIES. I think that's accurate, having just been through a retention election myself.

JUSTICE MARIA RIVERA. And secondly, I had built a network up in the county. I worked in the county, I lived in the county. Jack lived in the county but he didn't work there, and so he didn't have the network. I was active in the Bar Association, I was on the Bar Board, I was active in the Legal Services Foundation. I was on their board, I became president of the board. I was active in my church, St. Giles Episcopal Church. I was a founding member of the women's section of the Bar Association.

(00:40:06)

JUSTICE SANDRA MARGULIES. For Contra Costa County?

JUSTICE MARIA RIVERA. Contra Costa. I was in a group called First Tuesday, which was a women's business networking group, and that was really important because those women … I had almost … my connections were in the legal community, those women were in all of the communities: they were in real estate, they were in retail, they were in politics, and that group was one of my … one was a sheriff's undersheriff. So I had all kinds of connections through that.

JUSTICE SANDRA MARGULIES. Didn't you get an endorsement from the sheriff's department, if I remember correctly?

JUSTICE MARIA RIVERA. I did because of that, because of that woman, that connection. So it was very difficult. I had to learn a lot of things that I didn't know anything about.

JUSTICE SANDRA MARGULIES. So what did you have to learn about that you didn't know anything about?

JUSTICE MARIA RIVERA. I had to learn about the communities. I mean I didn't know that there was a group that got together every year to celebrate the Death March in Bataan, right in my backyard in Hercules. I had never heard of Juneteenth until I was running for election, and I am embarrassed to say that.

So there are many things about the community I had to learn. That's the good part of it. That was the, when I said the best of times, going out into the community, learning about the Filipino community in Hercules and Pinole, learning about the African American community, and the Sikh community in West County, the Latino community in East County. It was such an eye-opener. It was so much fun to go and be with all those different folks, hear what they have to say about the court system, and the problems they have, and the issues they want addressed. It was such an eye-opener for me, it was so exciting.

And the other thing I learned, the other thing I gained was a tremendous respect for politicians. I had always thought they were just sort of, you know, they will say anything and do anything and they just want to have their name up in the headlines and that sort of thing.

That is so not true. They work so hard all the time. The people that I got to know; the Ellen Tauschers, the Mark DeSaulniers, the folks I got to know just instilled in me a huge admiration for people who run for public office and who do public service.

JUSTICE SANDRA MARGULIES. Why do you think your campaign succeeded?

JUSTICE MARIA RIVERA. Well, couple of reasons. One, again, I think people wanted to vote for a woman. The second thing is Jack Quatman got himself into a lot of trouble when he was a district attorney. He had a conviction overturned for …

JUSTICE SANDRA MARGULIES. Prosecutorial misconduct.

JUSTICE MARIA RIVERA. Prosecutorial misconduct once. That came out in the course of the election and got into the newspapers. I didn't do that, somebody else did.

There were a lot of people, he had made a lot of enemies, and so even though he had the district attorney's office behind him in Contra Costa, he had made a lot of enemies.

He was the coach of a soccer team, a girl's soccer team, he coached his daughter's soccer team and there was a girl on the team who he was just very mean to. And so her mother happened to be my sister's piano teacher, and so she did an informal concert to raise money for my campaign because she wanted him defeated. So I mean he kind of in a way was his own worst enemy.

And the other thing was of course I had a very large network of connections in Contra Costa County and he did not because all of his work connections were in Alameda County.

JUSTICE SANDRA MARGULIES. So were you still working at McCutchen, Doyle during this campaign?

JUSTICE MARIA RIVERA. That's correct.

JUSTICE SANDRA MARGULIES. So you are balancing work, you are balancing family, how did you do that?

JUSTICE MARIA RIVERA. It was the hardest year of my life. I have never worked so hard. Fortunately, my children were older; they were in high school and junior high.

JUSTICE SANDRA MARGULIES. That's a big help.

(00:44:47)

JUSTICE MARIA RIVERA. And that's a huge help. So they kind of managed themselves while I took this year and just worked so hard.

I remember coming home once: I came out of Nordstrom or Macy's one day at Broadway Plaza and on every single car there was a flyer under the windshield talking about what a terrible candidate I was and what a great candidate Quatman was, and it was on every single car in that parking lot. And I just went home and I handed it to my husband and I said, "I don't know if I can do this anymore."

And that's when I learned the phrase gut check. I had never heard that before either. And so my husband said, "You need a gut check." And I said, "What's a gut check?" And he said, "You have got to dig deep down, deep down, deep down and say, do you really want this? If you do, yes, you can do it."

JUSTICE SANDRA MARGULIES. So by what margin did you win?

JUSTICE MARIA RIVERA. A lot. It was 8 or 9 percentage points.

JUSTICE SANDRA MARGULIES. So how did campaigning influence you in your role as a judge?

JUSTICE MARIA RIVERA. I think it was huge. I wish every judge had to campaign, because the things I learned from the constituents in the county about the issues they have. It was anything from like I would go talk to the Police Officers Association, trying to get their endorsement. Of course, they wouldn't endorse me, they always endorsed the DA.

But I heard from them, and what I heard from them were a couple of things. One was they have a lot of divorces because of the stressful job they have, and they complained a lot about the family law judges.

And the second thing I learned was they complained about how much time they had to sit in the hallway waiting to testify. It made them crazy. So those little things that are big things to people, you don't think about if you just go straight from being a lawyer to being a judge without being out in the community.

And I heard from the Sikh community, how they resent having their ceremonial knives taken away from them that they are required to wear as part of their religion because they can't get through security without … and they talked to me about that and they asked me whether something could be done about that.

And I talked to the African American community and they say things like, "Why are half of our black children in jail? This system isn't right." I learned so much. I learned about the need for interpreters, which really informed me later in life as a judge. So I learned a tremendous amount about how the courts were viewed, what needed to be changed, and like I said, I just wish every judge had to campaign in their community before they went on the bench because it's a tremendous experience, very enlightening.

JUSTICE SANDRA MARGULIES. So you joined the bench in 1996?

JUSTICE MARIA RIVERA. 1997, I was elected in 1996.

JUSTICE SANDRA MARGULIES. And you joined the bench in 1997.

JUSTICE MARIA RIVERA. 1997.

JUSTICE SANDRA MARGULIES. What was your first assignment?

JUSTICE MARIA RIVERA. Well, because I had done civil law my entire career and the PJ did not want me to have to keep recusing myself because a lot of my civil law colleagues had given me large donations of money, so he put me in—and none of the DAs had endorsed me—so he put me in felony jury trials.

JUSTICE SANDRA MARGULIES. Not even misdemeanor.

JUSTICE MARIA RIVERA. No, because we weren't …

JUSTICE SANDRA MARGULIES. You weren't consolidated.

JUSTICE MARIA RIVERA. No, we weren't consolidated so we were still a municipal and a superior court. So I never got on any of the criminal calendar work, I never did arraignments, I never did misdemeanors, I never did DUI. I mean all I did was felony jury trials.

JUSTICE SANDRA MARGULIES. So what was your first case if you remember?

JUSTICE MARIA RIVERA. Oh, it was great. My PJ said, he sat me down, he says, "I know you don't know too much about criminal law so for your first case I am going to give you a hand-to-hand."

JUSTICE SANDRA MARGULIES. Sale of drugs.

JUSTICE MARIA RIVERA. Right. I mean all he said was hand-to-hand and I looked at him and he said, "Oh no, it means that there is an eyewitness, saw one person selling another person drugs." I go oh, okay.

JUSTICE SANDRA MARGULIES. And you think how simple can that be?

JUSTICE MARIA RIVERA. Right. So my PJ was wonderful. It was Peter Spinetta, and he made sure that he just incrementally increased the difficulty of the felony jury trials until I graduated into murder cases that first year. It was exciting.

And I have to say, the DAs to a person were wonderful to me. They came in and I would say, "Look, you know I don't have a criminal background, so we need to do this and do it right." And every single one of them helped me do the correct thing when I was a judge.

JUSTICE SANDRA MARGULIES. But I would also bet that if you didn't know something about a particular issue that came in front of you in a criminal case that you said so.

(00:50:00)

JUSTICE MARIA RIVERA. Oh yes, absolutely. I didn't want to get reversed for making a dumb mistake, and I also wanted to make sure that justice was done and done properly.

So, I wouldn't say it to the jury, "Gee, I don't know the answer to that," but what I would do is say, "Oh, I think we will take a recess. Counsel, may I see you in chambers?" Then we would go into chambers and start looking through the books, and find the answer, and then go back out and proceed with the trial.

JUSTICE SANDRA MARGULIES. Is there any particular criminal case that was significant or sticks in your mind or …

JUSTICE MARIA RIVERA. Ah! There was one that was just brutal. It was a case of a woman who was smoking crack in a crack house, and somebody set her hair on fire. And because she was wearing a nylon windbreaker, that nylon windbreaker got on fire and melted on her back. It was a horrific, horrific crime.

JUSTICE SANDRA MARGULIES. That's very interesting, because when I was on the trial bench I had a similar case.

JUSTICE MARIA RIVERA. A hair on fire case?

JUSTICE SANDRA MARGULIES. Where they set her clothing on fire, there was fire and it was all drug-related.

JUSTICE MARIA RIVERA. Yeah. It was awful, and in the course of the trial I'm such an innocent, I didn't know this, but my reporter told me later in chambers, one of the witnesses was completely tweaked and I don't even know it. That's how green I was. Anyway, that resulted in a not guilty.

JUSTICE SANDRA MARGULIES. What was your next assignment?

JUSTICE MARIA RIVERA. I was nine months on felony jury trials and we had a sudden shake-up. Pat Sepulveda was appointed …

JUSTICE SANDRA MARGULIES. Our friend?

JUSTICE MARIA RIVERA. Our friend, Pat Sepulveda, was appointed to the bench and so we needed a quick …

JUSTICE SANDRA MARGULIES. To the Court of Appeal?

JUSTICE MARIA RIVERA. To the Court of Appeal, and so we needed a quick shifting of people around into other assignments because the Assistant PJ became the PJ, and he had been in family law, and so they needed a judge to go into family law and I was it.

JUSTICE SANDRA MARGULIES. And how long did you do the family law?

JUSTICE MARIA RIVERA. I was in family law for two years and three months.

JUSTICE SANDRA MARGULIES. And how many days and hours? I am kidding.

JUSTICE MARIA RIVERA. Yeah.

JUSTICE SANDRA MARGULIES. So, that's a very challenging assignment.

JUSTICE MARIA RIVERA. It is. It's a crucible.

JUSTICE SANDRA MARGULIES. It is and it's not necessarily … it doesn't have judges lining up.

JUSTICE MARIA RIVERA. Right.

JUSTICE SANDRA MARGULIES. To do it. How would you describe your experience in a family law court?

JUSTICE MARIA RIVERA. It's another best of times and worst of times. I developed more judicial skills, more court management skills, more case management skills.

JUSTICE SANDRA MARGULIES. Because you were dealing with a large caseload.

JUSTICE MARIA RIVERA. Huge, enormous. I developed many, many judicial skills other than rulings on the law. I developed all those skills in family law. So, it was a fantastic learning experience for me. It was very hard because about 65% of the people in family law have no lawyer, so what you are dealing with is a population of people who are emotionally angry, they are hurt, and from the legal standpoint they are clueless, and that's kind of a … that's a hard combination to deal with.

JUSTICE SANDRA MARGULIES. Well, and you're walking the line.

JUSTICE MARIA RIVERA. And I'm walking the line.

JUSTICE SANDRA MARGULIES. Because you can't give them legal advice.

JUSTICE MARIA RIVERA. Right!

JUSTICE SANDRA MARGULIES. But on the other hand you have got to make sure that the cases are efficiently administered and fairly done, and you got to get the parties through the process?

JUSTICE MARIA RIVERA. That's right. The hard thing about family law, people need to understand, is that there are no easy cases, because all the easy cases, the couples settle it up themselves. So, all the cases are hard, all the cases with children are high conflict, and so what the courts have done, which I think is really, really wise, is they have developed a whole host of resources and tools to help people who are going through a divorce without lawyers.

They developed the Family Law Facilitator program. That started just about the time that I started, and I will tell you that has been absolute godsend to the family law court. So, that's a person who is a lawyer, who can't give legal advice, but "This is how you fill out this form. These are the documents you need. This is a package you have to put together to file with the court so you can get a divorce," etc.

(00:54:55)

Then you have the family law mediators, so you have in-house, hired by the court, therapists who have mediation skills, who try to mediate a resolution relating to the children, where they are going to live, what's the schedule going to be? You have in Contra Costa something very unusual that is not in many other courts, and that's legal technicians, and they deal with all the uncontested matters and all the domestic violence requests.

So, you have four highly skilled legal technicians who go through all the paperwork so the judges don't have to deal with the paperwork for uncontested divorces. And whenever a request for a domestic violence restraining order comes in, they come in immediately, they interrupt whatever you're doing, you go to chambers, you deal with it immediately so people could be protected.

So, we had four legal techs onboard, one of whom was Spanish-speaking.

JUSTICE SANDRA MARGULIES. After you were done with your family law assignment, where did you go next?

JUSTICE MARIA RIVERA. Well, in most courts, I know it's true in Contra Costa, anyone who does family law gets to pick their next assignment, and so I picked Civil Fast Track.

JUSTICE SANDRA MARGULIES. And how long did you do Civil Fast Track?

JUSTICE MARIA RIVERA. Two years.

JUSTICE SANDRA MARGULIES. Now is that direct calendar?

JUSTICE MARIA RIVERA. Direct calendar.

JUSTICE SANDRA MARGULIES. And how did you like that assignment?

JUSTICE MARIA RIVERA. I loved it. I really enjoyed it. I have to say I really enjoyed felony jury trials also, although some of them got pretty repetitive like the methamphetamine manufacturing cases and so forth, but I like the felony jury trials because I had so many juries.

In Civil, you don't get very many trials, half of them they waive a jury because they think a judge is just going to do a better job if it's a technical case. And so, I didn't get to work with juries as much as I got to work with juries in Criminal. I loved working with the juries.

JUSTICE SANDRA MARGULIES. So, which was your favorite assignment?

JUSTICE MARIA RIVERA. It's hard to say. They all had something good. I mean, the family law assignment gave me so much satisfaction because I was doing work that was so personally important to each and every person that was appearing before me. So it was scary because you make a bad decision, you never know what's going to happen especially when there's children involved. But it's personally very satisfying, and resolving some of those cases, I had a case that had been in litigation for years that predated me, I inherited it, and at one point it was just a constant battle between the parents over the children, and at one point all of a sudden the light bulb went on and the mom said she realized that she was alienating the children from their father, that it was not a good thing, and she completely turned her attitude around, and I got to see that happen on my watch.

So, very personally satisfying, very hard, way too much work. I would cart home, literally, those white buckets at the post office, I would carry every night, I would carry home a box full of files to go through to prepare for my calendar the next day.

JUSTICE SANDRA MARGULIES. Was the Civil assignment your last assignment?

JUSTICE MARIA RIVERA. Yes.

JUSTICE SANDRA MARGULIES. So, I must ask you, did you find it to be a difficult or challenging adjustment from practicing law to being a bench officer?

JUSTICE MARIA RIVERA. No, it was easy, especially since I went straight into felony, into Criminal because it was not something I had ever experienced. And so …

JUSTICE SANDRA MARGULIES. It was interesting.

JUSTICE MARIA RIVERA. It was fascinating, because I had to learn all this new language. Everyone spoke in numbers. That's a 186! Really? And then …

JUSTICE SANDRA MARGULIES. And I bet you thought you'd never get the numbers down?

JUSTICE MARIA RIVERA. I never thought I would remember the numbers, and I'd never heard of a Marsden motion, I'd never heard of a Faretta motion, I never … it was like learning law all over again.

So, I was in such a study catch-up mode, learning a new profession essentially, and it was so different from the work I had been doing, that I didn't have the difficulty of … had I been a DA, okay, I got to get out of the DA mode, I got to get into the neutral mode, I got to get out of the advocacy mode, because it was such a different world, so I didn't have any difficulty.

JUSTICE SANDRA MARGULIES. Did you feel any sense of isolation when you got on the bench?

JUSTICE MARIA RIVERA. Yes, yeah. Well …

JUSTICE SANDRA MARGULIES. I asked that because that was the reaction I had when I first got on the bench.

(00:59:54)

JUSTICE MARIA RIVERA. Yeah. I had less of that because I went into felony, went on to the criminal bench, I got to keep all of my friends, my group of friends. I didn't have to say, oh, you know, "I don't want to talk to you."

And I also decided that if anybody from my law firm, I just was not going to handle those cases. I don't care how many years I sat on the bench, I wasn't going to handle those cases from my colleagues, and I followed that rule my entire career.

But I did feel isolated because you go to parties, the Bar Association parties, you have a lawyer there that you can't talk to because there is something pending in front of you. So it is isolating.

I will tell you, however, I am sure people my age have, and I expect that women who are even the next generation have all experienced the fact that you have to be better and work harder than a man to succeed and earn respect.

So the first day I was on the bench, I put on the black robe and I got up on the bench and everybody just was so incredibly respectful of me. And I went back into chambers and I said, "Oh, that's what it's like to get automatic respect. Isn't that wonderful?"

So all the years that I worked and worked and worked and worked extra hard to gain respect and then I learned that there are a subset of people who get it automatically and just have to work not to lose it, and it was such an eye-opener for me. It was wonderful, but it really drove home some of the disadvantages that women have in the profession.

JUSTICE SANDRA MARGULIES. So you decided to apply for the Court of Appeals. When did you decide to apply and why did you decide to apply?

JUSTICE MARIA RIVERA. Well, from the time that I worked for Justice Sullivan, I knew not only that I wanted to be a judge, but that I wanted to be an appellate judge.

JUSTICE SANDRA MARGULIES. Because you loved research and writing.

JUSTICE MARIA RIVERA. Because I loved research and writing. And so I was happy being a trial judge. I loved being a trial judge. It was a wonderful experience. But my friend Barbara Jones, who is the PJ in Division Five, and one of my law school classmates, called me up and said I would like you to sit pro tem. And so I got permission from my PJ to sit pro tem. My PJ then was Mark Simons.

JUSTICE SANDRA MARGULIES. Who was on the Court of Appeals.

JUSTICE MARIA RIVERA. On the Court of Appeals in Division Five, and I sat pro tem for three months in Division Five and it was wonderful. It was exactly … I just felt like I

was home. I felt like this is where I belong. And I sat for three months and then Barbara asked that I be extended for another month, so I ended up on the Court of Appeal for four months.

And while I was on the Court of Appeal, all these judges, the justices would take me out to lunch and tell me, you really should apply, this is terrific that you are here, you should really come and join us. Justice Kline encouraged me; Justice Corrigan; Perley, one of my classmates encouraged me; I think Nace Ruvolo encouraged me; Doug Swager, all these folks encouraged me to put in my application.

And so by this time Gray Davis was the Governor, and Burt Pines was his appointments secretary and he had made … both of them had made a point of saying they really wanted to diversify the bench, all up and down the State of California.

So I loved being in the trial court, but I thought this could be my only chance and I don't want to … I would like to be on the court a little longer, but this could be my only chance.

JUSTICE SANDRA MARGULIES. And you applied at a very opportune time because there were four vacancies.

JUSTICE MARIA RIVERA. Right.

JUSTICE SANDRA MARGULIES. And you and I and Linda Gemello, three women and Stu Pollak, were all nominated by Governor Gray Davis at the same time, and we all had our confirmation hearings on the same day.

(01:05:00)

JUSTICE MARIA RIVERA. That's right. That was a wonderful day.

JUSTICE SANDRA MARGULIES. It was. It really was a wonderful day.

JUSTICE MARIA RIVERA. Yeah.

JUSTICE SANDRA MARGULIES. So you were assigned to Division Four and your colleagues at that time were?

JUSTICE MARIA RIVERA. Larry Kay, he was our PJ, Tim Reardon, and Pat Sepulveda.

JUSTICE SANDRA MARGULIES. So before I go into your career as a Court of Appeal justice, did you … what did you find to be the significant differences between being here and being on the trial court?

JUSTICE MARIA RIVERA. Well, the first thing is when you talked about becoming a judge being very isolating, this was really isolating. This is ivory tower stuff. And when I first came to the court I would pinch myself every day, I would say I can't believe I am here, I can't believe I am here, this is my dream job, and every day I would come in with this big grin on my face and sit down and just dig into my cases.

But then I realized that it's really … it's a very alone kind of job, it's a lonely job, and even though you have your colleagues right down the hall, you're mostly working with your research attorneys and your JA, and you're kind of burrowed behind your computer with your green eyeshade and your sleeves rolled up and working on cases.

So most days you just roll a bowling ball down the hall and you wouldn't ever hit anybody, because everyone is burrowed behind their computers working on their cases.

So that was a stark, stark difference between the hubbub of attorneys … in Civil Fast Track you've got settlement conferences, you've got pretrial conferences, you've got motions, you've got law and motion day, you've got trials, bench trials, you've got jury trials, you have all these balls in the air.

JUSTICE SANDRA MARGULIES. But did you enjoy the peace and quiet up here?

JUSTICE MARIA RIVERA. I did.

JUSTICE SANDRA MARGULIES. I am asking because I did.

JUSTICE MARIA RIVERA. I did. I missed the lawyers. I missed my juries. I missed my lawyers. I missed them. I got used to it. I did enjoy the peace and quiet. I loved the luxury. You're in trial and you have a nanosecond to rule on a really tough evidentiary issue that you've got to rule on because you have to keep that case going, keep the trial moving.

I can spend a week on that same question, just thinking about it if I want, on the Court of Appeal; that to me is like the most luxurious way to do law that I can imagine, and that's why I love this job.

JUSTICE SANDRA MARGULIES. But you also, coming from the trial court, you had a perspective on the fact that trial court judges must make snap decisions.

JUSTICE MARIA RIVERA. Exactly. I am not a person that's going to say that if you have never been on the trial court you shouldn't go on the Court of Appeal. We have many, many fine Court of Appeal justices and Supreme Court justices who were not on the trial court. But I do think it's a very, very valuable perspective to have.

And it's similar to the perspective I got when I was running for office and being out in the community. It gave me a different perspective on the courts than people who just get appointed.

In the same way, when you have been in the trenches in the trial court and you've had to go through some of the really tough things, trial decisions that trial judges have to make and they have to make in an instant, it gives you a really different perspective when you are looking at what's reversible error.

JUSTICE SANDRA MARGULIES. Whether it's abuse of discretion, whether it's harmless.

JUSTICE MARIA RIVERA. Exactly.

JUSTICE SANDRA MARGULIES. So did you have a mentor here?

JUSTICE MARIA RIVERA. You know, I didn't really, although Pat Sepulveda was invaluable to me in a couple of ways. One was she wrote possibly one of the best recommendation letters to the Governor that I've ever read. And secondly, she really taught me … she gave me a lot of really good advice about how to write, how to approach some issues. She's probably one of the smartest people I know.

JUSTICE SANDRA MARGULIES. She is. She's very smart.

JUSTICE MARIA RIVERA. She's really smart. And she's from the Central Valley like I am, so very unusual. She's from Fresno; I'm from Visalia. And she just gave me a lot of really, really good advice about tough cases, about how to approach writing, how to pare my writing down; I was oftentimes too wordy, too explanatory.

(01:09:57)

She talked about how important it is to write an opinion that attorneys will understand so they know what the law is. And it matched my approach, because my judicial philosophy is a very pragmatic one, and I think that comes also from being on the trial court for five years in different fields.

It's all well and good to write a treatise on some arcane legal issue, but what lawyers really want is a rule they can follow or an opinion they can understand. And so I had a very pragmatic approach to writing my opinions, which was if I am a lawyer, what's the take-home message here and is it clear, because if it's not, I really need to redo this.

JUSTICE SANDRA MARGULIES. I call it plain English.

JUSTICE MARIA RIVERA. Plain English.

JUSTICE SANDRA MARGULIES. Plain English.

JUSTICE MARIA RIVERA. Right.

JUSTICE SANDRA MARGULIES. So tell me about your colleagues that you worked with.

JUSTICE MARIA RIVERA. Wonderful! Not all districts are created equal, and I have to tell you I know how lucky I am to have been in the First District. It is probably the most collegial district in the state.

JUSTICE SANDRA MARGULIES. I agree.

JUSTICE MARIA RIVERA. Good! It is not just because I had wonderful relationships with Tim, and Larry, and Pat, and then later on Nace, and the others who came through, Jim Humes, Jon Streeter, but because I had a wonderful relationships with all the colleagues on the court. There are only 20 of us, and thanks to you and Paul Haerle, we would have an institutionalized time to get together, and then we would have informal lunches among divisions and occasionally we got to sit on each other's panels. But we all got to know one another, and it's just a wonderful group of people. They're all smart. They're all incredibly dedicated, and they're fun to be around.

JUSTICE SANDRA MARGULIES. So what achievements as an appellate court justice or cases are you most proud of? Tough question.

JUSTICE MARIA RIVERA. That's a tough question, yeah, 16 years of opinions. It is a tough question. I guess one of the ones I labored over the hardest was my last opinion.

JUSTICE SANDRA MARGULIES. And I remember that because your office was full of boxes and you wrote that opinion yourself.

JUSTICE MARIA RIVERA. I did.

JUSTICE SANDRA MARGULIES. What was it about?

JUSTICE MARIA RIVERA. It was a toxic tort case. It's still going on so I can't talk too much about it, but it was a toxic tort case out of Modesto. It's perchloroethylene. It used to be used in dry cleaning, and it leached out into the soil and into the water, and it was a huge problem for the City of Modesto.

So it was a 12-year trial, in five phases, and there was an appeal that resulted from each and every one of those five phases.

JUSTICE SANDRA MARGULIES. And they were all consolidated?

JUSTICE MARIA RIVERA. They were all consolidated, and I ended up spending a year working on that opinion and it was 100 pages long. So I am not sure that it was, in terms of legal import, I don't know how important it could be described as, but in terms of the work I put into it and the effort, that was by far one of the most difficult opinions I've ever had to put together. Just mastering the record and all of that was very difficult.

JUSTICE SANDRA MARGULIES. So tell me about, because I know you have always been active within the court and outside of the court, tell me about while you were on the appellate court bench, some of the activities, organizations, committees in which you were involved?

JUSTICE MARIA RIVERA. Well, when I said it was an isolating job, I decided one way to become not so isolated is to get involved in some of the committee work.

Justices, as you know, on the Court of Appeal are asked to do a lot more committee work than trial judges because we have more flexible schedules. And so I … let's see, somebody asked me to join the American Bar Association Commission on Racial and Ethnic Diversity in the profession. So I did that, and I was on that commission for three or four years.

(01:14:47)

And we started the Oral History Project, which was a wonderful project where we found judges of color who had been appointed many years ago and got videos of them, and created a library. That was a really important project. So we did a lot of things. There were a lot of programs that that commission sponsored.

I was also on the Advisory Committee to the Judicial Council; it was called Access and Fairness, and that commission, the job of that commission, was to think of ways or to execute ways in which the courts can become more accessible and more user-friendly to people of color, to pro per litigants, to people for whom English is not their first language, to people with disabilities.

JUSTICE SANDRA MARGULIES. So you were a member of the Access and Fairness Committee?

JUSTICE MARIA RIVERA. Yes.

JUSTICE SANDRA MARGULIES. Which is a committee to the Judicial Council.

JUSTICE MARIA RIVERA. It's an advisory committee to the Judicial Council.

JUSTICE SANDRA MARGULIES. Right. And why don't you go ahead and tell us what that involved.

JUSTICE MARIA RIVERA. The job of the advisory committee was to bring to the Judicial Council ideas and ways that the courts can become more accessible and fair to people of color, to LGBT people, to people with disabilities, to people for whom English is their second language or third language, to people who don't have lawyers.

So for example, we came up with a form of how to ask for accommodations if you have disabilities. We developed and created that form and got it through the Judicial Council, things like that. So that was the advisory committee, the ABA Committee.

And then I also was on the Legal Services Trust Fund Commission as an advisory member appointed by the Chief. We administered the Legal Services Trust Fund and the partnership grants.

So the job of this Legal Services Trust Fund is to make sure all the Legal Services offices receive the appropriate amount of money, make sure they are using it properly and do audits of all the Legal Services offices, and also to decide who gets a partnership grant.

So partnership grants are … it's money from the Equal Access Fund that's given as seed money to a program that is a partnership between a court and a legal aid office.

So for example, a legal aid office might want to expedite the way domestic violence orders are issued, so they will work with the courts on that and they will want to staff it. So they go to the Partnership Grants Committee and ask for an amount of money for staffing. If that pilot project works, then the court will figure out a way to fund it, because it helps the court as well as the folks who are using the court.

So that was … I am really proud of my work on the Partnership Grants Committee. We did that for years and amazing programs came out of that program, amazing court programs came out of our Partnership Grants Committee and have improved access to many, many people all over the state.

JUSTICE SANDRA MARGULIES. Now, I would be remiss if I didn't ask you about the award you got from the University of San Francisco Law School, and I was present when you received that award, and that was for?

JUSTICE MARIA RIVERA. Alumna of the Year.

JUSTICE SANDRA MARGULIES. And just tell us briefly about your activities, because I know you have been involved with the University of San Francisco Law School.

JUSTICE MARIA RIVERA. I have been very involved with them. I owe a lot to the University of San Francisco Law School. They gave me the full scholarship all the way through my law school. I also got a job at the undergraduate campus. I mean, I didn't have any money and so I would not have been able to go through law school without a scholarship and without a job.

And so I owe them a lot and so I have been very active in alumni affairs. I can't raise money for them obviously, but I sat on the Board of Governors. I am currently sitting on the Board of Counselors, and I spend a lot of time doing things like giving talks and going on where

they have panels of people talking about the path to the judiciary, and how do you become a judge, all of that sort of thing. I have worked with professors on some projects.

So I have just been as active as I can. I give speeches to incoming classes and motivating speeches to the Hispanic Law Students Association, things like that.

(01:20:03)

JUSTICE SANDRA MARGULIES. So, unfortunately for us, you decided to retire from the First District Court of Appeal.

JUSTICE MARIA RIVERA. Oh, I do want to mention one of the things on extracurricular activities.

JUSTICE SANDRA MARGULIES. Oh sure! Yes!

JUSTICE MARIA RIVERA. The thing that I am the most proud of is the Statewide Language Access Plan. As I have mentioned earlier, I learned a lot on the trial, both campaigning and on the trial bench about the importance of having interpreters, and prior to a few years ago, the state would only fund interpreters in criminal cases and in juvenile cases, and in a handful of other cases like domestic violence, but would not … anyone in a civil case who wanted an interpreter had to bring their own.

So, a number of things converged, a number of events converged including the Justice Department opening an inquiry into the Los Angeles court of not providing an interpreter in a family law case where a mother stood to lose custody of her child. But a number of other things had been percolating along, and our new Chief Justice Tani Cantil-Sakauye decided that it was time to put together a Language Access Plan for all the courts, for every single courtroom in the state.

And so, she put together a committee and I cochaired the committee with Judge … oh my gosh …

JUSTICE SANDRA MARGULIES. It will come to you.

JUSTICE MARIA RIVERA. Oh please! Manny, I can't remember his name, his last name, no. So, he was a trial judge in Ventura and we worked with a joint committee of interpreters and other stakeholders such as public defenders, DAs, and court personnel, and over a

year's time put together what we proposed to be a Language Access Plan and a way of implementing it in three stages and gave that to the Judicial Council which adopted it.

And I'm very, very proud of that of having been able and very honored to have been chosen by the Chief to head that up. It was a very exciting project.

JUSTICE SANDRA MARGULIES. So why did you decide it was time to retire from the judiciary and from the First District Court of Appeal?

JUSTICE MARIA RIVERA. I decided when the commute became so horrible that I really … I mean it had gotten so bad that I really felt that I was wasting three hours a day, because you can't work while you are commuting, and that was number one.

Number two, I had grandchildren. My first grandchild was born four-and-a-half years ago, and they live in the Hudson Valley. So, I didn't get to spend a lot of time with him, and my second grandchild was born and I really decided it was time for me to refocus my energy and to create more space in my life, so that I can really bond with my grandchildren and my extended family.

So, between the commute and the grandchildren I decided it was time. I didn't ever want to leave the work because I always loved it. I never got tired of the work.

JUSTICE SANDRA MARGULIES. Yeah, I know you liked it.

JUSTICE MARIA RIVERA. But I really miss my colleagues and my staff.

JUSTICE SANDRA MARGULIES. Well, we miss you, I in particular. So, what are you doing now to stay busy?

JUSTICE MARIA RIVERA. Well, I am taking time to see the grandchildren. I've been able to spend two two-week periods with them this year already and they are coming, they come out and spend two two-week periods with me. So, it's been a huge improvement in the amount of time I can spend with them.

But I am working for ADR Services … with ADR Services and doing mediations, I'm doing consulting.

JUSTICE SANDRA MARGULIES. On appellate practice.

JUSTICE MARIA RIVERA. Judicial consulting, and arbitrations, and discovery referee. I have done a little bit of each. I don't do a lot of it but I do enough of it because I really want to keep … I want to keep working, I want to keep helping people settle cases, resolve issues. I like being a neutral. It's a great role, and I want to keep my brain active. I don't want to get brain lazy.

(01:25:00)

JUSTICE SANDRA MARGULIES. Right, keep those gray cells going.

JUSTICE MARIA RIVERA. Right, and so it's kind of a perfect choice for me because I choose when I work and I block out time when I'm going to go visit the grandchildren or I'm going to have the grandchildren with me. And the other times, I just take the work that comes, whatever comes along and I enjoy it very much.

JUSTICE SANDRA MARGULIES. So, I cannot conclude this interview without asking you about your passion for fly-fishing and baseball.

JUSTICE MARIA RIVERA. Right, baseball, okay, we'll start with baseball. When the New York Giants moved to San Francisco, which I think was in 1958?

JUSTICE SANDRA MARGULIES. Could be, I am not sure.

JUSTICE MARIA RIVERA. I think 1958, my grandmother and my mother became instant Giants fans, and so they would listen to all the games and root for the Giants, and then they became even more interested in baseball. We had a little C-league team in Visalia.

JUSTICE SANDRA MARGULIES. That's fun.

JUSTICE MARIA RIVERA. That was called, that was a farm team for the Reds, for the Cincinnati Redlegs, it used to be called the Redlegs, and my mother and my grandmother bought a box and went to every single baseball game.

JUSTICE SANDRA MARGULIES. That's fun.

JUSTICE MARIA RIVERA. It was fun, and so, they took us along of course, and they … she, my mother taught herself how to score a game and then she taught me how to score a game, in the scorebook with all the detailed scoring like the sports announcers do. And so, fast-forward, I'm dating my husband … my then friend but now husband Jim and we're at a baseball game, he finds out I am a Giants fan, I find out he is a rabid Giants fan and in fact attended the first game that the Giants played in San Francisco, and he is scoring the game and he says, "I am going to go get a beer."

JUSTICE SANDRA MARGULIES. Are you talking about the first game at AT&T?

JUSTICE MARIA RIVERA. No.

JUSTICE SANDRA MARGULIES. At Candlestick?

JUSTICE MARIA RIVERA. Seals Stadium.

JUSTICE SANDRA MARGULIES. Oh, Seals Stadium. Oh, my goodness!

JUSTICE MARIA RIVERA. Seals Stadium, that first game, the first, first game. So we're both rabid Giants fans, right? So, he is going to get a beer and he hands me the scorebook, and I said, "Well, do you want me to score while you are gone?" And he goes, oh, he didn't want me to score because he didn't think I knew how to do it right. He said, "Oh, oh, okay." So I scored the game while he was gone and he came back and he looked at it and he said, "You really know how to score a game?" And I said, "Yeah, my mom taught me."

Later, he told me that was one of the reasons he asked me to marry him.

JUSTICE SANDRA MARGULIES. That's very sweet.

JUSTICE MARIA RIVERA. And then, and my whole family, all the boys are Giants, rabid Giants fans, Joshua in New York is still a rabid Giants fan.

And then fly-fishing is something I got into, of course, I fished with my dad, but that was spin fishing. My best friend from college called me up one day and said, "I want you to meet me in New Mexico, we are going fly-fishing. Go get a lesson and then we're going to meet, because you got to do this, I am loving it."

So we did and pardon the pun, I got totally hooked on it even though the first trip I never caught a single fish and my friend from college, we didn't get to see each other very often because she lived in New York City.

So that was our way of getting together every year. So I've been fly-fishing with her every year for 20 years, and our group is growing. I have law school classmates now, and the last fly-fishing trip we took was with a group of 13.

JUSTICE SANDRA MARGULIES. And where was that?

JUSTICE MARIA RIVERA. In Montana.

JUSTICE SANDRA MARGULIES. Oh, beautiful!

JUSTICE MARIA RIVERA. Yeah.

JUSTICE SANDRA MARGULIES. So to end the interview, why don't you tell me what would you like your friends, your colleagues, the public to know about you? It can be anything, your accomplishments.

JUSTICE MARIA RIVERA. I mean, I like to think that one of the things I did with my life was to set, hopefully, a good example for being a lawyer and balancing your life with the law and making that work.

JUSTICE SANDRA MARGULIES. And that's not easy.

JUSTICE MARIA RIVERA. That's not easy. The law is a jealous mistress or a master as the case may be, and I was fortunate to marry a man who believed the same thing.

(01:30:00)

Even though he was a senior partner in a very powerful heavy-hitting law firm, he always put his family first, and you will talk to any of his associates who worked—many, many associates who worked with him.

In fact, a man stopped me the other day at an MCLE course and he pulled me aside, he said, I was at a deposition with your husband and all the men sitting around the table were talking about objecting and keeping people here until, well, we are going to stay here until

late as it takes, until we get an answer to this question, and they are all posturing and fighting, and Jim stands up and says, "Well, gentlemen, it's Halloween. I'm taking my children trick-or-treating. Good night!" And this man never forgot that.

That's the way he was, and I was fortunate to marry him because he and I really, really had the same set of values. And so, I like to think that there is a way to navigate having that career, having a legal career, and being a good mom, and a good wife, and you fashion it in a way that makes sense for you and that makes it doable, and I did that and I hope by example showed other women that they can do it too, and men.

JUSTICE SANDRA MARGULIES. And you did by example, accomplish that. You were a wonderful mother, outstanding jurist, and you managed to balance it all.

JUSTICE MARIA RIVERA. Thank you!

JUSTICE SANDRA MARGULIES. Thank you so much! It was a very enjoyable interview.

JUSTICE MARIA RIVERA. Thank you, Sandy. It was really lovely of you to do this.

**Total Duration: 92 Minutes**