Justice Arthur Gilbert: Okay, I am Arthur Gilbert, the Presiding Justice of Division VI of the California Court of Appeal, Second District and I have the distinct privilege and honor of interviewing a dear friend of mine and one of our most preeminent justices on our court, Richard Aldrich. We go back many years and you have distinguished yourself as not only a preeminent trial attorney who has won so many awards, but you've brought so many changes within the California judiciary that have been used nationwide. You have made a difference and your legacy is going to last for years, and it's really indeed a privilege to participate in this.

But let's go back and start from the beginning, if we will, and talk about your life a little. I guess when we're young, we never realize where we are going to wind up and what's going to happen or who are we going to know or what's going to happen, but tell us about where you were born and influences in your life.

Justice Richard Aldrich: Well, I was born Los Angeles. In fact, not very far from where we are sitting, probably within two or three miles at the California Hospital in 1938. So as of last June, I was 76-years old. I grew up initially at 1031-1/2 West 22nd Street, which is roughly 22nd Street and Union Avenue, not very far from here. And the majority of my youth was spent in Leimert Park on 9th Avenue, and all of my friends were from that neighborhood.

Justice Arthur Gilbert: Still have contacts with some of these friends?

Justice Richard Aldrich: No, I don't, unfortunately. After high school and college, you just lose track and so I haven't seen any of them.

Justice Arthur Gilbert: One of our colleagues who was in private practice now is Elwood Louie and he was born close to this same location and a lot of his friends -- he is still friends with them and Burt Pines who became the City Attorney and Dickran Tevrizian, a judge and they were all friends and never realized they would wind up, what they did.

So where did you go to school?

Justice Richard Aldrich: I went to high school at Mount Carmel High School, which is on approximately Hoover and Florence Avenues. Then after graduation, I went Loyola University, it's now Loyola Marymount University, but in those days, it was an all male campus. Now, we have coed there and I graduated from Loyola in 1963 and

then went to UCLA Law School where I earned my LLB, now called a JD Degree.

Justice Arthur Gilbert: You want to tell us a little bit about your parents?

Justice Richard Aldrich: My mother was an immigrant from Mexico. Her whole family came here in the late 20s, all of them became United States citizens. I remember as a young child being in my grandmother and my aunt's home while they were studying for their citizenship examination. All of them went to work immediately in the garment industry. My aunt, Aurora, became a designer of costumes for the Shipstads & Johnsons Ice Follies and my mother who is quite pretty, become an extra in the movies in Hollywood.

My father was born in Los Angeles. He went to Manual Arts High School. This was during the Depression, and after he finished high school he had to go work to help support the family. There were five children and so he became a plumber. He was plumber during his entire work life. Unfortunately, my mother died quite young when she was 49 of cancer and my father died when he was 79 of lung cancer, which is not too surprising because he was a heavy, heavy smoker.

Justice Arthur Gilbert: So you went to -- you didn't have any brothers or sisters?

Justice Richard Aldrich: I do. I have sister, Linda, who was five years, my junior; and then I have a brother, Ronny, who is sixteen years, my junior.

Justice Arthur Gilbert: When you were growing up, tell us a little bit about growing up.

Justice Richard Aldrich: Well, it was -- I had some very wonderful experiences growing and some not so pleasant experiences.

(00:05:02)

When I was twelve years old, 1950, there was a large polio epidemic that swept through Southern California, and about the middle of December of 1950 I came down with what I thought was a bad cold. I was lethargic, I had no energy, a sore throat, elevated temperature and so I stayed home for about a week and it didn't seem to be getting better, it seemed to be getting worse. And so on Christmas Eve of 1950, my mother called the doctor

and in those days, doctors made house calls. So he came to the house and examined me and then asked to speak to my mother in the other room, and even at twelve years, I know that probably wasn't good. I really didn't know anything about polio at that time, but he told my mother that he strongly suspected that I had polio.

So that afternoon, my father, of course, came home and they took me to the only hospital in Los Angeles that would take polio patients, that was the Los Angeles County General Hospital, and I can remember walking in to the hospital, no ill effects at all and not knowing that would be the last time I would walk without assistance. So I stayed at the Los Angeles County General Hospital from Christmas Eve until the day after New Year, January 2nd of 1951 and then I was transferred to the orthopedic hospital in Los Angeles, where I stayed for a month where they gave me physical therapy and hot packs on my legs and extremities.

I can remember, very clearly, losing the strength of my left leg and left arm while I was in the County Hospital. It was one day, they had just finished with the hot packs and I was lying there alone and I don't know what came over me, but I had this sensation that I was losing the strength in my legs and I started moving, lifting my legs up off the bed and flailing my arms in the air and I kept doing it and gradually I could feel the left leg, all of a sudden I couldn't lift it off the bed anymore.

As a result, after I came out of the hospital, my left leg and left arm were paralyzed. Fortunately, the left arm came back with practically no ill effects. The left leg, I still wear a leg brace from inside my shoe to my hip, and when I walk I have to walk with the leg, the knee locked, because without muscle -- musculature quadriceps on that leg, if I flex or bent my leg at all and put weight on, it would collapse. So that's how I spent my childhood. After that, from age twelve to the present, in trying to overcome, if you will, overcome my disability, adjust to my disability -- I was always a very competitive type of person, even before the polio, I loved athletics and sports and I was a fierce competitor, I wanted to win.

After the polio, it was a competition not with anyone else, it was a competition with myself of being "normal." I wanted to be normal. I wanted to wear normal shoes. I

wanted to walk normally. Everything in my mind was to be normal, whatever that means. So I just had to work harder to overcome the disability. And looking back on it, I think it was both character building and instilled in me a strong self of achievement, of having to overachieve in everything I did.

Justice Arthur Gilbert: Well, you've certainly achieved. So that was an important part of the formative of the years of your life?

Justice Richard Aldrich: It was. It was a life altering experience and I think it did give me a greater appreciation of life, of the health that I've enjoyed throughout my life other than that.

(00:10:01)

Of course, it also -- I wanted to say it gave me a great empathy for people with disability, but that didn't come until much later because, frankly, with only one leg affected, I never considered myself disabled. I knew that I had a much more difficult time in my law practice, especially in Federal, when I had a Federal Court cas, because there were no parking lots near the Federal Courthouse. I usually had a very heavy document bag or briefcase that I was carrying to and from my hearings or trials, so I'd have to park to my car, walk the block or more to get to the courthouse, climb a set of stairs, try to struggle with those enormously heavy doors in the old Federal Courthouse and then start to do my job as a lawyer for my client. So all of that was character building.

Justice Arthur Gilbert: So, what got you into law in the first place? So you went to high school and then you went to -- you decided you are going to -- you said you are the first person in your family to go to college.

Justice Richard Aldrich: I was the first person in my family to ever go to college.

Justice Arthur Gilbert: And you were -- when did you decide you were going to college?

Justice Richard Aldrich: Well, when I was in high school, my second year, in my sophomore year, there was a Carmelite priest who was my history teacher, Kevin Morrisey. And in those days, when he'd assign homework to us, say a paper where you have to write on George Washington. When we came in the next day, he would call upon certain of the students to get up in front of the class and orally

present their paper to the class. I don't remember exactly what my paper was on. I don't think it was George Washington. But I did, I got up in front of the class and I read my paper to them and told them a little bit about my studying of my subject whoever it was. And as soon I had finished, Father Morrisey up there in the parochial schools, their desks were on platforms and I remember him looking down at me and he said, "Richard, you would make a fine lawyer," and it stuck. From that day forward, the only thing I ever wanted to be was a lawyer.

Justice Arthur Gilbert: That's really quite a story. And you hadn't -- you know, like you talk to people and they say, "Well, I watch Perry Mason," or, "I saw this." This wasn't that, this was just something someone said to you, a teacher you respected, obviously?

Justice Richard Aldrich: Perry Mason triggered a memory of my first trial as a lawyer, when you go back to that. I didn't know any lawyers. There were no lawyers in my family or judges. When I applied to UCLA Law School, on the application they asked that you list references, and under that section of references there was a little parenthesis, we prefer lawyers or judges. Well, I didn't know any lawyers or judges, but I had car and so I drove down to downtown Los Angeles and at that time they were trying cases in the old Hall of Records.

Justice Arthur Gilbert: Yes, I remember that.

Justice Richard Aldrich: In Downtown.

Justice Arthur Gilbert: Yes, I've tried a few cases there.

Justice Richard Aldrich: And I remember the elevator was freight elevator, and so I parked my car in a parking lot or maybe on the street, went up in the elevator to a floor there were courtrooms on and I walked down this hallway until I found a courtroom, opened the door and it was dark. But at the other end of the courtroom, I could see a door that was opened with light coming from it. So I went to the door and I knocked on the door and there is rather gruff voice that said, "Who is it?" "Excuse me, Your Honor," I said, "My name is Richard Aldrich." He said, "What do you want?" And I said, "Well, I am applying to law school and they've asked that I have reference by a judge or a lawyer and I don't know any judges or lawyers and I was wondering if I could talk to

you about maybe putting you down as a reference." He said, "Come in." So I came in and I sat down. The judge was Clement D. Nye.

Justice Arthur Gilbert: I remember him. Oh, my heavens!

Justice Richard Aldrich: And his nickname was "Clemency Denied."

Justice Arthur Gilbert: Yes.

Justice Richard Aldrich: Because he was a very tough sentencer.

Justice Arthur Gilbert: He was a tough guy.

Justice Richard Aldrich: He couldn't have been more charming. We sat and we talked for over an hour.

Justice Arthur Gilbert: Terrific!

(00:15:00)

Justice Richard Aldrich: And at the end of it he said, "I'll be glad to be your reference. Do you want me to write a letter?" Well, I said, "No, I just like your permission to put your name down and they might contact you." He said "Fine, put my name down and if they contact me, I will write you a good letter of recommendation."

Justice Arthur Gilbert: So enterprising of you?

Justice Richard Aldrich: Well, and that was my only -- that was first time in a courtroom. So, when I got out of law school, I had a job already lined up and I took the job because my boss assured me that I would be in trial within three weeks of the time I was sworn in.

Justice Arthur Gilbert: How were you able to line up a job so soon? Were you a good law student or were you interested in moot court or?

Justice Richard Aldrich: All of those things. I was a good law student. I love moot court. I watch Perry Mason, is what started this, and I knew how lawyers acted in the court room. If you had a point you wanted to make, you walk right up to the witness and you told them. So in my first trial and my boss didn't quite make it three weeks, but a month after I was sworn in, I was assigned my first personal -- a plaintiff's personal injury lawsuit.

Justice Arthur Gilbert: So this was a plaintiffs, because you actually went to the other side, eventually?

Justice Richard Aldrich: For a while.

Justice Arthur Gilbert: Yeah, for a while then you went back?

Justice Richard Aldrich: Then I went back.

Justice Arthur Gilbert: Yeah.

Justice Richard Aldrich: And so this was a plaintiff's firm. The lawyer that hired me was David Harney who was quite famous, brilliant.

Justice Arthur Gilbert: One of the most brilliant lawyers. I've watched him in action, we all have.

Justice Richard Aldrich: Brilliant trial lawyer. So he gave me this rear-end automobile accident case to go take to trial. Having seen Perry Mason, whenever I wanted to show the witness a document, I just walked right up to the witness and showed them and sometimes I got right up on the witnesses face, if I was cross examining the witness. At the first break, the judge, who was a very kindly man. The name is Bernard Jefferson --

Justice Arthur Gilbert: Oh, yes.

Justice Richard Aldrich: -- who came to this court later.

Justice Arthur Gilbert: Absolutely.

Justice Richard Aldrich: And he knew it was my first trial. The defense lawyer knew it was first trial. It was probably painfully obvious to the jury that it was my first trail. But Bernard Jefferson, being the perfect gentleman that he was, didn't want to embarrass me in front of the jury. So at the first recess, he asked his bailiff to come over and talk to me and tell me. So at the first break, the bailiff came up to me and he said, "Mr. Aldrich." He said, "I want to tell you something," he said, "When you question witnesses, you question them either behind the counsel table or from the lectern. You never approach them. If you have to approach them to show the witness a document, you ask the court's permission, "Your Honor, may I approach?" and the court will then say yes you may approach, then you go up to the witness." And he said that, "That area between the counsel table and the bench," he said, "That's no man's land. That's the

well. You never ever, under any circumstances, go in there. Now, you understand that?" I said, "Oh yes, I get it. I get it."

Of course, the adrenaline was pumping, it's my first jury trial, I had this -- so the very next session, not only did I approach the witness without permission, not only did I stand in the well, I think at one point I even may have put my elbow up on the bench. As soon as my elbow hit the wood, I thought, "Oh no, what I have done?" And I looked up and this kindly Bernard Jefferson was leaning over the bench with a big grin on his face and I backed out so quickly I said, "I am sorry, You Honor, I forgot it won't happen again," and it never did happen again.

Justice Arthur Gilbert: That's a great Bernard Jefferson story too as well.

Justice Richard Aldrich: He was a great man and a brilliant jurist.

Justice Arthur Gilbert: Right.

Justice Richard Aldrich: Wrote the definitive book on evidence.

Justice Arthur Gilbert: I know. I actually edit the part of that book. I'm just finishing editing a chapter today. So wasn't that amazing?

Justice Richard Aldrich: Well, at that time, his brother was already on this court.

Justice Arthur Gilbert: Yes, Edwin -- was that it?

Justice Richard Aldrich: Edwin Jefferson.

Justice Arthur Gilbert: Yes.

Justice Richard Aldrich: And then he joined much later.

Justice Arthur Gilbert: Yes, right, right. And these stories stay with you forever?

Justice Richard Aldrich: Forever. They are defining moments.

Justice Arthur Gilbert: So you were with the Harney firm?

Justice Richard Aldrich: I was with --

Justice Arthur Gilbert: And that was a -- may I ask, do you remember how the case turned out?

Justice Richard Aldrich: I lost. I lost resoundingly. In fact, before that case, the defendant was insured with the auto club and the auto club was represented by the firm it was known in those days as Gilbert Thomspon & Kelly.

(00:20:05)

Justice Arthur Gilbert: Thompson & Kelly. I tried a case against Gilbert, the two Gilbert.

Justice Richard Aldrich: Tough.

Justice Arthur Gilbert: Tough guys, huh?

Justice Richard Aldrich: Tough guys.

Justice Arthur Gilbert: Oh boy!

Justice Richard Aldrich: Well, the lawyer I drew from that firm was a man by the name of George Quinton, Kit Quinton, and he was probably meanest man I ever met in my life up to that point. And before the case started, he came up to me in the hallway and he said, "Aldrich,," he said, "They are setting the jury up. How much do you want for this turkey?" So I swallowed hard and I said, "$5,000." He said, "I will tell you what I am going do. I'm going to give you a $2,500 for this case and it's not worth any of that. And if you don't take it, I'm going to chew you up and I am going to spit out all over that courtroom." So for the next week-and-a-half, he did precisely that.

Justice Arthur Gilbert: What a great learning experience?

Justice Richard Aldrich: It was great learning experience and that's how I got my taste for trial work.

Justice Arthur Gilbert: So the -- so you licked your wounds, then what happened next?

Justice Richard Aldrich: I got another case to try, and it was a more difficult case and I lost that one too, but that is okay. That's the way you learn. I licked my wounds from that and then I started winning a few cases. And David Harney rest his soul, what a great lawyer he was. He really trail-blazed for the rest of the legal profession, products liability, as we know it today. His partner, just before I joined the firm, was a man to the name of Ralph Drummond, and Ralph Drummond became a judge and also a very close personal friend. Ralph Drummond's stepson, Donnie

Lyford, was killed in between Carmel and Monterey on Highway 68, in what they call the Carmel Pacific Grove cutoff while driving a Corvair automobile. The police couldn't put together why the automobile had gone out of control and gone across the center lanes and into the oncoming traffic and of course Donnie was killed.

I think probably out consideration for his former partner Ralph, Dave took the case and he started looking into the automobile dynamics of the Corvair automobile and become convinced that the Corvair was defectively designed, and this is early the 1960s.

Justice Arthur Gilbert: I remember the case.

Justice Richard Aldrich: He didn't have all -- there were no seatbelts in cars in those days. So, Dave had tried -- taken three of those Corvair cases to verdict and lost them all. General Motors had won them all and in fact General Motors were winning the cases across the country, I think, partly because the public just couldn't imagine that General Motors, at that time, the largest corporation in the world could ever put a car on the road that was defectively designed and one of the examples they all used to use and they did in my trial was the Volkswagen. We don't see a lot of Volkswagen cases around. Well, you did later, but there was no question in my mind that the car was defectively designed.

Anyway, David lost the first three cases and he was in trial on his fourth and one day I was sitting in my chambers minding my own business.

Justice Arthur Gilbert: No, not chambers then --?

Justice Richard Aldrich: I mean, in my office. Excuse me. Thank you.

Justice Arthur Gilbert: Yes, I've done that, too.

Justice Richard Aldrich: My office and Dave was on a break. I don't know -- I guess it was after court and Dave walked in with two arms full of files and I looked up and I said, "What's that?" He said, "This is your next trial." I said "Oh, okay. What is it?" He said "It's a Corvair case." And my heart sank, I said, "I'll be glad to try it. But one, I am not an engineer; two, I didn't do very well in math. I'm not an automobile dynamics expert, by any means." He said, "Don't worry about it. You will spend a month with our

expert, Paul O'Shay. He will teach everything you have to know about automobile dynamics."

(00:25:01)

By that time, that was 1966, and I remember putting my family on the airplane the week before I started trial to Hawaii for a vacation, and I said "Look, I am going to settle this case, so I will join in about a week." It was a terrible Corvair case. It didn't really fit the Corvair rollover pattern that we had developed. And so Dave said, "Look, settle the case for whatever and can get out of it." But I don't want to dismiss the case for no money because that's going to show a sign of weakness. So with that kind of carte blanche authority, I was sure I was going to settle case.

So I had forgotten what my initial demand was, but $5,000, $10,000 and we were looking at a six to eight-week trial. So I walked in the first day of trial to the chambers of the judge. The General Motors' attorney was there, the attorney for -- Tom Carroll -- Chevrolet was there and I said, "Well, maybe I can make this easy on everyone. I have authority to settle this case for $25,000," and the General Motors' attorney looked at me and he said, "We are not paying one nickel to settle this case."

So I said, "All right," and we tried that case for almost eight weeks in front of the jury, and at the end of the case, the jury came on with a plaintiff's verdict, and it was the first plaintiff's verdict, one of the only plaintiff's verdict against General Motors involving the defectively designed Corvair in the country.

Justice Arthur Gilbert: Boy, that must have felt good. And didn't Bernie Jefferson try some of the Corvair cases?

Justice Richard Aldrich: He tried one.

Justice Arthur Gilbert: He tried one. I remember seeing a Corvair engine in his courtroom when I was a young lawyer.

Justice Richard Aldrich: In fact, we had the rear-end assemblies on the Corvair, on the Volkswagen and on the Renault. All rear engine automobiles and we had them put on stands, so you could actually turn the entire rear of the automobile over to show the jury exactly the parts that were defectively designed. Bernie Jefferson actually tried the Drummond-

Lyford case and for some reason Dave waived jury in front of Bernie. That turned out to be a big, big mistake because Bernie not only found in favor of General Motors, but he wrote a 90 page opinion not only exonerating General Motors from any liability, but pointing out that the Corvair was not defectively designed and really tearing our only expert apart, saying he wasn't qualified to give the opinions that he gave.

Justice Arthur Gilbert: Wow!

Justice Richard Aldrich: That opinion was used by General Motors in my case later on an authority for my trial judge where we would be arguing a legal point and I would be citing the California Court of Appeal and the Supreme Court and they would be citing Bernie Jefferson's opinion. So, shortly after the jury came in my case, I was getting ready to pick a jury in another Corvair case when General Motors' asked Dave to come back to Detroit for a settlement conference and they've settled all the Corvair cases, so we didn't have to try anymore.

Justice Arthur Gilbert: That's something to have one -- that's quite an accomplishment.

Justice Richard Aldrich: I didn't come down for weeks, I was --

Justice Arthur Gilbert: I can imagine. And your family were -- they were in --?

Justice Richard Aldrich: Well, in fact, when the day after the jury came in, I hadn't taken a vacation and Dave, as a reward for me, he said, "You didn't get to go to Hawaii, so I am going to send you back to Hawaii," and the Mauna Kea Beach Hotel hadn't been open very long at that time. And I remember him, we were sitting in his office and he reached back to his phone and buzzed his secretary on the phone, his assistant and said, "Lee," he said, "I want you to call the Mauna Kea Beach Resort and make reservations for Mr. Aldrich and his family for a week, all expenses."

(00:30:02)

So, the next morning, we were getting ready to go to the airport and the phone rang, and the gentleman on the other end identified himself as representing NBC News, and they had heard about the Corvair verdict and they want to know if they could come over to the house and tape an interview for the evening news, the NBC

Nightly News. And I said, "Well, I'm sorry. I'm on my way to the airport to catch a plane to Hawaii." So they said, "Well, would you mind if we meet you at the airport?" I said, "Well, fine. That would be wonderful."

So I told them I was flying. I forgot it's a United Airlines. So I said, "We'll meet you at the United counter." Hung up the phone and finished packing, the phone rang again, and this time it was ABC News. So I made the same arrangements and said, "Well, meet me at the United Airline counter." "Okay." But boy, by the time I pulled up to the curb at the United Airlines --

Justice Arthur Gilbert: You were the celebrity of the --?

Justice Richard Aldrich: I mean, I was the celebrity of the year. People, were whispering, "Who's that?" And so I gave a very brief interview and never got to see the airing because, of course, I was in Hawaii on vacation.

Justice Arthur Gilbert: That's so wonderful. So moving along -- boy! We could talk about your cases and we would be here -- they're so fascinating. So you were with Harney's firm for how long?

Justice Richard Aldrich: I left. I left in about 1967, about a year after the Corvair case. Then things were getting a little difficult at the firm for me with Dave. He was a wonderful brilliant man, but he had an ego as big as all outdoors, and it was a little tough, I think, having this young whippersnapper win this Corvair case when he had now lost four Corvair cases in a row.

So it got to the point where I just felt that it'd probably be better if I left, and I had a lot of offers from law firms around Los Angeles to come to work, especially in light of that Corvair case. But I had just purchased my first home in South Pasadena.

Justice Arthur Gilbert: You were married and you had --?

Justice Richard Aldrich: A child on the way.

Justice Arthur Gilbert: Yeah.

Justice Richard Aldrich: And here, I'm out watering my front lawn. I planted a dichondra lawn, and my next door neighbor came over, and he said, "Well, how are things going?" And I said, "Well, Pete, funny you should ask. I am married with

house payments and an expectant wife, and I'm out of a job." And he said, "Well," he said, "Do you remember Bob Stevens?" He was a lawyer that I met at one of Pete's parties. He said, "Well, he's working for a holding company out in Orange County that owns some insurance companies and they're looking for a general council. Why don't you call Bob and --" so I called, and they were, and I went out and interviewed and they grabbed me.

Justice Arthur Gilbert: Now, you're going to the -- some plaintiffs' lawyers with say the dark side, but you're going -- how did you feel about going into insur -- this is a different -- tacked on together?

Justice Richard Aldrich: Well, I was doing their legal work, but not personal injury legal work. I was doing their corporate legal work, and within six months I became president of the company.

Justice Arthur Gilbert: Wow!

Justice Richard Aldrich: So I was president of Casualty Insurance Company of California.

Justice Arthur Gilbert: My goodness! So now, you had been a trial lawyer. That's what you were and you were good at it, and suddenly you're being a corporate lawyer now. How was that change? That must have been a --

Justice Richard Aldrich: It was a big change, but it was a tough change because the company was under a -- not a receivership, but it was being overseen by the California Department of Insurance because it had some huge losses, and so what I was trying to do was recapitalize the company to satisfy the Insurance Department. And we were ultimately successful in doing that, and then about three years later, the company was sold to --

Justice Arthur Gilbert: Okay. So after that -- wow, that's quite a change. So then, after that, what happened?

Justice Richard Aldrich: I was out of a job again. I had no clients, no job. but during the time I was president of Casualty Insurance Company, I was trying to purchase a piece of property from Manufacturers Bank between San Diego and the Mexican border, where I had reason to believe that there was going to be a big freeway interchange.

(00:35:09)

Of course, the only problem was I didn't have any money, but I had testified at a bankruptcy hearing. The property was being held by a bankrupt estate. One of the lawyers who was representing Manufacturers Bank apparently was impressed with me because he called me after I had opened my office in Hollywood at Highland Avenue and Franklin, and the --

Justice Arthur Gilbert: Yes, I live near there.

Justice Richard Aldrich: Stanley Fold Building, and he called me and he said, "Richard," he said, "How much do you know about savings and loan law?" "Well, what do you need to know?" I knew what the financial code was, that's about all. He said, "Well," he said, "I have a very good friend, Charles Wellman." Charlie was really, really founded Glendale Federal Savings and Loan, and he also founded American Savings and Loan that -- I forgot the name of the man who owned American -- in any event, Charlie was the man behind that, and Preston Martin, the Savings and Loan Commissioner, had just put Charlie in charge of a lot of troubled savings and loan associations, Lytton Savings & Loan, Long Beach Federal. There were 85 branches and they need a general council.

Justice Arthur Gilbert: This was in the `70s, right?

Justice Richard Aldrich: This was in the early --

Justice Arthur Gilbert: Early `70s, yeah.

Justice Richard Aldrich: Early `70s, `71.

Justice Arthur Gilbert: Yeah. And Bart Lytton on one of those --

Justice Richard Aldrich: Bart Lytton was a character.

Justice Arthur Gilbert: That name just came up.

Justice Richard Aldrich: Bart Lytton was a character.

Justice Arthur Gilbert: Yeah, real. I've met him, yes. He was a character.

Justice Richard Aldrich: He had an art collection. The only problem was I think he was using the Savings & Loan's money to buy that collection.

Justice Arthur Gilbert: Yeah.

Justice Richard Aldrich: But anyway, it went under in the Savings & Loan crisis of the late `60s. And so I met Charlie and he liked me, and he said, "Would you represent us?" So I was a Savings & Loan lawyer for about two or three years until Equitable was merged into Great Western Savings & Loan, and I really wanted my own practice at that time.

So Great Western offered me a job of council for them, but it would an in-house counsel job, and I said, "No. I really want to do my own thing." So I opened my --

Justice Arthur Gilbert: You opened your own practice?

Justice Richard Aldrich: My practice alone in --

Justice Arthur Gilbert: In Beverly Hills?

Justice Richard Aldrich: I was still in Hollywood, and I had met an absolutely wonderful man as a client. His name was Robert N. Gold. Bob Gold was an expert at the shopping center law. And in fact, I don't know, people don't realize, but the supermarket, as we know it today, was started in Southern California by the Weinstein Brothers. And up to that time, you'd go in to a market and the grocer would get your purchase off the shelf behind him and fill your shopping bag for you. But the Weinstein Brothers were the first people to innovate the supermarket as we know it today, and Bob Gold was their lawyer. And I represented Bob and his partner, Jerry Schneider, in some real estate litigation that they were in.

And so just about the time I lost savings -- Great Western, as a client, Bob came to me and said, "Let's open up an office together." And so then, we moved to Beverly Hills into the Ray Holmes Building on El Camino Drive, and that's where we practiced for the next 12 years.

Justice Arthur Gilbert: Yeah. You were there for a while.

Justice Richard Aldrich: A long time.

Justice Arthur Gilbert: And you did all kinds of things in there.

Justice Richard Aldrich: I did all kinds of work, but I was getting more and more into the plaintiffs, personal injury practice, major injury cases and more and more into medical malpractice.

Justice Arthur Gilbert: And you became -- I mean, you were a preeminent trial lawyer, a famous lawyer, very well-regarded.

Justice Richard Aldrich: Well, thank you.

Justice Arthur Gilbert: And respected. I know federal judges who would talk about you and use the word preeminent.

Justice Richard Aldrich: Well, thank you.

Justice Arthur Gilbert: Yeah. So you had a talent and a work ethic.

Justice Richard Aldrich: Well, I had a work ethic and I credited a lot of that to my experience with polio. I was always overcoming and always wanting to be "normal," and that took something extra for somebody with a disability. It took an extra push, and I had to better than I ordinarily would have been.

(00:40:15)

Justice Arthur Gilbert: But you have always been, because I've known you all these years as well. So well-liked by everybody. I mean, even the stories you're telling, people are coming to you, "Hey, why don't you do this?" I mean, it's like your personality attracted people.

Justice Richard Aldrich: Well, perhaps. I will tell you, I'm still living off the reputation of that Corvair case. People say, "Oh, you're the one that tried the Corvair case." So that was what really, I think, launched my career and I started to get referrals from other lawyers. Being a sole -- I was a sole practitioner for the next 16 years and that meant I was responsible for taking all the depositions and answering all the interrogatories and taking the case to trial, and keeping my law office doors open while I did.

Justice Arthur Gilbert: I think that made you also a preeminent trial judge because you knew what it was to really practice law. What prompted you to go on the bench?

Justice Richard Aldrich: Probably a lot of things. I've been thinking about that a lot. Since almost all of my cases, when they went to trial, were long trials; six, eight weeks and not all in Los Angeles or Ventura. Some in Riverside, San Bernardino, and cases that would cause me to live in a hotel room for six or eight weeks, maybe getting home on weekends.

It got to a point in the `80s where I think I felt if I had to index another deposition, preparing for another cross-examination, it just started to take its toll. I didn't know what I wanted to do, except I knew I did not want to retire. I did a very, very smart thing in the late `89 or late `80s. My wife and I bought a second home.

Justice Arthur Gilbert: Now, tell us about your wife and your head. Tell us a little bit about when you were married, if you don't mind.

Justice Richard Aldrich: Well, I met my wife Joan, Joan Sullivan in a parking lot in my building in my law office in Beverly Hills. I had dated some wonderful ladies, but along about `89, I'll never forget it. I was sitting in my office after-hours with my secretary who had been with me for 14 years. I had a practice. Maybe I inherited this from Harney, but after-hours, when I had some lawyers working for me, I had a bar in my office.

And so after five, six o'clock, when the lawyers would get back from depositions or court, we'd open up the bar and we'd have a cocktail and we'd talk about our cases and talk about -- well, that evening, it was just my secretary and I and so we were having a cocktail and talking about things, and I said, "You know?" I said, "Almost word for word, I've had my fill of dating, I've dated some wonderful ladies, but none of them have I wanted to marry." And she said, "You know what's going to happen to you? You're going to meet someone who's going to happen like that. You're going to get married." That was in March of 1979. And in April of 1979, I drove my car into the little parking lot in the back of our building in El Camino Drive and somebody was parked in my parking place, and parking places were golden.

Justice Arthur Gilbert: They still are.

Justice Richard Aldrich: And out of the corner of my eye, I saw this little white Fiat sports car pull into a parking space across the way. I went to say, "Do you know who's parked in my --" and I did a double take, and I saw the most beautiful woman, I think, I've ever seen in my life, and it was my wife Joan. And in October of `79 on Halloween, we were married.

Justice Arthur Gilbert: Oh, how wonderful!

Justice Richard Aldrich: In the study of our home in Westlake Village where I had moved. In fact, I was building a home in Westlake Village when I met her, and we've been married now for over 35 years.

Justice Arthur Gilbert: So yes. Now, you mentioned just before -- we'll get to the bench in just a moment, but you mentioned one of the smartest things you did was to have two homes. Were you saying something?

(00:45:03)

Justice Richard Aldrich: Well, one of the smartest things I did was not to have two homes.

Justice Arthur Gilbert: Not to have two homes.

Justice Richard Aldrich: It was not to have the two homes. But in `89, late `80s, I was actually thinking about retiring. So I told Joan, I said, "Let's do this," I said. I'll tell her anything, I asked her. "So let's go up to Pebble Beach and spend two weeks. I won't call the office. Nothing. We'll just go up there and stay." After about five days, I was going crazy. I knew at that point, I was not going to retire.

When I got back, I was having lunch with a person that you mentioned earlier in this interview, Dickran Tevrizian, a wonderful friend --

Justice Arthur Gilbert: Yeah. He was federal judge, he was also on the Municipal Court when I first went on the Municipal Court, we became friends. He was a superior court judge, a very successful practitioner, then he was on the Federal Court; now, he is one of the leading mediators in the State.

Justice Richard Aldrich: He is one of the brightest people you'll ever meet and a very positive person. He said, "Well," he said, "Richard, have you thought of maybe going on the bench," and I said, "Well, no, but it sounds like a good idea." And he said, "Well, put your application in." So I did and I credit with Dickran a lot with being able to get me appointed to the Ventura Superior Court. I only applied to Ventura because I lived in Ventura.

So I didn't get an appointment for a long time because one, there were no openings until your colleague currently, Ken Yagan, was elevated to the Court of Appeal in Division VI that a vacancy was created, and

George Deukmejian, bless his heart, I think I was probably the last appointment he made as he was leaving his governor's office at the end of his term. I am sure in my mind's eye, he was reaching to turn out the light when he says, "Oh, I better appointment Aldrich to the Superior Court."

Justice Arthur Gilbert: So you came on to the Superior Court there and you hit the ground running?

Justice Richard Aldrich: I have to tell you just a very quick funny story about that.

Justice Arthur Gilbert: Yes, please.

Justice Richard Aldrich: I had pretty much given up because it was the end of December, December 28th, 29th, and the Duke was leaving office and so I had given up getting an appointment. So I asked Joan if she would like to spend the week between Christmas and New Year's in San Francisco on vacation just the two of us. I said, "I won't call the office," and she said, "Okay, it's a deal." I said, "And we'll do whatever you want to do. If you want to go shopping, I'll go shopping with you. If you want to go see a play, I'll go see a play with you, whatever you want to do." That worked until -- I think December 28th was a Friday, and I was taking her to Postrio restaurant on Post Street in San Francisco.

Justice Arthur Gilbert: Yes, I know it.

Justice Richard Aldrich: And so it was a lovely restaurant partly owned by Wolfgang Puck at that time, I think. It were the three owners, thus the trio. And as you walked in to the restaurant, there was a wide staircase going down into the main restaurant. And so the hostess was seating us, and as we got to the bottom of the stairs, out of the corner of my eye, I saw a bank of pay telephones. This is before cellphones and I said to Joan, I said, "Why don't you go ahead and take a seat? I'm going to call just to make sure everything's okay at the office."

Now, the only one at the office at that time was our receptionist, a young woman, Tammy was her first name. I can't remember her last name, and my secretary had gone back to visit her family back east, and she had left Tammy a sheet of instructions. "If the governor calls, explain that Mr. and Mrs. Aldrich are out of town. Explain that you could reach him immediately,"

and a full sheet of instructions and at the bottom in caps, "DO NOT PUT THE GOVERNOR ON HOLD."

Justice Arthur Gilbert: And no cell phones then.

Justice Richard Aldrich: And there were no cell phones then, so when I called the office, I said, "Oh, Tammy, it's Mr. Aldrich calling." "Oh, Mr. Aldrich, where have you been? Where have you been?" I said, "Well, I'm here, Tammy." Now, hearing the tone of her voice -- so just some voice in the back of my mind that told me what was going on.

(00:50:04)

I said, "What's the matter, Tammy?" She said, "He called, he called." I said, "Well, who called?" She said, "The governor." I said, "The governor?" I said, "What did the governor want?" She said, "He wants you to call him." I said, "Okay."

So I called back and I didn't talk to the governor, but his appointment secretary, Terry Flanagan at that time and Terry said, "The governor would like to appoint you to the Superior Court in Ventura County." And so that's the story of my --

Justice Arthur Gilbert: So that's it? Wow! You had a drink to celebrate?

Justice Richard Aldrich: We had a couple of glasses of wine.

Justice Arthur Gilbert: Now, I know all about you on the Ventura.

Justice Richard Aldrich: You reviewed my cases.

Justice Arthur Gilbert: I was reviewing cases that were appealed from you. Now, I can say this, and I'm not saying it just because of our friendship or the great respect that I have for you. Well, it's part of the reason for the great respect, but your decisions were actually -- I mean, they were stunning. They were so good that if we saw Aldrich's name on it, we'd say -- in fact, this is true. I'm revealing this. I didn't tell this to you before. So it's for all for posterity here. Our whole division, we said, "What's he doing on the Superior Court? He belongs at least on the Court of Appeal, if not the Supreme Court."

Justice Richard Aldrich: Well, thank you.

Justice Arthur Gilbert: Your statements of decision were so crystal clear and you had such insight into the practicalities of practicing law, as well as the application of the law. It was really truly remarkable.

Justice Richard Aldrich: Thank you.

Justice Arthur Gilbert: And you had -- I mean, you wrought changes on the court right there, didn't you?

Justice Richard Aldrich: Yes, I did. We instituted what we called our Multi-Door Courthouse. The fast track and direct calendaring were just getting started in Ventura County then.

Justice Arthur Gilbert: Now, fast track, just so -- who knows who's going to be looking at this year's, hence, they may not understand that. But just briefly, maybe you can tell us.

Justice Richard Aldrich: The fast track was a program instituted by the Judicial Council to speed up the resolution of cases. When I was trying cases in the Superior Courts around the state, it was not unusual for my cases to be five years old and undergo to civil procedure. If you don't bring a case to trial within five years of the time it's filed, it's subject to mandatory dismissal. So it was not at all unusual to call up your opposing lawyer when the five-year statute was getting close and say, "Will you stipulate to extend the five-year statute for six months or a year?" So cases were languishing in the Superior Court.

The legislature saw this and said, "You have to get your house in order," judicial branch. And so they passed a Delay Reduction Act. What that did is mandated that -- I think it was 80% of the cases be resolved in 18 months and 100% of the cases be resolved within two years. With that, they went to a direct calendaring method by which when a case was filed, it would be assigned to a particular judge and that judge would be responsible for that case from beginning to end.

Justice Arthur Gilbert: Whereas in past, like law and motion matters and so on, might be in front a different judge.

Justice Richard Aldrich: Correct.

Justice Arthur Gilbert: A judge different than the one that would ultimately hear the trial of the case.

Justice Richard Aldrich: Exactly.

Justice Arthur Gilbert: So one judge is responsible for all aspects of the case.

Justice Richard Aldrich: And the theory was that that judge would then be knowledgeable about that case.

Justice Arthur Gilbert: Up to speed on the case.

Justice Richard Aldrich: And up to speed, so the judge could make rulings quicker. I understand today, the condition of our law and motion departments, for example, are in abysmal shape. You have to call in Los Angeles Superior Court and reserve a date for a hearing on demur, and I've been told by some Superior Court judges that if you called today, you wouldn't get a hearing date for six months. That's not justice.

Justice Arthur Gilbert: No.

Justice Richard Aldrich: And so in Ventura, we started the Multi-Door Courthouse, which gave the parties multiple ways they could resolve their case. Arbitration, mediation, abbreviated jury trials where you might agree to only try certain issues to a jury, and then try other issues to a judge to shorten the length of the trial.

(00:54:57)

So Bench-Bar-Media Committee that I helped start was a committee we started to foster the relationship and understanding between the judicial branch and the media where many times got cases wrong, didn't understand why cases were decided in a certain way. So things like that, I tried to help the system.

Justice Arthur Gilbert: Not only did you help the system, I mean, you were there a short time within a year or two. You were receiving awards all over the place.

Justice Richard Aldrich: If I could just digress just one other thing and go back to that.

Justice Arthur Gilbert: Sure, please. Yes.

Justice Richard Aldrich: San Francisco, when I was appointed, because I have to say in all humility or lack thereof, by being appointed at the Superior Court, I was a little puffed up. So after a couple of glasses of wine -- oh, I told Tammy in the office I -- she said, "Oh, you're in all the Ventura

papers." I said, "Well, Tammy, make photocopies and fax them up to the hotel," we were staying and she said, "Okay."

So when my wife and I had finished lunch, the hotel was only across the street, so we walked across the street and I walked up to the desk and I said, "I'm Richard Aldrich and I believe you have some faxes for me." "Oh," he said, "Yes, we do." And he reached around and he pulled up a stack of papers and on the top sheet was a headline from one of the Ventura papers, "Unknown Picked for Superior Court." That took the wind out my sails.

Justice Arthur Gilbert: But you became known pretty quickly. So you won some awards. I mean, I remember those awards, and you'd only been on the pinch for such a short time. You were the Outstanding Jurist of the Year by the Ventura County BAR Association, right?

Justice Richard Aldrich: Yes.

Justice Arthur Gilbert: And you were Judge of the Year. I mean, you had all these -- and this is -- I've never seen anything like this. You were only on the court a few years before you moved up the ladder, so to speak.

Justice Richard Aldrich: I did.

Justice Arthur Gilbert: But even in that short period of time -- and you're sort of -- people didn't know you. Your practice was not in Ventura, right? It's another thing.

Justice Richard Aldrich: No, and that's why the headline, I think they had called the president of the Ventura County BAR Association.

Justice Arthur Gilbert: Yeah. Who is this guy?

Justice Richard Aldrich: They said, "Who? Richard who?" When I got on the bench, having been a trial lawyer for 28 years before going on the bench, I had a great respect for what trial lawyers go through when they ask for a continuance. I understand why they're asking for a continuance or for more discovery on a certain issue. I got it.

Justice Arthur Gilbert: You've been there.

Justice Richard Aldrich: I've been there.

Justice Arthur Gilbert: You've been there and you understood it.

Justice Richard Aldrich: And I still understand it.

Justice Arthur Gilbert: Yes, of course. Got to keep that in mind. In 1992, you were the Trial Judge of the Year. A BAR just adored you, and you were -- I mean, everybody wanted to appear in front of you, and then the County BAR Association, the larger BAR association, you were the Outstanding Jurist of the Year in 1992, and those kind of awards are not easy to come by, and you're the new guy on the block and you get these awards. So it was really quite a significant achievement.

So we're talking about all of these awards you have received, and you had a short stay on the Ventura Superior Court, didn't you?

Justice Richard Aldrich: In many ways too short because I really liked that court. I like the people on it, the collegiality, the lunch we gathered everyday with -- we had a municipal court and a superior court then and we all had lunch together and could talk about things. I've very enjoyed my time there. And in fact, I had no thought of applying to the Court of Appeal. In fact, I remember two of my colleagues on the Ventura Superior Court who took me out to lunch one day, Larry Stuart and Allan Steel, and I remember, they were sitting on one side of the booth and I was on the other, and they said, "I suppose you're going to apply to the Court of Appeal," and I said, "Well, no. I hadn't really given it any thought." And then people who I had gone to judicial college with were getting appointed to the Court of Appeal, and I thought, "Oh my gosh! If they could do it, I could it."

Justice Arthur Gilbert: Now, the judicial college, just so viewers will know what that is.

Justice Richard Aldrich: The judicial college is a two-week indoctrination course, a course teaching judges how to judge.

(01:00:07)

It's put on by CJER, which is the California Judicial Education and Research arm of the California Judicial Council and I taught at that judicial college for 20 years.

Justice Arthur Gilbert: You certainly did. We both did, yes.

Justice Richard Aldrich: So, it's a very worthwhile two-week course.

Justice Arthur Gilbert: So, you know other people were applying, so you applied.

Justice Richard Aldrich: So, I applied. Governor Pete Wilson, the governor then, appointed me to the Court of Appeal in Division III.

Justice Arthur Gilbert: So, you had been on the Superior Court for about three years?

Justice Richard Aldrich: About three years.

Justice Arthur Gilbert: Three years and you've accomplished so much in three years. You turned that place upside down, made it more efficient, made it work better and here you are in the Court of Appeal.

Justice Richard Aldrich: Well, I had a lot of help, I want to tell you. I mean, one of the spark plugs in Ventura at that time was Sheila Calabro, who was the court administrator there and I met Sheila the first day I came in to meet Ed Osborne, who was the presiding judge of the Ventura Superior Court, and Sheila and I hit it off immediately and she really spurred me into getting into doing things. She had boundless energy and an unbounded imagination. So, I didn't do any of this myself. I had a lot of help.

Justice Arthur Gilbert: Well, you're being modest, I understand. And we all know her and she was quite a dynamo and help get things done.

Justice Richard Aldrich: She did.

Justice Arthur Gilbert: So now you're on the Court of Appeal, Division III, the division you're still in.

Justice Richard Aldrich: Before I got here, as you said, you and I have been friends for a longtime and in fact, when I was on the Superior Court, you were on the Court of Appeal, we became friends and we used to have lunch together periodically, and I remember one lunch particularly. We'd gone out to lunch and apparently there was some word around that I might get appointed to the Court of Appeal. I remember you're telling me, you said, "Well, you know, Richard, I live in Los Angeles County and in here I'm on the Ventura Court of Appeal, you live in Ventura County and they're talking about appointing you

to the Los Angeles Court of Appeal. Maybe if you're appointed, how about we switch positions."

Justice Arthur Gilbert: We did have that discussion.

Justice Richard Aldrich: And I remember after getting appointed to the Court of Appeal, I think I called you and I said, "Arthur, you remember our lunch about that discussion?" You said, "What lunch?"

Justice Arthur Gilbert: Yeah. I was so happy with colleagues and work and it turned out it was a great thing for you as well, because the closeness and the affection you have with your colleagues and the collegiality in your division are well-known. The same thing with my division, so I guess it turned out good for both of us.

Justice Richard Aldrich: It did turn it excellent for both of us. I was very, very fortunate to be appointed to Division III with Joan Dempsey Klein, who is a legend and is retiring in less than a month, and she will be deeply, deeply missed, certainly by me, by the whole court. It will not be the same without Joan. She is a unique person with a unique personality.

I just lost Walter Croskey, we just lost him. He was probably one of the greatest legal minds I've ever known. And Patti Kitching and I are the -- don't show this to Patti -- the last men standing because -- well, we have a wonderful new presiding justice-in-waiting, Lee Smalley Edmon. It's not going to be the same.

Justice Arthur Gilbert: No. But I still think and particularly with your personality and the others there, there'll be that collegiality, that warmth, that sharing of ideas and openness.

Justice Richard Aldrich: And Lee has been with us now for about two months.

Justice Arthur Gilbert: Yeah. He has a pro tem, right?

Justice Richard Aldrich: And it's going to be the transition is seamless. She's terrific.

Justice Arthur Gilbert: Yeah. I think that's going to be wonderful. So, the innovator in you, it's not going to stop now that you're on the Court of Appeal. As a matter of fact, in addition to being a wonderful justice and we'll talk about some of your opinions and the work you do, but you have been

recognized for so many changes. You were able to affect in California.

(01:05:01)

The Chief recognized your abilities. Tell us a little bit about what you did in mediation and in other areas.

Justice Richard Aldrich: Well, being a plaintiff's lawyer and knowing the plaintiff's bar as I did so well, I think the Chief Justice, starting Malcolm Lucas and the with Ron George and after him, as we talked about earlier, when I became a judge there was a municipal court and there was a superior court, and we had very, very capable bright people on the Municipal Court, but for one reason or another, timing being the biggest factor, they were never elevated to the Superior Court.

We thought that there would probably a great saving of judicial resources, time, money, everything, if we could unify the courts. But there was a great deal of resistance to the concept of unification, mainly coming from the Superior Court judges, not the Municipal Court judges. Some, not all and not the majority, but some Superior Court judges felt that they were on a higher level than the Municipal Court judges and that it should stay that way. I certainly didn't agree with that because I knew just from my contact with many of the municipal judges in Ventura, they were ever been as brightest as many of the Superior Court judges and could do the job just as well, if not better.

So, the first assignment I got was from Chief Justice Malcolm Lucas and that was just after I was appointed to this court, the Court of Appeal with Joan Dempsey Klein being my presiding justice. He formed the Blue Ribbon Commission -- let's see, what was it called?

Justice Arthur Gilbert: I think, the Select Committee on Trial -- boy, they have these --

Justice Richard Aldrich: The Select Committee on Coordination Implementation.

Justice Arthur Gilbert: That's it. Wow! That's a big name and you chaired this.

Justice Richard Aldrich: I chaired that. And who did he appoint to be on my committee? My presiding justice, Joan Dempsey Klein. A lot of very leading lights in the judicial community and we were taking baby steps at that time. What I

envisioned at that time is we would coordinate, and I want to I use the word unify, coordinate the administrative staffs of the two courts and bring that together. And if that worked, then I thought it would be an easier step to unify the judges, the courts. And so, we were successful in getting that done. The Judicial Council approved that coordination of the administrative staffs. And so then, we started on unification.

The Chief Justice then asked me if I would be a mediator and Chair a committee to bring the Municipal Court, mainly Los Angeles because they're the largest court in the country, bring the Municipal Court and the Superior Court together.

Justice Arthur Gilbert: So, it was a taskforce that you chaired.

Justice Richard Aldrich: A taskforce that I chaired. I don't think we reached consensus or even agreement, but we got the parties talking, and that was the first step to getting them talking. Not too long after that, the Legislature acted and unified the courts.

Justice Arthur Gilbert: Now, what became and always has been important, but particularly today more than ever is bringing the parties together, so they can avoid court, they can have mediation, a settlement, because court should be the last resort. That's always been a passion of yours.

Justice Richard Aldrich: It has.

Justice Arthur Gilbert: And I recall at your confirmation hearing, you were discussing that and you became very instrumental in instituting programs in that area.

Justice Richard Aldrich: In fact, I instituted one here at the Court of Appeal in the Second District just after I got here. In many respects, it was much easier to institute these programs at the trial level where you didn't have a winner or a loser. It was much more difficult instituting it here at the Court of Appeal, when you have an absolute winner and an absolute loser. But with the Appellate Bar's help, we had many meetings and during which we discussed pressure points, what are the pressure points in trying to get an appeal settled?

(01:10:00)

The Standard of Review was a good example. A lot of lawyers, and I'm sure you find it in your court, I certainly still do in Division III, lawyers really don't understand the Standard of Review. They think that we can retry the facts.

Justice Arthur Gilbert: Yeah. When trial lawyers tend to argue appeals, you find that a lot, don't you?

Justice Richard Aldrich: Right.

Justice Arthur Gilbert: Yes, and we have constraints and they don't understand it all the time.

Justice Richard Aldrich: That's one of the -- I call it pressure points. I mean, that's not a very good term to use, but a lever, a lever to bring the parties together to reason. But I think the most important part of the program that we have here is that it gets them together early before the record is prepared, before everybody is gone to the expense of writing briefs, paying for the records and by last count, we have a success rate of over 40% in the Court of Appeals.

Justice Arthur Gilbert: Wow! For the Court of Appeal, that is --

Justice Richard Aldrich: Phenomenal.

Justice Arthur Gilbert: -- phenomenal. Wow! You also were involved -- the world's become more complex, the law has become more complex and we have what we call complex litigation which can take forever and bring in parties from different parts of the country and different manufacturers and so on. It had become so unwieldy; you were quite significant in bringing about some reforms about in that area.

Justice Richard Aldrich: I was. That started almost by happenstance. There are a few states in this country that have business courts, and those courts are -- for example, New York, is probably the prime example. Delaware is -- the Delaware Chancery courts are the originators, but those are only chancery courts, they're not law courts. New York was the first one to set aside a branch of their trial court to be a business or commercial division, they call it, and the idea was floated here that it might be a good idea in California, if California started a business court or a commercial division.

By this time, Ronald George was our Chief Justice and he asked that I chair a business court study task force to explore the feasibility and the desirability of forming a commercial division in California. So we formed a task force to do that. I chaired the task force and I went back to New York, met the judges of their commercial division, met their Chief Judge Judith Kay, very impressive woman, and I studied their model. I also then took a survey in California of judges and lawyers of whether they were in favor -- and legislators, I should add -- of whether they were in favor of forming a business court. And as a follow up question, I asked if the answer to number one is no, how would you feel about a complex litigation court. Having in mind that not all complex cases are business cases and not all business cases are complex. Much to my surprise, the results were overwhelming. From the legislature, they were against a business court as such, but were overwhelmingly in favor of a complex litigation court.

The trial bar, primarily the personal injury trial bar were overwhelmingly against the formation of a business court, but were in favor of a complex court. I think the fear on the part of the bar was that we would be taking the best and brightest judges out of their pool and putting them in a commercial division. But having in mind that there are personal injury and product liability cases that are very complex, they could opt into the complex litigation court and so that's how the idea was germinated. I remember the night, I was tasked with giving a report on the business court study task force to the Judicial Councill at one of their meetings in San Francisco.

(01:15:00)

Not knowing how it was going to be received, my recommendation was going to be against forming a business court, and then I had to float this idea of a complex litigation court. And in my mind the first hurdle I had to get over was the Chief Justice because here he sent me on another mission and here I was changing the agenda completely.

We weren't in San Francisco, we were in one of the smaller venues up in Northern California, and I can remember he was just driving away and I wouldn't let him go. I had my hand on the sill of the car talking about this complex litigation court. And on the next

morning, I gave my report to the Judicial Council, and within about four months, the Chief authorized the establishment of the Complex Litigation Task force.

Justice Arthur Gilbert: And it's chugging ahead with full steam today.

Justice Richard Aldrich: Full steam and thankfully it's still being funded in this lean times.

Justice Arthur Gilbert: And it has to be. I mean, it's really a critical court. In fact, you wrote a book. You wrote the Desk Book.

Justice Richard Aldrich: The Desk Book.

Justice Arthur Gilbert: Because judges have to have real expertise in handling these complex cases and you wrote the book that helps them do that.

Justice Richard Aldrich: It was the first draft of the book and now it was taken over by Thompson Reuters, I think, and they now do the updates of the book.

Justice Arthur Gilbert: One of the big publishers.

Justice Richard Aldrich: Big publisher in the house.

Justice Arthur Gilbert: But you're the one that wrote it and it was the Desk Book of the Management of Complex --

Justice Richard Aldrich: Complex litigation.

Justice Arthur Gilbert: Civil cases of litigation. This is used not just in California, is it?

Justice Richard Aldrich: No. In fact, I've lectured nationwide on it.

Justice Arthur Gilbert: Now, you're doing all of this while you're keeping up with your case load.

Justice Richard Aldrich: Yes.

Justice Arthur Gilbert: I mean, this is extra -- we have to make it clear, this sounds like a fulltime job, which it is, but you're doing a full case load while all of this is going on. Now, of course, the kudos don't stop, it keeps going on. You are on so many committees. You were actually appointed to the Judicial Council.

Justice Richard Aldrich: I was. I was on for four years.

Justice Arthur Gilbert: Yeah, and that's a very important body. Tell us just a little bit about what you do there.

Justice Richard Aldrich: It's the constitutionally mandated body that manages the courts in California. When I say manages the courts, they are responsible for dispersing the funding of the courts, everything from buying paper clips to funding judges salaries to formulating the California Rules of Court. Everything having to do with keeping our courts running in California, we are --

Justice Arthur Gilbert: A huge jurisdiction, larger than most foreign countries.

Justice Richard Aldrich: Larger than most foreign countries. To my knowledge, the largest court system in the world.

Justice Arthur Gilbert: Yeah.

Justice Richard Aldrich: And terribly underfunded. It's a tragedy. I talked to trial lawyers and trial judges today and there's not enough funding, we're closing courthouses so that litigants have to travel hours just to get to court.

Justice Arthur Gilbert: We have such financial burdens and problems now. Let's hope, whoever's watching this particular interview in the future will say, "Gee, things were bad back then, but they're great now."

Justice Richard Aldrich: A budget that, I think. It used to be only two percent of the state budget. Now it's, I think, one percent or less than one percent and we're supposed to be a co-equal branch of government.

Justice Arthur Gilbert: It's tragic.

Justice Richard Aldrich: It's not only tragic. I want to emphasize, the tragedy is not just for the Judicial Branch, the tragedy is for the people of the State of California.

Justice Arthur Gilbert: Who can't get to court.

Justice Richard Aldrich: Who can't get to court. And so, what we're doing is we're forcing them outside the court system to arbitrations and mediations and other types of alternative dispute resolution where the taxpayers have paid for them to be able to resolve their disputes before us.

Justice Arthur Gilbert: Yeah. We're all crying about this now.

Justice Richard Aldrich: We could talk forever about it.

Justice Arthur Gilbert: And you were on a number of committees as well when you're on the judicial council - you chaired committees.

Justice Richard Aldrich: I did.

Justice Arthur Gilbert: Ranging from all kinds things. You were on Blue Ribbon panels for the efficiency of experts.

Justice Richard Aldrich: Fair and Efficient Administration of Justice, called the Blue Ribbon Panel of Experts and we hit everything, including -- and it goes right back to our funding argument, including court fees and how much litigants should be charged for filing a complaint on the Superior Court.

(01:20:10)

I think when I started in practice in 1963, filing a complaint was about $40 or $50. A complex case today is $1,000 or $2,000. I'm told now that if you want to file a motion, you have to pay a filing fee. Where does the middle class --

Justice Arthur Gilbert: And the poor are completely out of the system.

Justice Richard Aldrich: -- or the poor, are completely out of the system.

Justice Arthur Gilbert: Frozen out of the system. Now, you've also -- you've taught at the Judges College for several years?

Justice Richard Aldrich: I taught a course for almost 20 years on Civil Settlement Techniques and --

Justice Arthur Gilbert: And you've actually gone -- I know people who have gone to class -- in fact, I've even observed like your class and it's really quite impressive. You brought some great litigators up and actually did settlements.

Justice Richard Aldrich: We actually -- every year, we bring lawyers up to the Judicial College, it's usually in Berkeley at the University of California and we had -- we held actual settlement conferences and tried to get the cases settled. We usually were able to settle them.

Justice Arthur Gilbert: And you could show different techniques that could be used to do that for the judges?

Justice Richard Aldrich: We had. When we started, it was an entire day course. So in the morning, we would lecture them on, "These are the techniques that you use," and then in the afternoon, I would usually be the judge who would conduct the settlement conference and I would show them how I employed the techniques. For example, you can settle most of the case. But if there are some issues hanging out there, then get the parties to agree to stipulate to send those few issues to arbitration. The key thing I tried to impart to all the students was never leave the case in the same condition you found it.

Justice Arthur Gilbert: Right.

Justice Richard Aldrich: Change it in some way because it's going to change the dynamic.

Justice Arthur Gilbert: Right, and it's going to always be changed for the better, isn't it?

Justice Richard Aldrich: Always.

Justice Arthur Gilbert: So, I'd like to just talk a little bit about your work on the Court of Appeal, some of the significant cases. I don't want to embarrass you by all these awards you received, but I think -- I think viewers would really, really like to know about it. When you were practicing law -- I mean, you were -- they have this survey of the best lawyers in America and every year. I mean, you were always -- you were in that list all the time and you were the most respected lawyers that was in the California Lawyer Magazine and you were the recipient of the American Board of Trial Advocates, Trial Lawyer of the Year and we also mentioned Judge of the Year and you're also considered one of the Los Angeles' most powerful judges in 2000.

I don't know what powerful means, but I think it means respected. Tell us about the Consumer Lawyers, awarded you a very prestigious award named after one of our great Chief Justices.

Justice Richard Aldrich: That was -- what even makes that award very special is its name sake, Roger Traynor Award. I think Roger Traynor was one of our greatest Supreme Court Justices and that was awarded in -- I think it 2001.

Justice Arthur Gilbert: I think it was -- that was 2000, I think.

Justice Richard Aldrich: 2000.

Justice Arthur Gilbert: Yeah.

Justice Richard Aldrich: And so it was the Consumer Attorneys is basically the plaintiff's bar and gave me that award.

Justice Arthur Gilbert: That's right. And in 2006, the Judicial Council gave you a very prestigious award, The Jurist of the Year Award.

Justice Richard Aldrich: That was the Jurist of the Year.

Justice Arthur Gilbert: Yeah, and no surprise there with all the contributions you've --

Justice Richard Aldrich: Well, it surprised me. In fact, the day the award was announced, I was on the judicial council at that time, but I had driven up to the judicial council meeting from Monterey and I misjudged traffic. And so I walked in as they were announcing the award and as I walked through the door, people started applauding. I had no idea what they were applauding for, but I heard that Chief Justice Ron George talking about the award and the only thing I could think of saying was, "Well, Chief, I want to thank you and everyone for this great honor. I really appreciate it. Could I ask what it is?"

Justice Arthur Gilbert: A great laugh. Oh wonderful!

(01:25:16)

Justice Richard Aldrich: And then the Chief said it's the Jurist of the Year.

Justice Arthur Gilbert: Well, you've also distinguished yourself as a scholar on the court. You've helped shape the law of California over the years, and before we close and then you may have some closing comments you'd like to make, tell us about some of the cases that mean the most to you or some significant cases you've participated in or wrote?

Justice Richard Aldrich: I think one of the cases -- I have to tell you, that gave me the most satisfaction was a case I dissented in and the Supreme took in reverse.

Justice Arthur Gilbert: Right, that's always a good feeling. Isn't it?

Justice Richard Aldrich: And it was so much sweeter because the majority was written by a justice who I have the utmost respect for and that was Walter Croskey. He may have even taken the case away from me and talked one of the other justices on the panel to go with him.

Justice Arthur Gilbert: To go with him instead of your view?

Justice Richard Aldrich: And it was a case entitled Simmons versus Ghaderi and it was a case involving mediation, and the -- there was a doctor, it was a medical malpractice case and Dr. Ghaderi was going to a mediation of the case that had been filed by her patient against her. And her particular insurance company required that before they go to mediation, they get a consent in writing from the doctor to settle the case up to a particular amount. And in this case, the insurance company had Dr. Ghaderi sign a consent to settle the case for an amount up to and including $125,000.

They went into the mediation and in the mediation a lawyer ultimately offered a $125,000. The plaintiff took it and Dr. Ghaderi's lawyer came out into the courtroom, she was sitting there waiting and said, "Well, congratulations, doctor, we settled your case." She said, "How much?" And they said, "A $125,000." She said, "What? You're not going to pay $125,000 for that case," and she revoked her consent.

Walter was firmly of the opinion that she had waived any mediation confidentiality when she signed the consent before the mediation. I dissented and I said, "You can't have a judicially created exception to the mediation confidentiality law statute."

Justice Arthur Gilbert: That would undermine the whole idea of mediation.

Justice Richard Aldrich: It would undermine the whole idea of mediation and the confidentiality and Walter disagreed, disagreed and so I said, "Well, okay, Walter, you do the majority and I'll dissent." And I did and the Supreme Court took that case and in due course reversed, and I think mentioned both Walter and me by name.

Justice Arthur Gilbert: Yeah, that's always a nice -- on occasion, They'll do that.

Justice Richard Aldrich: Yeah.

Justice Arthur Gilbert: When they're on your -- when they're against you and they mention your name, you don't like it. Any other cases that come to mind?

Justice Richard Aldrich: Well, one is not too old, LeFiell versus Watrous and that's a very interesting case which I heard twice, and it was a man who was injured in a machine like a lathe, although he wasn't lathing wood, it was metal, steel, a steel bar, and the employer had taken a guard off the bar which allowed a piece of the die to fly out of the machine and hit Mr. Watrous in the head and injured him quite severely.

So there is an exception to the Workers' Compensation exclusivity rule, and so for any non-lawyers, watching this years from now, if you are injured and it's on the job in the course and scope of your employment and if that injury is due to the negligence of your employer, then you can't sue your employer in Superior Court in a civil lawsuit, you are limited in your remedy to Workers Compensation.

(01:30:00)

The first appeal that came to us in that case was from Mrs. Watrous, when the Superior Court had granted a summary judgment against her on her Workers' Compensation -- I mean, on her loss of consortium claim. She claimed that she lost the -- her husband's love, affection due to the time he was injured, a loss of consortium.

I looked at that case and it looked to me as though that Mr. Watrous' injury fell within the punch press exception to the Workers' Compensation Exclusivity Rule and that's by statute, it says that if many workers were being injured by these punch presses that are huge machines that come down and form metal parts, usually for automobiles, and what was happening is that some of these machines were operated with a foot pedal and so the poor worker was putting the piece of metal into the machine when inadvertently would trip with his foot or her foot, the punch press and that punch press had come down and take off their fingers or seriously injure them.

So the legislature established the punch press exception to the Workers Compensation Exclusivity which allows the worker to sue in Superior Court for damages.

Justice Arthur Gilbert: Quite apart from any Workers' Comp?

Justice Richard Aldrich: Apart from any Workers' Compensation award they might received. And so I looked at Mrs. Watrous' case and I thought, "Well, it looks like Mr. Watrous comes within the punch press exception and so it looks like he's not going to be limited to Workers' Compensation." So in her consortium claim, certainly is derivative of his personal injury claim. Therefore, if he's not bound by Workers' Compensation, then she shouldn't be bound by it. So I reversed the trial court.

The Supreme Court reversed me and said, "Somehow she's part of the whole Workers' Compensation scheme and for even though he might not be covered by the Workers' Compensation Exclusivity Rule, she is."

Justice Arthur Gilbert: What does the Supreme Court know?

Justice Richard Aldrich: I still don't understand that.

Justice Arthur Gilbert: Neither do I, but you know courts change --

Justice Richard Aldrich: The rationale.

Justice Arthur Gilbert: -- and sometimes that issue may -- in fact, it's about -- it's due to change.

Justice Richard Aldrich: Well --

Justice Arthur Gilbert: And that issue could come back.

Justice Richard Aldrich: It could.

Justice Arthur Gilbert: You never know.

Justice Richard Aldrich: Now the irony or the reason I raise that particular case is the irony of all ironies is -- let's see, the Supreme Court denied a summary judgment to the employer on Mr. Watrous' civil action because he claims -- he claimed he was covered by the punch press exception and he filed a civil complaint and they moved for summary judgment. The court denied that and they took a writ. They came up here on a writ and I looked at that and now here's a guard. The employer was undisputed. The employer had taken the guard off because the guard was taken off, that allowed a piece of the die to fly out of the punch press, it hit poor Mr. Watrous in the head,

injuring him, and my initial read through of the brief was, "Of course, the punch press exception applies." Then I started thinking, "Is this really a punch press?" And after an extensive amount of research, came to the conclusion, "This was not a punch press and therefore the punch press exclusion doesn't even apply to poor Mr. --

Justice Arthur Gilbert: Doesn't apply after all.

Justice Richard Aldrich: -- after all to Mr. Watrous." And the Supreme Court just denied a review in that case.

Justice Arthur Gilbert: Wow!

Justice Richard Aldrich: But I defined what a punch press is.

Justice Arthur Gilbert: Isn't that amazing and this has been so helpful because people who watch this interview, particularly students will see the process that one goes through deciding a case and how language is so uncertain and how we -- and what it takes to go through a decision-making process.

Justice Richard Aldrich: That's the beauty of this job.

Justice Arthur Gilbert: Yeah.

Justice Richard Aldrich: So my trial lawyer friends are constantly asking me, "Don't you miss the Trial Court, and aren't you lonely up there?" I say, "Absolutely not." I said, "First of all, every time I open a new set of briefs, it's like opening an issue of the National Inquirer. You are seeing life as it's lived."

(01:35:07)

I said, "It's fascinating," and I said, "Plus, the interaction with my colleagues on the court is fascinating and reasoning through an issue, and as you pointed out, the fallibility of the English language, that's what we deal in. We deal in the English language," and getting to the bottom of these problems is much more difficult sometimes than it first appears.

Justice Arthur Gilbert: Well, it's been a pleasure interviewing you and talking with you and I found it to be a educational experience for me and it's a sheer joy to spend this time with you.

Justice Richard Aldrich: Well, it's always a joy, Arthur, to be with you anytime, anywhere. Thank you for doing this

Total Duration: 96 Minutes