Justice Robert Mallano: I am Justice Robert Mallano, retired, my great pleasure to interview my former colleague and friend Frank Jackson for the legacy process. Now Frank let's start with, your vital statistics: when you were born and where, et cetera.

Justice Frank Jackson: I am 6' 5", that's my vital statistic. I was born in Alhambra, California. My parents were from Tennessee. They met at University of Tennessee. When I found out I was – when I was old enough to realize I hadn't been born in Tennessee – I actually cried my parents tell me. But they met in Tennessee. My mother came out here before my dad, and my dad actually proposed to my mother by Western Union telegram which I still have.

Justice Robert Mallano: Is that right?

Justice Frank Jackson: So I was born in Alhambra and moved to the Antelope Valley when I was in the second grade.

Justice Robert Mallano: You keep a lot of things like telegrams and keep your Porsche?

Justice Frank Jackson: I do, I do. I have a --

Justice Robert Mallano: When did you get a Porsche?

Justice Frank Jackson: I got a Porsche January 4, 1970, if anybody is counting so almost 45 years ago --

Justice Robert Mallano: And you still have it.

Justice Frank Jackson: It was my college graduation gift.

Justice Robert Mallano: You got that date in mind. Do you have the date of your marriage too?

Justice Frank Jackson: Well, I know I have had my Porsche almost 45 years and I've been married a long time. No, I have been married over 37 years. You sound like my wife would – I talk about my Porsche so I know exactly how long I have had my Porsche. And she says how long we have been married? And I say, well a long time but --

Justice Robert Mallano: Okay. Now you resettled to the beautiful city of Lancaster when?

Justice Frank Jackson: In 1955 when I was seven years old.

Justice Robert Mallano: Now tell us about Lancaster. It had – what was the population, then? It was pretty small --

Justice Frank Jackson: Pretty small, several thousand but pretty small, and we had lived before that in West Covina. And my dad was an electrician and he had work in Lancaster. And I will never forget – we moved there on Thanksgiving and it was cold and windy and my mother cried, so and –

So it was – and we moved into a real small two bedroom duplex. And we were lucky to get that because there was not a lot of housing. And they paid $75 a month for this little duplex, and two or three years later we bought a house and moved into the town of Lancaster.

So I – my folks. . . I always kind-of wanted a horse but I didn't have a horse. But behind the duplex was a propane tank – a long propane tank. So that was, when I was young, that was my horse. I'd get on top of the --

Justice Robert Mallano: You would ride the propane tank?

Justice Frank Jackson: -- propane tank and ride the little propane tank as my horse. . .So I was there from second grade on.

Justice Robert Mallano: And then you put down roots there, or?

Justice Frank Jackson: Yes.

Justice Robert Mallano: You went to law school, where?

Justice Frank Jackson: I went to a college in Reno, Nevada and then I went to law school in Sacramento – McGeorge.

Justice Robert Mallano: You are a big wolf pack fan – played tennis and basketball there using your 6'5" height to advantage?

Justice Frank Jackson: Right, right. That is correct and I --

Justice Robert Mallano: And not to get to ahead, but you moved back up there after how many years in Lancaster?

Justice Frank Jackson: Well I was in Lancaster, let's see about 45 years, 40 plus years and. . .

Justice Robert Mallano: Married and raised your family there?

Justice Frank Jackson: Yes. Yes and then moved back to the Northern Nevada, retired in the area.

Justice Robert Mallano: The practice of law: you are not small town practitioner but tell us about your practice of law?

Justice Frank Jackson: Well I went to – I decided when I graduated from law school of McGeorge to go back home to Lancaster. And I was offered a job with a small firm. That's all there were in Lancaster at the time. And I still remember. . .and I moved back home because the salary wasn't the greatest.

In 1973 as a law clerk, I received $550 a month. And then when I passed the bar a couple of months later my salary went up to $700 a month. So I was with same law firm for 15/16 years before I became a judge. And I started practicing a lot of family law. And I actually was part of the first group in California to pass the exam and became a certified family law specialist.

Justice Robert Mallano: So you did all the family law for the firm?

Justice Frank Jackson: I did.

Justice Robert Mallano: How many lawyers with the firm?

Justice Frank Jackson: There were at one point about seven attorneys.

Justice Robert Mallano: And what – it was a general civil practice?

Justice Frank Jackson: General civil. They each kind of had a niche, and unfortunately my niche became family law. And I become a partner, but I didn't enjoy family law.

You know the old saying, in family law you see good people at their worst; in criminal law you see bad people at their best. And I didn't want to do family law for the rest of my career, so –

(00:05:07)

Justice Robert Mallano: You looked for another job?

Justice Frank Jackson: Look for another job.

Justice Robert Mallano: What job did you look for?

Justice Frank Jackson: Well I thought about teaching but then also there was. . . The community was growing quickly, so they were adding Municipal Court judges. So I filed a job

application with the governor to become a Municipal Court Judge. I really didn't have a desire to wear a black robe, but I had a desire not to do family law.

Justice Robert Mallano: Who was the governor then?

Justice Frank Jackson: The governor that appointed me to the Municipal Court was Deukmejian.

Justice Robert Mallano: Was that who you applied for, to originally?

Justice Frank Jackson: Yes, yes.

Justice Robert Mallano: And did you have any contacts? Anybody shepherding you through this?

Justice Frank Jackson: Well I had a few. One person that was fairly prominent in Republican politics, who ultimately became the chairman of the California Republican Party – which was not a bad person to know I guess – a gentleman by the name of Frank Visco. And then I had a few other friends in the area. And I had also, obviously many years ago, was a Chairman of the Antelope Valley Young Republicans for a while. So I had some political connections.

Justice Robert Mallano: So how did the process go, the application process?

Justice Frank Jackson: Very involved, very long. You fill out an application, list a lot of attorneys to contact, judges, references, cases you had. And I was quite honestly a little bit naïve. I didn't think it would be very political, but it was a little bit political. And I at one point said I don't want to go through with this. So I just withdrew my application which I think put me on the back burner for a while and --

Justice Robert Mallano: I guess so.

Justice Frank Jackson: And then I filed. And then I – we had another opening with the Muni courts – I said okay; I still don't like family law so let's go for it. And I was lucky I think to get it because I got a call from the Governor's office saying we want to appoint you to the Municipal Court.

I said that's wonderful. But then they said, well here is the problem: It's so late in the year – whatever the process was – that if the governor, if you don't take the bench, don't get sworn in within the few days, the

governor is going to lose this appointment. And having practiced law 15 years – lot of clients, partners – I said well, sorry I am going to have to go back to you.

I am not sure I can do this with such a short notice. So I am not sure how many people have told the Governor's office, "I will have to get back to you," but I said that. And so I talked to my partners.

Justice Robert Mallano: Is that a sense of obligation, the duties to your clients and partners?

Justice Frank Jackson: Duties to my clients.

Justice Robert Mallano: Wonderful, wonderful.

Justice Frank Jackson: And I thought, if you ever get appointed you have months to close up your practice. But it was a few days literally. So, my partners were very supportive and they said, go for it. So I called them back and said, okay, I will take the job. And I remember the weekend before, I was appointed, I spent all weekend at the law office, going through all the files, making notes for the poor attorney that would take over my cases. So I was sworn in in January of 1990 at Municipal Court.

Justice Robert Mallano: You had a nice office when you were a practicing lawyer, right?

Justice Frank Jackson: I had a nice office.

Justice Robert Mallano: Partner's office and everything and tell us about the quarters you moved into?

Justice Frank Jackson: I had a nice office as an attorney. But because our community was growing so quickly, they had put a couple of the new judges were in modulars. And then me being the newest judge, they really didn't have a place for me.

So what they did was they converted the jury assembly room to a courtroom. And it was a jury assembly room that had like theater chairs. And over the years, I was on the Muni court three years, and I did a lot of jury trials in that courtroom where the jurors would sit in the first couple of rows. And then my chambers were interesting.

The women employees of the court were not happy to see me appointed, not because I was a bad person. But they cut down the women employee's restroom to get me a chamber.

Justice Robert Mallano: So your chambers were on the ladies restroom?

Justice Frank Jackson: My chambers were literally part of the ladies room, so only in the Antelope Valley. And then, when I – and it was a very small chambers – and when I was talking with attorneys quite often, the wall right next to me I could hear the toilets flushing. So only, only in the Antelope Valley.

So I was – and then you would – to get to my courtroom, I had to walk down the public hallway and go into my chambers. And right across from the – felt sorry for the family law commission that was hearing cases at the time – because his courtroom was so small the litigants had to wait outside until their case was called. So it was not the best environment.

(00:10:07)

Justice Robert Mallano: How many as per court, Muni court judges you have in that building?

Justice Frank Jackson: Well, when I first started practicing the law we had a Municipal Court Judge and a Commissioner and we had a Superior Court Commissioner that would come to Lancaster one day a week and do short time cases, two hours or less, and if not we'd have to go to Van Nuys.

When I was appointed to municipal court, I was the fifth municipal court judge and then we had a Superior Court Judge and a Superior Court Commissioner.

Justice Robert Mallano: Now jumping ahead a little bit, the Los Angeles Superior Court was always championing a new courthouse in Antelope Valley. And it took forever to have it done because it took three votes of the supervisors to get it, notwithstanding the Superior Court telling the Board of Supervisors, "the worst problem we have in courthouse in Lancaster." We need it there, they still built it elsewhere and tell us about the new courthouse?

Justice Frank Jackson: Well the new courthouse was, we finally broke ground for the new courthouse in probably 2001, it opened 2003 and it was named ultimately after Supervisor Mike

Antonovich, the Mike Antonovich Courthouse. And one of my – I think – things that I'm most pleased about was I was instrumental in getting the courthouse named after our supervisor. Because he was for many, many years was fighting to get the new courthouse in the Antelope Valley.

I remember when I was on the – I think the municipal court – we had plans for it and then it got put on the back burner and ultimately we got a new courthouse in 2003. And I was supervising judge of the Superior Court to –

Justice Robert Mallano: So how did you participate physically in the building and what artifact did you come away from that?

Justice Frank Jackson: Well I still – in one of those photo sessions I still have a hard hat and I have a shovel that was used to break the ground for the new courthouse. And it's inscribed and so I am not sure, but I had it my chambers upon a wall, I am not sure what I would do with it now, but I –

Justice Robert Mallano: Is it in your garage now?

Justice Frank Jackson: It's in my garage now, it's in my garage, so I have a shovel.

Justice Robert Mallano: You are going to frame it and put it up on the wall?

Justice Frank Jackson: Yeah, so, that was very good.

Justice Robert Mallano: Well, we want to get the building part because that's kind of interesting about Lancaster. Okay, let's go back to when you were elevated to the Superior Court. How did that come about and when?

Justice Frank Jackson: I – actually after I was on the Municipal Court – Justice Margaret Grigneau who was a former Municipal Court Judge in Lancaster and then Superior Court Judge in Lancaster and a High School classmate, Justice Paul Turner, were working in Division V of our Second District Court and I got a call and I went to serve as a pro tem while I was on the Municipal Court and to a large part with the insistence of Margaret Grigneau and Paul Turner.

They said, you'd really like be in a Superior Court judge and I think you do a good job. So I filed another job application and ultimately in January of 1993, three

years after I was appointed to the Municipal Court, Governor Wilson appointed me to the Superior Court.

Justice Robert Mallano: You had some help from people?

Justice Frank Jackson: Well, Frank Visco was still there, and then also I had I think I was fortunate to know Steve Cooley who later became the District Attorney for LA County. Steve Cooley was the deputy in-charge of the Lancaster office when I was in the Municipal Court. So I think he helped a lot, so I had some help.

Justice Robert Mallano: All right! Now pro tem again on the Court of Appeal was handling a famous case of poor orphan brothers.

Justice Frank Jackson: Yes, yes.

Justice Robert Mallano: Tell us about that.

Justice Frank Jackson: The brothers that unfortunately made themselves orphans. I was called back, after I was on the Superior Court in 97 I believe, to work pro tem also again in Division V for a small case they had called Erik and Lyle Menendez. So I did the appeal for Erik and Lyle Menendez and ultimately affirmed the conviction of killing their parents and –

Justice Robert Mallano: Shot gunning their parents is that –

(00:15:00)

Justice Frank Jackson: Yes, there was allegation of abuse but the boys -- the boys at the time of the shooting they were 21 and 18. It was pretty well planned out.

They – two days before they shot their parents they went and purchased the weapons and went to a range to practice with them and then went home and two days later shot their parents and mom hadn't died so they went out and reloaded and came back in and shot and then they –

Their dad was pretty prominent in the music industry and so they – initially their story was the Mafia did it – and then finally they confessed that they had killed their parents but it was because of the abuse that Erik had sustained over the years from their father.

Justice Robert Mallano: As for publicity, that case probably got the most of the publicity of any criminal case during that period of time, won't you say?

Justice Frank Jackson: Yes, that was very, very well publicized and then –

Justice Robert Mallano: So the prolonged record for you to wade through.

Justice Frank Jackson: Very, very extensive it –

Justice Robert Mallano: Give it to the Pro Tem.

Justice Frank Jackson: Yeah, give it to – give the – give the case with all these, what we call dog houses, to the – to the Pro Tem to do which was fine. I – because I was doing other work but basic like I could just devote myself to the Menendez Appeal.

Justice Robert Mallano: Now you spent pretty much all your time on the Superior Court in Lancaster but for a couple months?

Justice Frank Jackson: Yes, that's kind of an interesting story. I was – when I was appointed to the Superior Court – I was sent and I think it was good, I was sent to Los Angeles to the building known then as the Criminal Courts Building and to do what turned out to be a 90-day diagnostic study to find out if I was fit for Lancaster, so I did a 90-day diagnostic study. But I remember my friend who's interviewing me, Justice Bob Mallano, was a Presiding Judge of this LA County Superior Court. And I'll never forget this when I was sworn in Downtown, Los Angeles to Superior Court, he told everybody in the audience that I was the most popular judge in LA County and I thought "Gee that's nice. It's nice to be so well-known in such ah. . . " But then he said why – he said that because I was from Lancaster and all the other judges knew that they would not have to work in Lancaster. So that's why I was a little popular judge in Lancaster.

So I did a 90-day diagnostic at CCB and then I was sent to Lancaster and I'll never forget this, there were a couple of judges that I met at CCB that came up to me quietly and they said what did you do wrong, how come they are sending you to Lancaster because it was not the prime assignment in the Superior Court.

Justice Robert Mallano: Well, well said, how far is it from Downtown LA?

Justice Frank Jackson: It's about 70 miles, it's about 70 miles.

Justice Robert Mallano: Yeah, that's a couple of hour drive –

Justice Frank Jackson: The people, the judges again were thrilled that I was appointed because they could avoid working in Lancaster. And Lancaster was kind of interesting at the time because we had, still again it was many years because that was 93 and we didn't get our new courthouse till 2003.

So I worked. I did a Felony Trial Court in Lancaster for eight years, and I was supervising judge for most of that time. And we had most of that period of time no security as we didn't have weapons screening. We had old building, several doors to come into the building; most of the time we didn't have weapon screening, the judges parked their cars out in the public parking lot, no private parking so it was like a neon sign saying judge parks here.

Fortunately no – getting my car keyed or – and I wasn't usually too much afraid of the defendants I was sentencing because most of them didn't have weapons because they were in custody but their friends and family members was a little bit –

You get a little bit concerned at times when you're sentencing some gang bangers to basically a life sentence and their family and friends are right there in the court – courtroom.

Justice Robert Mallano: Nothing happened fortunately.

Justice Frank Jackson: Fortunately, fortunately we were very – I and then it was – I probably shouldn't have done this but we had such a big case over a couple of years, two or three years, I was the busiest Felony Trial Court Judge in all of LA County not because I wanted to be or not because I was really –

My goal was to do that but it just are lack of facilities because we just had two judges doing felonies but we would have – I was on the second floor and the lockup was on the first floor.

(00:19:54)

And a bailiff would go down and bring up defendants but sometimes – so I could get cases done – I was there

working without my bailiff and I remember one time I was talking to a defendant and I had planned to put him in custody but I was at least smart enough to wait for the bailiff to walk into, my bailiff came back, but he maybe could tell my vibes.

So he kind of went out the back door and he was gone for a couple of days and I found him about a block away, so he wasn't very smart and then I had another case where a defendant was hearing a statement from -- I think it was his girlfriend.

I think it might have been a domestic violence case and he was tired of hearing what she was saying, so he didn't try to go out the door to escape, but he tried to go back into custody, so he wouldn't have to listen anymore to her statements, so that was, that was kind of interesting.

So we had some – and then – well I am just rambling, I remember one case that got a lot of notoriety and I can't remember the defendant's name even, but it was a case where the defendant was just charged with, while I was at Superior Court, charged with stealing a bottle of whiskey from a local.

I think it was Save On drug store at the time, and it was slam dunk case. The evidence was pretty strong but he wanted to go to trial and because he had priors, it was petty theft with a prior, so it was 16, 2 and 3 was the sentencing range.

But the gentlemen had a lot of one year priors and he was probably the worst defendant I have ever had in my courtroom. And at times he was so bad that he we didn't even let him appear for the trial.

Justice Robert Mallano: And what's the, you mean, his courtroom behavior?

Justice Frank Jackson: His courtroom behavior was the worst of probably any defendant, any defendant with a serious offense, but this gentlemen just stole some whiskey, but he -- for whatever reason had a horrible attitude and we had to excuse him nicely from the courtroom sometimes during his trial.

And he didn't even want to come for his sentencing and I thought we probably should have him there for the sentencing. So instead of having the bailiff's extracting

him from the cell and bring you upstairs, I went downstairs, nice guy that I am, I went downstairs to do the sentencing.

Justice Robert Mallano: With the reporter?

Justice Frank Jackson: With the reporter, with the DA and then --

Justice Robert Mallano: Through the bars?

Justice Frank Jackson: Yeah, he as behind bars, so he could see me and he just turned his back to me and not because he was a – his attitude but because he had eight one-year priors, so the sentence I ultimately imposed on this gentleman that got a lot of publicity was 11 years.

Justice Robert Mallano: For a bottle of whiskey?

Justice Frank Jackson: Yeah, for a bottle of whiskey, so that got a lot of publicity, but the merchants in Lancaster/Palmdale were very pleased. The theft of alcohol went down dramatically after that case, so that was kind of an interesting case.

Justice Robert Mallano: All right, the next big shift in your career was a pro tem on the division one, appellate court?

Justice Frank Jackson: Yes.

Justice Robert Mallano: Tell us about that, when and where and how?

Justice Frank Jackson: Well, I had filed an application to be elevated to the appellate court and that probably was in 2004-2005 and I actually had an interview with the governor's office and in the meantime, there were two or three appointments and I didn't get appointment so I kind of was just planning my retirement, I was going to retire after I had been 20 years on the bench and then I got.

Justice Robert Mallano: That would have been when--

Justice Frank Jackson: 2010, I would have --

Justice Robert Mallano: Your 20 years.

Justice Frank Jackson: My 20 years on the bench, I planned to retire, I would have been 61 and had a nice career and then in 2006, I got a call, kind of out of the blue from my friend Justice

Bob Mallano who asked me to come on down to the Division I of the Second District Court of Appeals, so I went to the Second District and I think that got my name under consideration again.

So that was 2006 and I pro temmed in Division I for two years and then in 2008, the Governor at the time, Governor Schwarzenegger, nominated me to the Second District Court of Appeal Division Seven, so I went through a confirmation hearing on June 4, 2008 and I was confirmed as associate justice on the Court of Appeals.

(00:25:02)

So it was kind of interesting. My wife had gotten the call on the answeing machine, because I was working pro tem, and she kept, I got home from work and she said, kind of with a sheepish grin, listen to this message you have got and it was their appointment secretary, wanting to nominate me for the Court of Appeal and one of those where you have to keep silent for two or three, four days and which I did – so my last, when I was an associate justice in Division Seven for five years which –

Justice Robert Mallano: Big change from the trial court and the Court of Appeal?

Justice Frank Jackson: Big change, big change, without a doubt the Court of Appeal was the best job I ever had, I did –

Justice Robert Mallano: People say that, don't you think?

Justice Frank Jackson: That was a great job. I had been a trial judge for 16 or 17 years and, no offense to any attorneys that might get bored and look at this video someday, but I was tired of dealing with attorneys, I was tired of dealing with jurors, defendants and the Court of Appeal to a large part, all you deal with is the law and it was - and I taught –

By the time I retired in 2013, I had actually taught part time at colleges and universities for about 40 years, so I like the academic aspects of the last seven years, two years pro tem and five years in Division Seven where best years working of my life and it was great, because it's academic.

I'll never forget one reason I think I decided to apply for the Court of Appeal, I was in Lancaster at a Law Day lunch, and in the middle of a very contentious jury trial

and right before lunch, a big issue came out that could seriously affect the trial and I had to make the decision after lunch.

And at the luncheon also was Margaret Grigneau who at that time was an Associate Justice of the Court of Appeal and she was a very hard worker. But I knew that that afternoon after luncheon, she would go home and study the law and be able to consider and contemplate the decisions and that she would be making talk to her attorneys that work for her, her judicial assistant. And I had to, the lone ranger, I had to go back to the court and boom, make a decision that could adversely affect the trial.

I don't remember what it was, but I remember I thought it'd be nice to be on the Court of Appeal where you have time to think and contemplate and discuss decisions. On the trial court, you can discuss with your buddy judges and all, but if you're in trial, you have got to make snap decisions, so that was one reason that the Court of Appeal looked pretty good.

Justice Robert Mallano: Now, what cases stick in your mind. . . the cases that you handle on the Court of Appeal that you had a fondness for or interest that might –

Justice Frank Jackson: Well, fondness might not be the –

Justice Robert Mallano: Fondness or sticks in your mind as something –

Justice Frank Jackson: Just stick in my mind, well you know I think not many judges, justices can say that they have been reversed by the US Supreme Court, but --

Justice Robert Mallano: You are proud of that.

Justice Frank Jackson: I am proud of it and I think the US Supreme Court, I understand their decision, but I think they were wrong, but it doesn't really matter at this point.

It was a case involving, while I was pro temming in Division One, before I was nominated for the position in Division Seven, it was a case involving Judge Alex, Alex Ferrer who is on TV still and I see him, he is a commentator for various news programs. But Judge Alex got into a dispute with his agent and there was a lawsuit and there was an arbitration provision.

And I thought, correctly decided that as part of the process, he had to go through the Labor Commissioner, like conclude, complete his administrative process before going to arbitration. I thought you know at some point you can go to arbitration, but I thought he had to go through his administrative procedures that were in place with a Labor Commissioner for example.

And so that was my decision and the California Supreme Court decided not to hear the case, but for some reason the US Supreme Court thought it was interesting enough and then they took it and basically said that you don't have to pass, go and collect $200 before you go arbitration, you can go almost immediately under the Federal Arbitration Act in years to come.

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I should have seen that coming because they are very much, the US Supreme Court, very much pro-arbitration. So the US Supreme Court reversed my decision to require this individual, Judge Alex, to go through his administrative process before arbitration.

Justice Thomas was a brilliant jurist, because he dissented in that opinion inappropriately, so I was reversed by the US Supreme Court, which is kind of a badge of honor, not many judges can say that. And then another case, where you use the word fondly doesn't, it's not fondly, but it's another reversal, I did get affirmed occasionally but it was another reversal.

Justice Robert Mallano: Funny how that sticks out in your mind, the reversals.

Justice Frank Jackson: Stick in your mind more than the -- you would get affirmed but this was interesting case, it got a lot of publicity and sometimes when you get reversed, you say, well I understand that, I agree with what the court is saying, but this is another case, where I did not necessarily agree with the California Supreme Court, but it involved mediation and the issue was confidentiality mediation and there is obviously laws that relate to mediation confidentiality, but this was a case where after the mediation was completed, and the case name was Cassini, after the mediation was completed, one of the parties wanted to sue his attorney that had represented him in the mediation.

So what the attorney said that was being sued, said well, mediations are confidential and therefore even conversations, private conversations that I had with my client cannot be used in a subsequent litigation. And I thought that doesn't make any sense to shield an attorney from potential malpractice when his former client is suing him. It's not something that happened during mediation, it's something that went on privately between the party –

Justice Robert Mallano: And typically if the client sues the lawyer, the attorney – client privileges waved anyway?

Justice Frank Jackson: That's right. And so I said yes, arbitration, mediations are confidential, but in this situation it really is not the spirit of law, it's a situation where a client is trying to sue his attorney.

And the California Supreme Court disagreed with my well reasoned opinion and reversed and said even in a situation like that, mediations are confidential and Justice Chin, I thought had a great – he concurred but he concurred with a caveat saying – this isn't fair.

And I think he was saying the law needs to be changed, because basically he was saying this shields an attorney from possible malpractice in a lawsuit filed by his client when the discussions they had, which may have been critical or crucial in what ultimately happened in the mediation, can't be used. So that was a case where at least I got a kind of an 'atta boy from one of the justices even though --

Justice Robert Mallano: Helps a little bit to the sting --

Justice Frank Jackson: It helps the sting a little bit when they say, we understand what you did, it was wrong, but we understand what you did, as opposed to I can't understand what that justice did.

So those are two cases that stand out. But one case that was – it was interesting because the parties and it didn't go any further than our court, so I didn't have anybody to reverse me, but California Supreme Court did not take the case. But it involved Gene Tierney, a very attractive actress and her former husband Oleg Cassini, the designer who did a lot of work for Jacqueline Kennedy and the facts are a little bit, not that exciting,

but just because the parties I thought was interesting case though.

They were married in the 40s, they had two children, two girls. Unfortunately one had severe physical issues because she – physical and mental issues because Gene Tierney was on like a USO tour and somebody had German measles and came in contact so one of daughters was severally mentally challenged, retarded, the term we used at the time.

So ultimately Gene Tierney and Oleg Cassini got divorced in 1952 and here it is, I am doing the case three or four years ago, so how did I get the case? Well, what happened in their divorce, Oleg agreed that he would provide for the two daughters, 50% of his estate when he died, that was part of the divorce decree, that was part of the marital settlement agreement so the two daughters would get 50% of his estate.

(00:35:10)

So Gene Tierney died, I think, in 1990 or 1991. In the meantime Oleg Cassini died about 2005 or 2006 and he kept kind of an interesting life well-known designer, in fact pulled out of an old suit recently to put on because I don't wear suits very often and I looked inside and it was an Oleg Cassini suit so you know, maybe I had a conflict and should have recused myself.

So it was kind of interesting I wore an Oleg Cassini suit. But Oleg had a business manager, a female, that he worked with for 30 plus years and it turns out after Oleg died and while they kept this from the public, they were husband and wife, so he was married to this lady for 30 plus years.

And he had another will, that he had a will that she attempted to probate in New York and the will provided for $500,000 to the to the daughter of Oleg's that had the physical and mental issues and $ a million to the one that did not have any of those issues or problems and the daughter that was receiving $ the million was living in France and had been for most of her life.

So she somehow got wind of this I guess you had to get notice of the New York probate proceedings and she hired an attorney in New York and the reason she did, I

would be happy to get $ a million, but at the time Oleg Cassini died, his estate was worth over $50 million.

So 25% if my math is correct, would have been about 12.5 as opposed to $ one million so she filed a proceeding in New York and basically the New York court suggests you are right, there is this marital settlement agreement, divorce decree in California and we are going to full faith and credit to it, and Oleg surviving spouse was not pleased with that, so filed an action, I'll conclude this shortly, filed an action in LA County Superior Court, basically trying various things including trying to modify the divorce decree.

And the trial judge said sorry, you're stuck with it and that's how in what 55-60 years later, whatever we ended up with a case in my division and I was one that ruled the case, so it's interesting because of the parties and then also it was interesting because unfortunately, the daughter that had problems, passed away and so her next-of-kin was the surviving daughter, so instead of the surviving daughter getting a million, or may be a million and a half, she ended up with over $25 million.

Justice Robert Mallano: It's ironic that you ended up enjoying, if you will or finding so fascinating a family law case, when your reason to go on the bench was to escape?

Justice Frank Jackson: I hadn't thought that, but that's true it was a family law --

Justice Robert Mallano: You didn't get wrapped, you didn't get involved with the emotions of the clients, innocent --

Justice Frank Jackson: You know that -- I got ahead and thought of that, but that was a family law case, so that was an interesting case.

Justice Robert Mallano: Well, you then described as somewhat of a Gary Cooper like person because you're a man of few words and we have been talking almost an hour, so would you like to wrap this up and say anything you wish for posterity?

Justice Frank Jackson: Other than ah! shucks, I don't know what Gary Cooper was known for, that's one of my -- since we are talking about actors and actresses, one of my favorite actors and I think Gary Cooper is a wonderful individual and if I can be compared to Gary Cooper, ah! Shucks but –

And I guess my -- what I would conclude by saying is I had a wonderful life, been married and I know how long I have been married, I have been married over 37 years, three wonderful children, four grandchildren. I have met a lot of great people, over the years which is kind of in our small town country boy, ends up being on the Court of Appeal serving even in San Francisco when there was an opening. I was sitting, hearing a case with the California Supreme Court, and I wondered what in the world am I doing here? But it was. . . and I always tried to treat defendants even that one, that I gave 11 years to with respect and usually it worked.

(00:39:52)

If you treat people with respect, usually you get it back and then I always try to be prepared and whether it was a trial court or the appellate court, I try to give each case my full consideration, whether it was a smaller case or a larger case, they were important to people, so I try to do that and I try to be prepared and especially in the trial court, you couldn't look back.

If you – your old what was it Shoeless Joe Jackson, if you look back, somebody might be catching or is it Satchell Page that said if you look back somebody is going to be catching. So you make your decision with the information you have and then you move on, and don't start second guessing yourself.

I think treat people with the respect and talking about a man of few words and I will conclude in just a minute, but you know this is a horrible paraphrase but in the Bible it says, even if you aren't very bright, if you are quiet, you appear to be intelligent, but then if you open your mouth, people really know that you aren't very bright.

So I try not to say a lot, I didn't say a lot at oral argument, I tried to be prepared for oral argument and I – just it has been a wonderful run, I have thoroughly enjoyed my 23½ years on the bench, I probably would have stayed longer, but my wife and I, my wife had retired and we decided to relocate back to the Northern Nevada area where I went to college and so it's – that's where we ended up.

And it's great to come back and see, almost had old friend but the friend of long standing, one of my

mentors Justice Mallano and I'll close with the ah shucks! and I will also close with another philosopher, well-known philosopher, by the name of Joe Walsh from the band The Eagles and I saw the Eagles perform recently in Lake Tahoe and one term from one of his songs like it's been good to me so far, so it's been wonderful, it's been a wonderful run thank you.

Total Duration: 42 minutes