Part I
May 30, 2007

Arthur Gilbert: I'm Arthur Gilbert. I'm the Presiding Justice of the Division Six of the Second District Court of Appeal.

Joan Dempsey Klein: I am Presiding Justice Joan Dempsey Klein, and I am Presiding Justice of Division Three of the Second Appellate District.

David Knight: Wonderful, and we are all ready to go, Justice Gilbert, whenever you'd like.

Arthur Gilbert: Welcome to the appellate oral history project. And I have the distinct pleasure of interviewing a friend of mine, and we go back at least 40, oh, I hate to even say how many years: Presiding Justice Joan Dempsey Klein.

Joan, I remember back in the '60s when I appeared in front of you and you were one of the first woman judges; there were a couple prior to you, on the Los Angeles Municipal Court.

Joan Dempsey Klein: That's correct.

Arthur Gilbert: You were terrific then and always have been—and who would ever think that decades later we would be sitting here having this discussion? But your life and your history has been so interesting.

If you don't mind, let's go back to your childhood, if we may. Tell us a little about it—what your aspirations were and where you were born and something about your early years.

Joan Dempsey Klein: Well, let me just preface my remarks by saying I'm in favor of the project that we're engaged in—this process which is part of the project that we're engaged in here today—except that it makes me feel a little uncomfortable, because I wouldn't be here if I were not elderly and hadn't been around for so many years in the system. So getting that off my chest. ***[laughing]***

Arthur Gilbert: Elderly is a state of mind, is it not?

Joan Dempsey Klein: Elderly is a state of mind. And today's ***L.A. Times*** says, "More old folks are working rather than retiring," so you and I are right in the midst of what is up-to-date in Kansas City.

Arthur Gilbert: Yes, and we're still doing it and loving it, right?

Joan Dempsey Klein: We're still doing it, and I don't know what I would do otherwise. I could probably think of something, but I enjoy what I'm doing, and so I'm going to stay as long as I've got my marbles and I enjoy the work.

My childhood: not much there except that I was pretty individualistic. I was born in San Jose, California. My mother's family was there and on my mother's side, my family goes way back. They were Bernals, de Bernals, and if you go to San Jose, you will find Bernal Road, Bernal Highway, Bernal Ranch, Bernal this, Bernal that.

That's because somebody by the name of de Bernal had a land rent and came over here in the early 1800s. I understand from something I looked at the other day that there had been a Bernal in California since 1776, but the Bernal I know about had a land rent of about 60, 65,000 acres. And there had to be some special consideration for him to maintain that property when California became a state, which was in what, the 1830s, something like that.

Arthur Gilbert: 1839 maybe?

Joan Dempsey Klein: Something like that. So there was Mr. Bernal with all this property; and he had a daughter, Maria Refugio de Bernal; and then there was this guy from Austria, some professor, lawyer type, who somehow got to California, looked around, and thought the best thing to do would be to hook up with somebody who was propertied.

So he married Maria, and that pretty much gave him a lot of entrées to be successful. And he was the first Caucasian judge in the state of California. He founded the town of Pleasanton. And if you go up there, they have this building where he sat as a judge in the town of Pleasanton. A very interesting fellow, and his name was John Kottinger. And this is all on my mother's side.

Arthur Gilbert: So there must be a genetic tracing here to the present.

Joan Dempsey Klein: Well, coming down. And my mother had two brothers—well, she had one brother who was a lawyer. And I had another relative up there in San Jose, who was John Dempsey, who was on the court, but he was on my father's side obviously. So here's my mother, she's the youngest of seven or eight kids—and does she marry somebody interesting? No.

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She marries my father. And he was a member of the military and he was an alcoholic and a gambler. She was a beautiful, talented woman who married the wrong guy.

And he would have a problem at work or whatever. So whenever that would happen, he would start moving south, and my god, we lived in every little town going, starting at San Jose, and then we went to Fresno and Modesto, Santa Monica, Escondido, San Diego. We actually went to National City, and that's where we stopped, because we couldn't get much closer to the border than that.

Arthur Gilbert: How old were you at that point?

Joan Dempsey Klein: When we got to National City?

Arthur Gilbert: Yes.

Joan Dempsey Klein: Let's see, I guess I was in junior high school.

Arthur Gilbert: So I imagine it was difficult to establish relationships with friends because you're moving.

Joan Dempsey Klein: That's the problem. I had no relationships with any friends, no stability there, no relationships with any relatives like aunts, like uncles, cousins, anything of that sort. So there we were—this little itinerant family that just kind of moved on. I had two brothers.

Arthur Gilbert: Did you have brothers and sisters?

Joan Dempsey Klein: Two younger brothers. And finally we got down there and in the meantime, when we lived in Escondido, my mother finally said, "Look I've had it," and by that time she had somebody lined up who was going to be willing to take her and her three crazy kids. And so she presented it to my father and said, "This is it."

There are some things that you'll never forget, right? One night he came to the door and my mother went to the door and my father went to the door and hoo hoo hoo, that was a big, weird scene. At that juncture, he said, "I quit drinking." So he quit drinking, cold turkey drinking. Then my mother felt an obligation to stay with him for the rest of his life because he had kept his promise.

So there we were. And my mother was trapped in this funny little marriage, and here we were with this guy that was very, very bright, a very bright man, but he couldn't emote. He never, ever said anything like, "I love you," "Let me help you," any of that sort of thing. He was just in his own little shell, which made it even more difficult.

Arthur Gilbert: Did you stay in National City then?

Joan Dempsey Klein: Stayed in National City, where I went to junior high school and then I went to Sweetwater High School, which is the

most southwesterly high school in the entire United States. And we spent a lot of time over the border in Tijuana in those days. A bunch of us kids used to go down there and get into all kinds of stuff.

I had no encouragement in terms of studying; no encouragement in terms of "Well, you need to make some grades. You need to think about going to college" and stuff like that. They even let my brothers sign up to go into the services when they were too young to go. Even then I said, "My god, that's an awful thing to do." But in any event—

Arthur Gilbert: Your father was in the service?

Joan Dempsey Klein: My father was in the service. He was a lightweight champion boxer in the service.

Arthur Gilbert: Dempsey.

Joan Dempsey Klein: Dempsey. And so everybody called him Jack. Then he had a burst eardrum. He was in the Navy.

So there I am in National City, which I used to call National Shitty because it was a horrible place, I couldn't stand it.

Arthur Gilbert: ***[Laughing]*** How old were you at this point? Listening to you, I can see you're certainly not pulling any punches, if you'll pardon the pun of Dempsey. But how old were you at this point when your brothers were going into the service?

Joan Dempsey Klein: Well, I was the usual high school age, I was a teenager. I didn't do that well at high school because I was truly uncontrollable. I just did what I wanted to do.

Arthur Gilbert: Well, has anything changed today? ***[laughing]*** Let me ask you this, did you have any aspirations at this time? Did you think about the future because you wanted to get out of National City? What were your dreams?

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Joan Dempsey Klein: My dream was to have a life unlike my mother's. I saw my mother; honestly, I couldn't stand the way she was treated and the way she lived. We used to go to the market and we would go in and shop and she would come out and say to my father, "Well, the bill is $9.37." So he would give her the money and we would go back and we would pay, and then we would bring the groceries out.

She had no independence about anything. He called her "woman" and I thought, "My god! What is this, what kind of a life is that?" So my dream was to put as much distance

between her lifestyle as I could possibly do with respect to my own lifestyle.

Arthur Gilbert: Throughout your life—and we'll get to this later—but you have been a crusader for women's rights. And one can see in your formative years how this laid the foundation for that passion.

Joan Dempsey Klein: You bet. But I had a problem because I thought, how can I get there? What I am going to do? How do I do that? My mother had no skills. She had not been working. And whereas people around my mother's family said, "This is a very bright lady, she should go to college," she didn't; she didn't get her education. And I was goofing around in high school and I didn't see directly that college was going to be my way out of that life. And when I graduated, I didn't originally go to college; I went to work in the defense plant. I was making a lot of money at the time.

Arthur Gilbert: What did you do in the defense plant? You weren't Rosie the Riveter, were you?

Joan Dempsey Klein: Well, I did a lot of things. I sure as "h" was. I put the rivets on this side and I had the gun on this side and somebody was behind that sheet on the other side and we put the rivets all up and down.

Arthur Gilbert: So, this is in the '40s?

Joan Dempsey Klein: I guess whatever time that was. And then I did, I installed bomb bay doors in the great big planes, worked with a couple of guys. That's a whole experience in and of itself, if you can imagine my working there—little old me working there with all these characters around and the "hoo-hoos" and the "hee-hees" that I used to get from those guys.

Arthur Gilbert: I can imagine.

Joan Dempsey Klein: It was really something else again; but in any event that's a whole other section of life.

Arthur Gilbert: How were you treated as a woman? Because I know a lot of women got into the workforce during World War II.

Joan Dempsey Klein: First of all, they didn't like the concept of my being there; and secondly, I was this cute creature running around, up and down the planes and all around.

Arthur Gilbert: Hey, you still are cute, so I can imagine then.

Joan Dempsey Klein: ***[Laughing]*** So they gave me a bad time and they would get my attention by going way up there and spitting down and

see if they could get me down there below. It was an interesting time, believe me.

So then one day I was on a bus with a friend from high school and she said—and I will never forget her, Mary Lee Lake—and she says, "Joan, you've got to go to college." I said, "Why do I have to go to college?" She says, "You will never get anywhere with your life unless you go to college."

Now, my parents didn't say that to me. My professors at school, teachers at high school didn't tell me that. It was this person who was in my class who got through to me and said, "You've got to go to college."

So I made an application to San Diego State. I was in on a provisional basis because I had screwed up in high school, and so it was a question of whether I could go; and I could go provided I made these grades right off the bat.

Fortunately I got with a group of kids who went to San Diego State, who were studious, hardworking, organized people; and so after every class we would go to the library. Everybody had a spot in the library, and we had our spot and I sat down with them and I studied. Lo and behold, I made all A's and B's, so I was in and there I was.

Arthur Gilbert: Were there many women in the class at that time?

Joan Dempsey Klein: Yes, there were quite a few. As a matter of fact, there were not many men around because they were all in the service. So we had the lame and the "this" and the "that," and we had some strange guys running around campus and there wasn't really much to look at. ***[laughing]***

Arthur Gilbert: So you had time to study instead of concentrating on boys, right? So what did you study?

Joan Dempsey Klein: When you went to San Diego State at that time . . . and I had a counselor and I will never forget her either—this lady with this huge pile of red hair just all sitting up there—and she said, "Joan, if you want to graduate here, you will get one of two degrees.

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"You will become a teacher or you will get an MRS degree." Ha ha ha. So that was it. I graduated there with a teaching degree, because I wasn't necessarily interested in an MRS degree.

Arthur Gilbert: Just so we know, an Mrs. degree is?

Joan Dempsey Klein: You get married to some guy. Isn't that clever?

Arthur Gilbert: Okay. That's what you meant, all right.

Joan Dempsey Klein: Ain't that clever? I did well enough to get a teaching fellowship to UCLA and I thought, boy, that sounds interesting. So I'm on my way at this point. So I went to UCLA and worked on a master's degree there for a year.

Arthur Gilbert: Can I interrupt for a minute? While this was happening, were your parents still around? What did your parents think of this? Here is their daughter now, you're in college, you're getting a degree, and you're getting great grades.

Joan Dempsey Klein: They couldn't care less. At least nobody said anything.

Arthur Gilbert: I bet secretly they did, maybe.

Joan Dempsey Klein: Well, I'll tell you about that later on.

Arthur Gilbert: Okay.

Joan Dempsey Klein: But they didn't give me a dime. They were kind of poor, but even so my mother would slip me a $10 bill under the table occasionally. My father said, "What's the point in educating her? All she's going to do is end up staying home and having kids."

That was his attitude all the time. It may have been a cop-out, so that he can find a place to hide himself so that he doesn't have a responsibility to do anything for me, right? But at least he never encouraged me one iota.

I never had any relationship with that man at all, except he taught me to play cards. He taught me to play poker and pinochle and panguingue and stuff like that, because he used to gamble for a living when he wasn't drunk.

I got to UCLA and I thought, "What in the 'h' am I going to do? I don't want to be a teacher; it's just not my cup of tea." And I recognized by then that I had an independent streak in myself and I had to do something where nobody was going to boss me around. And I thought, 'Well, what the heck?"

I kind of wanted to go to med school. I was pre-med in the college for awhile, but I got kicked out of the chemistry class in high school and I would have to go back and pick that up and etc., etc., etc.

Arthur Gilbert: Can I ask why you got kicked out?

Joan Dempsey Klein: Well, I was in the back of the room and we were doing some experiments and stuff and there was a little group of

us there and the teacher finally said, "Joan, I'm fed up with you; get out of this class and don't come back."

Arthur Gilbert: The reason I asked, because a similar experience happened to me in chemistry class in high school. We blew up something. I almost got kicked out, but they let me stay. ***[laughing]***

Joan Dempsey Klein: ***[Laughing]*** I blew up a beaker or something and it went flying around.

Arthur Gilbert: I did the same thing. Okay, that's funny.

Joan Dempsey Klein: So anyway, I was out. So then I thought, "Well, what other direction is there?" I had this uncle, one of my mother's brothers who, as I said, was a lawyer. And one thing my father did, well, he talked to me as an adult. We never talked like a father and a daughter, but we did discuss some fairly heavy duty stuff, and I thought, "Well, maybe I will go to law school." And then, I thought, "Oh god, I've already had five and a half or five years of college. I'm a little up to here with it." And lo and behold, at that time I was trying to keep my head above water—you'll pardon the expression when you find out what this is all about.

Arthur Gilbert: I want to get into the swimming in a minute.

Joan Dempsey Klein: That's what I'm getting into. So I was living in Los Angeles with my aunt and uncle and I was teaching lifeguarding and teaching swimming at the local Y. And here were these women who came in there and they were swimming laps and they wanted my help with their stroke and I said, "Yeah, what for?" Because they said, "We're going to try out for . . . Buster Crabbe's going to go to Europe with a swim show."

Arthur Gilbert: Okay, tell us a little … because I remember Buster Crabbe. Now this is going back a ways.

Joan Dempsey Klein: You bet it is.

Arthur Gilbert: Just tell us a little bit about that—who Buster Crabbe was and what he did.

Joan Dempsey Klein: Buster Crabbe was—what was he? He wasn't Spiderman, but he was something in the movies at that time, big man in the movies. I don't remember who he was exactly, but he made a whole lot of movies and he was a big-time swimmer. He swam in the Olympics and had a whole lot of championships to his name, etc.

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Arthur Gilbert: He was a predecessor to Johnny Weismuller, I guess, but I don't think he was Tarzan.

Joan Dempsey Klein: He never did a ***Tarzan.***I ran into Johnny Weissmuller during this period of time for a while too; but in any event, the old Hollywood Athletic Club in Hollywood, they were going to go over to that pool and they were going to have tryouts on such and such a date and I thought, "What the heck, I'll go with them."

So I went with them and by that time I was a first-class swimmer. I knew how to swim, and I knew how to swim well, and they tried out and they didn't make it and I made it.

Arthur Gilbert: You made it head over . . . Can I ask how did you become such a good swimmer? Did you have lessons or you just had an interest in it?

Joan Dempsey Klein: No, I had an association with an Olympic champion swimmer and he taught me to swim and then I lived at the beach and near pools and stuff.

Arthur Gilbert: Where at the beach?

Joan Dempsey Klein: In Mission Beach in San Diego, and so I learned to swim well. And in the bay there, when the bay wasn't full of hotels.

Arthur Gilbert: Or pollution, right?

Joan Dempsey Klein: It was just full of stingrays. We had to swim right on top, to make sure we didn't step down there.

Arthur Gilbert: So you tried out and you won?

Joan Dempsey Klein: I won a spot to go, and so I had to be ready to go to Europe in like two to three weeks. So I rattled around and running around trying to get a passport and get myself together to go with this crazy swim show to Europe. So we went. I spent the better part of I guess nine months swimming around throughout Europe.

Arthur Gilbert: That must have been a ball.

Joan Dempsey Klein: It was a ball.

Arthur Gilbert: Now, were these shows, or did they film this, or what?

Joan Dempsey Klein: No, it was a show. Our first posting was in Zurich, and the problem was this was a corny red, white, and blue Americana show. I mean, how hokey could it get? And we

did races and stars and stripes and all this b.s. and we were about ready to take a flop-ola right there and go home.

We had some money left, which was supposed to take us back to the States; and there was some suggestion that . . . Remember Donn Arden over in Vegas, who did a whole lot of the shows over there? Anyway, going way back.

Arthur Gilbert: This is going back a way.

Joan Dempsey Klein: Going way back. Anyway, Donn Arden was in Paris at the time, doing some shows also. So the suggestion was that for X amount he would put our show together so that it would have some pizzazz and we could go throughout Europe or we could turn our tail and go home.

He gave us the option. He said, "What do you want to do? You want to take the safe money and go home, or do you want to go for broke, pay this guy, and redo the show?" Well, of course what are we all going to say? We're going to say, "Go for it."

So we went to Paris from Zurich and Donn Arden put together this really crazy water show. We were dancing, we had a jungle number, this number and that number, and we had a bunch of dancers and we carried our own diving couple of folks there—Vicki Draves, who was an Olympic champion—and we redid the show and we went on.

Sometimes we got out of our hotels just before they were going to grab our suitcases and ran to make the train to the next stop. I got to tell you, I kid you not. So we did that for a while in Europe, and I had a fun time, as you can well imagine, until we got into Milano. And it was great in Rome, because the water was nice and warm and toasty. We carried our own equipment with us; we carried our swimming pool and our diving pool.

Arthur Gilbert: You carried your pool? Was it an inflatable pool?

Joan Dempsey Klein: Yes, it was a great big waterproof canvas that we put over the super structure that we carried with us, all these boards.

Arthur Gilbert: So you had a whole crew.

Joan Dempsey Klein: So we got into Milan and the water was a little bit chilly there; and I don't know whether it was there or whether it was in Torino, which was our next stop. And we played at the Palacio Del Ghiaccio, which means the Ice Palace; and that was in there just before us, the Ice Palace. Ee-god.

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And the way in which they're going to warm the water, some of us went down to look at this contraption, because we said, "Jesus, that's cold, we can't jump in that thing, Buster." And they had a big, kind of like a tank with water coming from the pool into the tank and then out at the other end and back into the pool; and underneath here were about five twigs that were burning, and that was supposed to heat the water. Buster dove in and, big man, he said, "Oh it's fine, let's go." It was 42 degrees.

Arthur Gilbert: Oh, my heavens. You can have heart failure, jumping in that.

Joan Dempsey Klein: Yes, we had one of those synchronizing diving in and along the ramp, where we'd come down with our little dancing number and then the swimmers would jump into the water and then we would come up.

I remember hearing everybody uttering some kind of "Ahh! Jesus X, Y, and Z," you fill in the blank. And when we got out, there was no blood at the ends of the fingers, at the ends of the toes. My heart was beating like about 8,000 beats per minute and I thought, "Oh my god, what is going on?" So I saw a heart doctor over there. And what did he tell me to do? He told me to be sure to take some kind of honey or something every spring. I thought, "What?" So finally I went to Buster and I said, "Buster, I'm out of here, I'm not staying. No way, Jose."

So I got on the train by myself and left there and went back to London, where one of my fellow aqua paraders was; and she was in London, so I met up with her. And eventually I came back home. I stopped in Chicago for a while with her; she was a very good friend. As a matter of fact, I just corresponded with her in the last couple of, three, months.

Arthur Gilbert: What does she do now?

Joan Dempsey Klein: She's married with a bunch of kids and her husband was a big guy with Kodak.

Arthur Gilbert: How long were you in Europe doing this show?

Joan Dempsey Klein: I was there for probably eight or nine months.

Arthur Gilbert: So were you in your 20s then?

Joan Dempsey Klein: Yes, I had just graduated college and my brother was going to go to Mexico City and he was going to go down there for a semester at the college. I thought, "Geez, I'm kind of loose-ended," so I went down to Mexico City with him for a

while and goofed around down there and then I came back on a Mexican bus.

I was the only American on the bus. And that was a trip and a half from Mexico City to someplace in Texas. ***[laughing]*** And there I was on this bus with the chickens in the coops and all these other creatures in there. My god, I gotta tell you, I can remember stopping along the way, where we needed to use the facilities. And I remember one stop, I went out there and they had a bunch of animals out there. It was an outdoor toilet and all these weird animals were in little cages around and I looked at those things while I'm doing my business and they were looking at me, and I thought, "What in the 'h' am I doing here?" God almighty.

So I don't know how it came to be, but I hooked up with a woman named Jane Ewins, who was quite active in the Republican Party at that time, and she kind of took me in and took me under her wing. And she was going to go down and take the LSAT at a certain date and I thought, "What the heck, again, I'll go along." I didn't study for the LSAT like they do nowadays so that you can get top grades. I just went and I took the sucker. Well, she didn't get in and I did again. ***[laughing]***

Joan Dempsey Klein: But anyway, and that was UCLA Law School, and the dean was L. Dale Coffman.

Arthur Gilbert: Yes, the terror; wasn't he a terror?

Joan Dempsey Klein: Supposedly he was a terror, and supposedly they brought him in so that they could establish an island in the Red Sea, because UCLA had a reputation for being a far left school. I had had an experience—

Arthur Gilbert: Bertrand Russell, incidentally, had taught there in the '40s and was one of the great philosophers of our time teaching there. And he had said something about free love and the parents went crazy and they kicked him out. And it was called a little red schoolhouse because they had liberal professors there. So that was in the '40s, I think, and the early '50s. So Coffman was brought in to sort of rectify that.

Joan Dempsey Klein: And I went to L. Dale and I said, "Listen, this is the situation. This is a peculiar situation, and if I make application to your law school, you're going to have to investigate this. And you'll either let me in or you won't, depending on your own personal investigation of all these circumstances."

And he says, "Okay, that's fair." And I thought, "What are my odds of getting into this place?" A lonely female with no

money and no connections and had not done as well as I should have done on the LSAT. And I'll be darned if he didn't let me in.

Arthur Gilbert: Good for him.

Joan Dempsey Klein: Yes, that's what I say, good for him. He may have been an SOB.

Arthur Gilbert: He had integrity. He was tough, that's all.

Joan Dempsey Klein: He was a tough guy.

Arthur Gilbert: Yes, and I know students who have had him, and second best wasn't good enough for him; maybe that was good.

Joan Dempsey Klein: Anyway, he let me in, gave me a life. I'm sitting here because of that guy.

Arthur Gilbert: Wow. Wow. Isn't that something? Were there other women in law school at that time?

Joan Dempsey Klein: A class of about 200. I guess we were the third class at UCLA, and it was just a new law school. In our class, there were about nine of us, for starters.

Arthur Gilbert: Wait, nine?

Joan Dempsey Klein: Women. Out of about 200. At the end of the first year, half of the class was gone or 90 percent of it, and there were only about four or five women left, I don't remember exactly how man. And then at the end of the second year there were only about 90 people left all told, and only 2 women: myself and Ann Pierce Toomer.

And I don't know what ever happened to Ann Pierce; she married some guy named Toomer, if you can believe that. And she went out to Pasadena and she never practiced, and I don't know what she did, but Bonnie Lee Martin transferred in from Salt Lake City. She had gone to school over there, so there were the three of us in that class.

Arthur Gilbert: And two of you became judges—Bonnie Lee Martin, certainly.

Joan Dempsey Klein: Yeah. So finally I graduated. And I met a guy in law school, Marvin Gross, who was an attorney—still practicing—and so he and I got married over his father's strong objection, because his father said to him, right in front of me. He said, "You can't get married. You've got to get your law degree. You can't get sidetracked."

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I said to his father, "You don't have to worry about Marvin graduating law school, because nobody wants him to graduate law school any more than I do, and I intend to graduate also." So his father was a funny little guy. But that was something that I remember.

Arthur Gilbert: Pretty good argument—an unassailable argument.

Joan Dempsey Klein: Yeah. So there we were. We struggled and got through law school, except that I didn't have any money. And I had borrowed $500 from one of the service organizations down in San Diego. I can't remember which one it was; I will in a second.

Anyway, they gave me 500 bucks, but that's not very much money to keep you going right along. So I got a job with the city, as a (***sic***) Department of Recreation and Parks. I headed up one of the big playgrounds around the city.

Arthur Gilbert: So this was after graduation or during law school?

Joan Dempsey Klein: No, this is during law school.

Arthur Gilbert: Oh, my goodness, so you were working while you were at law school—you had to.

Joan Dempsey Klein: That's correct, and the law school didn't know that, because they didn't want any of their people to work. You were not supposed to work if you went there. So I scrounged around and I got a great job at the Department of Recreation and Parks so that I could work and run one of these big playgrounds and I could set my own hours. I could have the dance of the maypole at a certain time of the afternoon, and I could have the clay-baking pottery things at a certain time, and I could have the big kids at night, playing volleyball and basketball at a certain time.

So I could schedule my work responsibilities to coincide with my classes at UCLA. And I did that for a year, year and a half, I guess. So that meant I had to take an extra year or a half a year to get through law school, because I just could not carry a full load.

So my class graduated in, I guess it was '54, and then I took another semester to get out. And so I'm the '54 class, but I didn't get to be a graduate law student and a member of the bar until '55.

So at that juncture, Marvy and I were married, and he got a job. He was a very bright guy and still is; he got a job with the Attorney General's Office. And so I used to come up and hang out at the Attorney General's Office after school and

when I had some time and so on, and I got to know Frank Mackin.

Do you remember Frank Mackin? He used to be a judge on the superior court and he was the head of the AG's office. He was a nice guy, and I really liked him. And he said to me, "When you graduate, why don't you come and see me."

I thought, "Well, maybe so," because by that time, I got to know the routine in the AG's office, etc. So when I graduated, I did come to see him and he offered me a job. By that time, I was making 300 and something dollars a month with the Department of Recreation and Parks, which was not a bad salary in those days.

Arthur Gilbert: No, not at all.

Joan Dempsey Klein: So he offered me $265 or $260 to come to work as a deputy AG, but that was before I passed the bar. So I thought, "Oh my god, after all this time in school, I'm taking a cut? I'm making a cut to get to be an independent person, as a lawyer?" Yuck. But I took the job.

Arthur Gilbert: Now, you took the job, so what went on in your mind?

Joan Dempsey Klein: I took the job. I figured I'd get on the bottom track and this was a way to gain that independence that I could call my own somewhere along the way, just in case I wanted it; and so I took the job.

Arthur Gilbert: In case you wanted it? You certainly wanted it.

Joan Dempsey Klein: Well, I wanted it. There's no question that I wanted it, but it was a question of how I worked it out with whatever man was in my life, or men, or whatever.

So I took the job and I stayed in the AG's office and I had two kids. I met Marvin down at the beach, playing beach volleyball, so . . . I used to play a lot of beach volleyball.

Arthur Gilbert: So he was an athlete.

Joan Dempsey Klein: He was an athlete. He was too short to be a big-time athlete. He played basketball at UCLA, but he was only about 5'8", 5'8½," 5'9" at the best, and so he couldn't be a hotshot there. But he was a good athlete, and we used to go out and play beach volleyball all the time.

I won a doubles championship with this guy who I used to play with, Butch, whatever his name was, and we were a couple of hotshots. And there used to be a restaurant down at one of the parking lots in Santa Monica called Needies,

and they had all the winners of all the tournaments on the wall, and I was up there with this guy.

Arthur Gilbert: I lived in Ocean Park.

Joan Dempsey Klein: Well, then you know.

Arthur Gilbert: And so I know all this. I used to hang out there on the beach all the time. I wasn't much of a swimmer, but I was born there.

Joan Dempsey Klein: We used to play beach volleyball tournaments at the beach club, and it was at the time the Sand and Sea.

Arthur Gilbert: Yes, I know it well.

Joan Dempsey Klein: The Sand and Sea was a club.

Arthur Gilbert: It was exclusive, pretty exclusive.

Joan Dempsey Klein: It was exclusive to Jews. The Jews couldn't get into the others, so they started the Sand and Sea. They couldn't get into ***the*** Beach Club; they couldn't get into the Bel-Air Bay Club.

Arthur Gilbert: Right. Was the Jonathan Club around then?

Joan Dempsey Klein: And the Jonathan Club, they couldn't get in there.

Arthur Gilbert: Women couldn't get in; no one could get in there, unless you had a pedigree.

Joan Dempsey Klein: I've got an interesting story about the Jonathan Club. Anyway, so we got into the Sand and Sea and had a good time there. And you know . . . who is, what was her name? She's the recipient of the huge fortune that was amassed by her father and others, putting out that little tote magazine for the racing, what's the name of their family?

Anyway, she now is the person, she's offered X number of bucks if the City of Santa Monica and the State of California can get off their duffs and arrange for a private organization to take over that Sand and Sea and make it a public club, open to the public, but have all the facilities of the private clubs, up and down. I'll think of her name in a minute. But that would be wonderful; but that thing has lain dormant.

Arthur Gilbert: It's been there for decades now.

Joan Dempsey Klein: That's right, and the beautiful Marion Davies buildings that were there and a gorgeous pool.

Arthur Gilbert: Right. I live about two miles from there, a mile from there actually.

Joan Dempsey Klein: Then you know what I'm talking about. So I hung out there for a long time. Where the heck am I at this juncture?

Arthur Gilbert: You go to the AG's office.

Joan Dempsey Klein: I go to the AG's office and at the AG's office I meet Pat Brown, who was the AG at the time; and I got to know him pretty well and he was an interesting character. Come time for him to consider the possibility of running for Governor, so he would run around the office and ask everybody, "What do you think? What do you think, Joan? Should I run for Governor? What do you think? What do you think, Art, should I run for Governor?" etc., etc., etc.

So I said, "Hey, yeah. You would make a great Governor. Why don't you go for it, Pat?" Well, he did, and the rest is history. He ran for Governor. He got to be Governor. Come time to select his 10 women for the bench, out of all the people that he appointed, he would have about 10 women lined up for the bench; and it came down to Bonnie and me, who were vying for the position from the AG's office. I got it, as you know; and that was what, 1963?

Arthur Gilbert: Nineteen sixty-three, I guess, because I became a deputy city attorney in 1964.

Joan Dempsey Klein: There you go. So I had a lot of fun working in the AG's office though. I had the trial department, so when the State would get sued, I would represent the State. So I ran around, did a lot of discovery work up at Pismo Beach. There was a big log that rolled up on the beach and smashed some kid, so I had to go up there and take depositions, do discovery, and so on. I took my kids with me, one by one, when I did that sort of thing.

And I had the Department of Fish and Game. That was another interesting client of mine. I used to go down there and forfeit those great big nets that the Portuguese fishermen used inappropriately—out of season, oversize, or whatever.

So I would forfeit the nets with the Department of Fish and Game guys and then the nets would be sold and they had a deal whereby nobody but the owners of the nets would bid on them, so it was just this exercise we went through. ***[laughing]***

Arthur Gilbert: That was their fine.

Joan Dempsey Klein: That was their fine. And they would come back and visit us and we'd all laugh and giggle about that. But I represented the highway patrol, and I remember Bonnie and I acting as trial lawyers for the highway patrol cars that were damaged in accidents.

[Laughing] So there we were, these two gals in our gray flannel suits. And it was kind of fun trying these cases; it was fun. And I also forfeited cars. Remember the old forfeiture thing, ***People v. One Night Team,*** 56 Ford?

Arthur Gilbert: A Chevy or a Ford, yeah.

Joan Dempsey Klein: Because it was used to carry drugs. So I did that for a while and then I went to the bench.

Arthur Gilbert: So what was it like going to the bench? Were there many . . .? I think Leila Bulgrin was on the court.

Joan Dempsey Klein: Leila Bulgrin was on the court.

Arthur Gilbert: Then she was called Nancy Cannon, right?

Joan Dempsey Klein: Yes, Nancy Noel Cannon.

Arthur Gilbert: There was a traffic court. I remember a lovely woman; I loved her. What was her name? Oh gosh, I can't remember either.

Joan Dempsey Klein: Ernestine Stahlhut was there. She was a PJ at the muni court. And Evelle Younger's sister-in-law was there. Ziegler—

Arthur Gilbert: Ziegler, right. Elizabeth Ziegler. Vaino Spencer got into the court?

Joan Dempsey Klein: Vaino was there too. So there were five or six women. And I remember that experience.

Arthur Gilbert: Do you remember your first day on the bench?

Joan Dempsey Klein: No. Oh, yes, I do.

Arthur Gilbert: Because I remember that, and I remember the first case, so I was thinking maybe you might have.

Joan Dempsey Klein: Well, where did I go? One guess.

Arthur Gilbert: Traffic.

Joan Dempsey Klein: Traffic.

Arthur Gilbert: We all went to traffic.

Joan Dempsey Klein: Yes, so I went to traffic. I didn't know what the "h" I was doing. I ended up sitting up on the bench and a sea of faces out there, everybody down to contest their ticket, to give me some kind of b.s. about why they got the ticket, you should be let off, etc., etc., etc.

That first week that I was there, I had this poor woman come up who had had a bunch of prior tickets, etc., and had to have jail time; it was mandatory. I had no idea, so I talked to the clerk; thank god for the clerks.

I tell you, a lot of the judges would never have been able to figure out anything but for the fact that there were knowledgeable, experienced clerks. So I asked her how to do it. So I had to send this lady packing. But I remember that concept.

Arthur Gilbert: It makes quite an impression, doesn't it, that first time? So there were no mentors, no judge took you under his or her wing?

Joan Dempsey Klein: Are you kidding me?

Arthur Gilbert: Yeah, lots of luck, right.

Joan Dempsey Klein: Yeah, lots of luck. There were no women that said, "Hello, how are you?"—nothing of that kind. The only contact that I made that was a long-lasting one was Justice Vaino Spencer, and she and I got together and we were soul mates immediately.

We found that we thought alike on so many of the issues, and when we went to the judges meetings, etc. And we worked together on a lot of projects. That was back in '61. She was there in '61 and I was there in '63.

Arthur Gilbert: And look at the parallel in your careers.

Joan Dempsey Klein: And from that point on we've been working on projects.

Arthur Gilbert: You sure have.

Joan Dempsey Klein: For our entire time.

Arthur Gilbert: And we'll have a little time to talk about some of those projects. So here you are on the municipal court.

Joan Dempsey Klein: Here I am on the municipal court, and Joe Ingber . . . remember Joe Ingber?

Arthur Gilbert: Yes, Joe and I still talk on the phone all the time.

Joan Dempsey Klein: You know, Joe Ingber still calls me and he still sends me stuff.

Arthur Gilbert: Same here, he does the same.

Joan Dempsey Klein: He had a big heart attack, and I thought, that's the end of Joe Ingber; but he got through it.

Arthur Gilbert: Yes, he did.

Joan Dempsey Klein: Early on, when they weren't doing those open-heart things and all the rest, and he came through. And I still hear from Joe Ingber.

Arthur Gilbert: So do I. Isn't that something?

Joan Dempsey Klein: A bunch of people appeared before me in superior court, in the muni court.

Arthur Gilbert: Including yours truly.

Joan Dempsey Klein: And I was over there in—

Arthur Gilbert: The Criminal Courts Building after a while.

Joan Dempsey Klein: Criminal Courts Building. That was one of my favorite venues. It was Division 40.

Arthur Gilbert: I remember you there holding court.

Joan Dempsey Klein: I had a ball there.

Arthur Gilbert: You could see it, and it worked. It was efficient; boy, you moved the cases.

Joan Dempsey Klein: Man, did I ever move it. Lee Geiler was on my panel; Nancy Noel Cannon was on my panel; a guy who died, DiGiuseppi.

Arthur Gilbert: Yes, Jim.

Joan Dempsey Klein: Joe.

Arthur Gilbert: Joe DiGiuseppi. Jim is still around.

Joan Dempsey Klein: Jim is still around, but Joe died.

Arthur Gilbert: A lovely guy too.

Joan Dempsey Klein: I really, really liked that guy.

Arthur Gilbert: Everybody did, yes.

Joan Dempsey Klein: That was an absolute crazy court. I enjoyed that so much. And I had this clerk; I can't remember his name, but man! He did the right thing all the time.

Arthur Gilbert: Do you remember the deputy in your Court? McCarty, was that his name?

Joan Dempsey Klein: Yes, McCarty.

Arthur Gilbert: I was there on a motion and you ruled in my favor. I'll never forget this; this is your interview, but I have to tell you this one story. And McCarty was objecting. I remember this, and I'll never forget it. You said, "McCarty, get off my back. I'm granting this motion; just knock it off, McCarty." I'll never forget that. ***[laughing]***

Joan Dempsey Klein: ***[Laughing]*** Well, that doesn't surprise me, because he and I went round and round and round and round on a daily basis. I remember looking at the people who were to be arraigned on Monday morning, and I thought, "My god, what have these people done? Who are they?"

There were murder suspects in there and all of these other people: child abusers, child molesters, etc., etc., etc. And I had to appoint attorneys for a lot of them. And a lot of them were minority members; some of them were black, and so I utilized some of the lawyers who appeared before me, like Charlie Lloyd.

Arthur Gilbert: Yes, yes.

Joan Dempsey Klein: Charlie Lloyd was one of the best lawyers.

Arthur Gilbert: I agree. He and I were colleagues as city attorneys, believe it or not, and I used to watch him try a case; he was phenomenal.

Joan Dempsey Klein: Well, the way he learned to try cases was because I appointed him to practically every homicide case I had, because he was well organized. He didn't b.s. around. He didn't take more time than was necessary.

He did a first-class job representing these people. I'll never forget one time he asked me for a bail for one of these guys. I said, "Bail? Charlie, what the heck? You know what this guy did." And he said, "Yes, Judge, but let me tell you . . ." He used to be a cop.

Arthur Gilbert: Yes, he was a cop.

Joan Dempsey Klein: And he was down at the 77th Street precinct down there. He said, "When I was a cop down there, what would happen would be the first guy in is the victim, because he would

out-footrace the second guy in, who became the defendant." And he said, "That's the way we decided who was what in these misdemeanor murder cases."

So when he told me that, I said, "What the heck." Under those circumstances, I gave it to him. But I really loved Charlie Lloyd. I really, really liked working with him. And I liked working with Johnnie Cochran. He was another one of those early guys.

Arthur Gilbert: We were all buddies. I was buddies with both of them. I learned how to try a case from the two of them.

Joan Dempsey Klein: You got it.

Arthur Gilbert: And they were two black lawyers, the only black lawyers in the office before the Civil Rights Act; and they were the best lawyers. They were absolutely marvelous.

Joan Dempsey Klein: I've got to tell you a story about Johnnie Cochran. I got so sick of sitting on that municipal court, watching all these guys. I was the wrong party, watching all these guys get nominated and serve on the muni court and then get elevated, okay? There must have been 10 of them.

So I said the heck with this noise, I'm going to run for the superior court. By that time, Kathleen Parker had done it. She was I think the first woman who did it. And then the next one was Nancy Belcher, whatever her name was, and so I said, "Well, hey, there's a track record there. I'm going to go for it."

Arthur Gilbert: Can I interrupt you a minute? When you did this, was Bonnie Lee Martin on the court then?

Joan Dempsey Klein: No.

Arthur Gilbert: Because she ran, ultimately. Okay, go ahead.

Joan Dempsey Klein: Yeah, but this was before. And so those guys down in Division 40 who practiced before me, they wanted to put on a fundraiser. I thought, ah, that's great. So they rented a hall out in West Hollywood somewhere, and god, we had blast.

There were a jillion people at this fundraiser, and part of the entertainment, Johnnie Cochran, what did he do? He had a robe on and he did a little number, "Here come the judge, here come the judge, here come the judge." I'll never forget that as long as I live.

(00:53:13)

I was just so overwhelmed by the respect that those guys gave me and the pleasure that I found in working with them, it was really astounding.

Arthur Gilbert: ***[Laughing]*** So anyway, you're now going to get on the superior court and you're running . . . unless there's something else you want to talk about.

Joan Dempsey Klein: I want to talk about the fact that I ran and everybody voted for Tom Griffith because they thought they were voting for Griffith Park, so I lost by eek votes. So then I was in line to become the PJ of the muni bench, and I was the assistant PJ. And I worked with Vince Erickson; I guess you knew that guy.

Arthur Gilbert: Yes, I knew Vince quite well.

Joan Dempsey Klein: And there was a hassle down in traffic because everybody was fixing all the tickets down there.

Well, by that time a whole bunch of quote "young turks" got elected, or appointed rather, to the muni court. Dick Tevrizian, Warren Deering, maybe it was Norm Epstein, and a whole bunch of guys, right?

Arthur Gilbert: I think Norm Epstein was the last Reagan appointee.

Joan Dempsey Klein: Okay, so they all got appointed. So they came to me and said, "You promise to clean up the traffic court and we'll all vote for you." I said, "That's fine, I got no problem with that. I've been talking about that for a long time."

Vince Erickson wanted me to run with him for another term—him of course as the PJ, me for the assistant PJ. And I said, "Vince, that's a nice thought and I appreciate it, but I think I'll take a chance and go for my own spot." So I did.

After I won, everybody said they voted for me. "Yes, sure I voted for you, yeah!" Because everybody didn't want me to send them to Timbuktu or to traffic or wherever it was. Come to find out—

[Interruption for tape change]

I've got to tell you one more thing about Nancy Noel. As you point out, she did change her name from Nancy to Noel, because she was on the ballot and she thought Noel sounded maybe more masculine; and she had a shot at getting reelected.

But another thing she did, she had a fake bird in a cage in her chambers, and she would take the bench and the door to her chambers was left open a little bit and you could hear this bird: tweet, tweet, tweet. That was going on while she was holding these felony preliminary hearings, honest to god.

Arthur Gilbert: Oh, boy. So anyway, you're the PJ.

Joan Dempsey Klein: Now I'm the PJ and I say to Dickran, "Go down there and clean it up." And Dickran went down there, and man, feathers flew in 72 different directions. He had that place cleaned up, rolling like a top, in a matter of six to eight months; that's who he is.

Arthur Gilbert: That's right. He just retired; I just saw him last week.

Joan Dempsey Klein: Yeah, well, I hated to see it; but he's a phenomenal guy.

Arthur Gilbert: Terrific guy.

Joan Dempsey Klein: So there I am sitting on the superior court, or rather muni court, and still thinking about going to the superior court. And I thought, "Well, now this would be a good time. I've got a PJ slot; I can use that." And also by that time the national administration had what they called the LEAA, Law Enforcement Assistant Association.

They had a lot of money that they were giving to states for criminal justice projects. And Herb Ellingwood was on that committee, and I got appointed to it. And so they were looking around to see who had good projects.

Well, I had this project. I had the L.A. County Municipal Courts Committee there, which was to review things that would be helpful to the court; and one of them was unification. And so they did a huge project, one of the first major studies on unification, the muni court and superior court—as to how it would be more helpful, how it would be more cost-effective, and half a dozen different reasons why it should be done.

We came up with 16 different points. And Peter, I can't remember what his name was, but Carol Schatz, who is now head of the downtown businesspersons association, she was on that little committee, and she worked beautifully on that committee.

It was that project, and then there was a witness program that we put into effect, where we had some of the buildings or a place where kids whose parents were in the court to testify, they had a place to go; we put that into effect.

So I had those things, and then I did another thing: I initiated the bail-by-mail program. So if you get a ticket, folks, you can pay your ticket by mail. I did that when I was the PJ. I got known by Hahn.

Arthur Gilbert: Kenny Hahn.

Joan Dempsey Klein: Kenny Hahn.

Arthur Gilbert: Who was a supervisor, a very powerful supervisor.

Joan Dempsey Klein: Who was a big-time supervisor, very powerful, great guy; he and I became good friends.

Arthur Gilbert: When you say "supervisor" we're talking about Los Angeles County Board of Supervisors.

Joan Dempsey Klein: You got it. And they have billions of dollars worth of activities, and there were only five of them; and they've got millions of people they oversee and projects, etc. It's a huge responsibility.

Kenny got to be a good friend of mine. And so it seemed to me I was on a roll now to run for the superior court. And Jerry Brown was up at the same time, running, and Bonnie Martin. We ran a preliminary kind of thing and there were about 10 to 12 candidates.

Bonnie and I came out top two, and I said to Bonnie, I said, "This is my time. Here I'm a PJ, I've done this, this, and this. Kenny Hahn is supporting me. So let me go this time and I'll support you next time around." But my god, she got her back up and says, "No way." And so she and I ran against each other, which was disgusting.

Arthur Gilbert: Yes, and you were buddies—too bad.

Joan Dempsey Klein: Because we had been friends and been out together: Conrad and her husband and I, we did this, that, and the other thing together. So in any event I won. I got more votes than Jerry Brown did. ***[laughing]*** So there I was in superior court.

Arthur Gilbert: What was it like going on the superior court? How were you greeted or welcomed, or were you welcomed? I would think you would be.

Joan Dempsey Klein: One of the things I campaigned on was the juvenile justice system, which I felt was really poorly handled; and one of my pitches was that I would try to do something with the juvenile court.

And Bob Wenke was the presiding judge of the superior court at the time; well, he was not about to let me get my hands on the juvenile court or get anywhere near it. So he stuck me out in Van Nuys.

Arthur Gilbert: In fact, I appeared in front of you when you were in Van Nuys.

Joan Dempsey Klein: There I was. I was there with Armand Arabian and Bill, who just recently died.

Arthur Gilbert: He just died—oh, my goodness. Why can't we think of his name? We'll get it in a minute.

Joan Dempsey Klein: I loved that man. He went to the superior court. Anyway, he was the supervising judge out there, and that was an interesting assignment. Man oh Manischewitz, I really worked. I had a law and motions calendar, then I had a regular trial calendar, and then on Fridays I used to do the thing with the kids, adoptions.

Shew. So I really worked hard. After I did my whole thing then I had to take my time to prepare for my law and motion calendar; that was a tough assignment. And I stayed there and I worked hard. Let's see, when is it by this time? This time is, datewise, when I went on the superior court. I guess it was the middle of the '70s; yes, because in 1974 Jerry was elected Governor.

Arthur Gilbert: I was in private practice and I had a few matters in front of you and some settlement conferences, and you were highly regarded. You were terrific; you seemed to thrive out there. You lived in the valley, didn't you, so you were close to home? In fact, I met your kids once; I came by in chambers. I remember we had—

Joan Dempsey Klein: Occasionally I used to go home and play tennis on my court. I'll never forget one time I went home to play tennis on the court at noon, and there were some attorneys playing on there and they didn't recognize me. And they said, "Well, you'll have to get in line. After we're finished you can play."

And they didn't know who I was, but apparently I had given a kind of carte blanche use for local lawyers who wanted to play tennis. So we got in line and waited until they got done. ***[laughing]***

What happened next is of significance—was the appointment of Rose Bird to the Supreme Court as Chief Justice. Jerry was considering a lot of people. Judge Shirley Hufstedler was one of the people, the female. I was one of the people who was being considered, and there was Rose.

And there was a lot of talk about she didn't have any experience, she didn't know what she was doing—da da da da da da. Well, some of us by that time thought, we've heard this song before, so we're going to do something about it.

So I got some young women lawyers to do some projects. Number one, they did a complete study to find out how many prior Chief Justices had never had any experience whatsoever, both state and federal—and come to find out there were a whole bunch of them. And then we went to Evelle Younger, who was looking to run for I guess Governor or whatever.

Arthur Gilbert: Yeah, he had run against Jerry Brown in a bitterly contested election.

Joan Dempsey Klein: So we told him . . . Vaino was involved with me on this one, as well as Barbara Johnson, who was a judge on the superior court; and she was also president, I guess, of California Women Lawyers. So she was going to testify. So we gave her this whole spiel so that she could testify on behalf of Rose Bird.

And we also suggested to Evelle Younger, "If you want the women's vote here, the organized women's vote, you better not vote against this lady, because she deserves a chance." And so she got nominated by Jerry. And then Rose made it her business to pay us back a little bit, and she went to Jerry and said, "Look some of these women have got to get on the appellate bench."

So in 1978 I was appointed to the appellate bench as the first woman PJ, first woman administrative PJ, and then Rose saw to it that a woman justice was appointed to every division or district up and down the state: one in San Diego, one in San Bernardino, Frances Carr up in Sacramento, and various other locations.

Arthur Gilbert: And guess what? The world didn't come to an end.

Joan Dempsey Klein: And the world didn't come to an end. How about that?

Arthur Gilbert: And in fact we had some great jurists.

Joan Dempsey Klein: Vaino and I kind of worked hand in hand on all kinds of projects, but we found it was very, very difficult moving and shaking anywhere. So we thought that we would be better advised if we could speak with a united voice rather than one and one and one and one.

Maybe, powerful as you might be, it's much better if you're 100 or 200, etc., and you represent maybe a couple, 300 people. So we put together the California Women Lawyers, and I was the first provisional president of that. That brought together the southern and the northern women lawyers into a united organization for the first time.

Arthur Gilbert: That thing took off pretty quickly, didn't it? Because I remember some of the functions I attended, the early functions, and it was jammed with lawyers—not just women lawyers, obviously; men, women, everyone. It really took off.

Joan Dempsey Klein: Yeah, it really did, and I was happy to be a part of that. And there was a big organizational effort among the north and the south, going to the Legislature and saying, "Hey, you know, we need more women on the bench. We need these kinds of laws etc., etc., etc." And going to the Governor and saying, "There are darn few women judges, and we'd like to see more," etc., etc., etc.

Arthur Gilbert: So people who are viewing this tape will know in the future, there were many men that belonged to the organization, right?

Joan Dempsey Klein: There were some men—

Arthur Gilbert: I mean you were open to—

Joan Dempsey Klein: Any like-minded person who felt that our agenda was worthy of support. It wasn't sexist in that regard, not at all.

So that was really an eye opener that we were able to get that thing going. I think that was in 1974. By that time New York had a really well-functioning women lawyer's organization, and maybe Chicago and various other big cities around had one.

Well, not so with respect to women judges. There were fewer of us. And we thought . . . And we still were taking a lot of b.s. from our colleagues, really, really, really. It was pretty darn nasty.

I remember when I was appointed to the bench, when I was elevated to the Court of Appeal, I was still in Van Nuys on the superior court there, and all my colleagues gave me a nice sendoff. We went maybe to one of the nice clubs or something; I think it was a Hillcrest Club. And they gave me a nice going-away briefcase, etc.

Everybody except for one judge, and that one judge never called me "Judge," always referred to me as "Mrs. Klein."

But I got to say that his daughter went to law school, so he had a comeuppance. He was a friend of some well-known attorney, and it may have been a judge at that time, who referred to us as split tails. I didn't know what that meant; I thought, well, that's kind of funny.

And, there was an article, an interview that he gave in, and he referred to something about split tails and more of them coming on and too many of them are here now and blah, blah, blah.

Man, oh Manischewitz, when I found out what that meant. That was such a gross downer, and I thought, how could a guy do a thing like that? Anyway, the women judges, whenever we would meet at one of our conferences around the state . . . We would get together and there were about by that time maybe, say, 10, 11, or 12 of us in the state.

And we got to thinking, gee, wouldn't it be nice if we could get together, if we had an organization that was our own, wherein we could address some of the issues that are confronting us—like the overt sexual discrimination that we were subjected to as the first judges on the superior court, my colleagues saying weird things like that, and some of us getting chased around the mulberry bush, etc., etc. ***[laughing]*** And being referred to by male lawyers who came in as "deary."

And male lawyers trying to run the court when they appeared before a woman judge; and a very prominent attorney pulled that on me, and you would recognize the name if I mentioned it. And I finally had to haul him up and say, "Listen, one more reference to the court as anything other than 'Your Honor' and you'll be held in contempt, because this is a court. It doesn't make any difference who is sitting here as a judge, but it's the court, and it has to have your respect."

But that was not an infrequent thing for us to be subjected to. So we said, "Okay, Joan, you're an organizational nut; why don't you see if you can put together a national organization of women judges?"

Beverly Blair Cook was a professor at the University of Minnesota, I guess it was. She had put out a little paperback suggesting that women ought to get organized, but that was the only thing that I ever saw that gave a clue that maybe women judges should get organized.

But, I said, "All right, I'll give it a go." And I was sitting there one day in my chambers and some women from Wellesley came in; I don't know where I met them, but they came in and they said, "You know, we have some students

at Wellesley that are looking for summer employment. Do you have anything that they can do?" And I thought, "Wow! What an opportunity!"

So I took these kids and I put them to identifying women judges around the United States and to try to organize the first meeting of that group: the National Association of Women Judges, hanging on the wall there.

And for October in Los Angeles at the Westwood Marquis Hotel, and everybody said, "No you'll never be able to get that done," because nobody in any administrative office or in the leadership of any court system around the United States had any clue as to whether they had any women judges—if they did, who they were, how you contacted them, etc., etc., etc.

So we scrounged around and tried to find as many as we could. There were some states where there were no women ever on the bench and still at that time, and that was 1978; but we got together about 100, 125 of us from all over the United States and we came together there and put together the National Association of Women Judges.

Sandra Day O'Connor was one of our charter members. I remember Sandra Day O'Connor, because after I helped organize that statewide law association for women, she asked me to come over to Arizona and see if I could help them put together a statewide women's bar. I did the same thing in Virginia. Sissy Daughtrey, who was on the Sixth Circuit—

Arthur Gilbert: I knew Sissy.

Joan Dempsey Klein: You know Sissy, she's phenomenal. I love her.

Arthur Gilbert: Boy, is she wonderful.

Joan Dempsey Klein: She's one of the best organizational people in the world.

Arthur Gilbert: She taught at New York, so I met her there and we sort of bonded; she's a wonderful person. She's on one of the circuits now.

Joan Dempsey Klein: Sixth Circuit?

Arthur Gilbert: Sixth Circuit, yes.

Joan Dempsey Klein: She redid the ABA so that now it's user-friendly as far as women are concerned. She's one of the best organizational minds I have ever run into; and I'm pretty good, but boy, I take my hat off to her.

Anyway, she was there; and Gladys Kessler from Washington, DC, who just tried that huge tobacco case on the federal bench; and a few other stalwarts like that around the United States. And we got together and we put the whole thing by way of bylaws and etc., etc., etc. And I was the first president, and Vaino was the second president, and it took off.

Arthur Gilbert: It's a thriving organization.

Joan Dempsey Klein: It took off because it was an idea whose time had come. And we are now on our 27th, 28th year, and I've been all over the world. We haven't even got into that, what I did for the State Department.

Arthur Gilbert: You did some of the teaching abroad for emerging countries.

Joan Dempsey Klein: Absolutely. And I went to People to People all over the world; but with this organization, we had an opportunity to go to different cities and states because different organizations would host the NAWJ conference.

So I have been to at least 27 cities and states that I probably would not have gone to otherwise. Like recently we went to Indianapolis, Indiana; I don't know when or why I would be going to Indianapolis, Indiana.

Arthur Gilbert: Unless you're a fan, a racing fan.

Joan Dempsey Klein: Unless I'm a racing fan or something. But anyway, we went there and I went out and saw the Brickyard and did all the rest of that stuff that I found; that was a very interesting place.

And I went to some places—where the heck was that? Was that in Tennessee? Knoxville, Tennessee, where they had those ducks that lived up on top and came down on the elevator, walked across the floor, and jumped into a pond, which was like a fountain in the middle of the entrance of the hotel. Anyway, I could go on forever with that.

But what we were concerned with at that time was that there was a presidential election, and both Reagan and Carter had indicated that if elected they would appoint the first woman to the Supreme Court. And so we said, "Hey, that's got to be, that's got to be." And they both campaigned on that issue, etc.

So when Reagan was elected, I called my buddy Herb Ellingwood, who by that time was one of the deputy's counsel back in Washington, DC, with Reagan, and I said, "Hey, your guy promised, we would like to meet with you."

So Vaino and I and Sissy Daughtrey and a couple of other hotshots in the NAWJ went back to Washington, DC.

We met with Herb and we met with other people back there and said, it's time for a woman. And lo and behold, next thing you know, Sandra Day gets nominated, because Sandra Day went to Stanford Law School with the former Chief Justice of the Supreme Court from Arizona; they knew each other there.

She got nominated and she called me and asked me if I would testify at her hearing. I said, "Sure, why not?" So I was stunned when I went back there to testify, because there were a whole lot of people from her state who were taking her on.

She was too liberal, because she had been in the Senate, elected to the Senate in Arizona, and she had sponsored some legislation, etc., and some of it was pro-choice. And these right-wingers came there to testify against her. And so there I was testifying to her qualifications, etc. That was kind of a fun thing to do.

She got nominated, and she's been a member, and we've honored her in a number of ways in the NAWJ. We have a scholarship named after her. She's been a part of us, as is Ruth Bader Ginsburg; she was a member and a strong supporter.

So I'm very proud of the national association. We've done a lot of things. We sponsored—this is probably the best thing that we've ever done—we sponsored the Gender Bias Task Forces all over the United States. We did that in conjunction with Lynn Hecht Schafran's outfit in New York City; you probably know Lynn. It used to be, I think now they call themselves . . . what the heck do they call themselves now? Anyway, I'll think of that in a minute: a major women lawyers association that brought lawsuits, etc., and oversaw developments of law throughout the United States, etc. So we partnered with them.

And the first Gender Bias Task Force was in New Jersey, and a woman there who was either on the Supreme Court or on the Court of Appeal went to her chief justice and said, "Look, this is our plan, this is what we would like to do; would you kindly appoint a committee to study whether there is any gender bias in the court system?" Ha ha ha. ***[laughing]***

Arthur Gilbert: Like we need to study.

Joan Dempsey Klein: Yeah, like we need to study. So she got that done. They conducted the study with a follow-up of recommendations

to implement. We took that to every single state in the United States, including California.

We've done that here, and we've had recommendations, not all of which have been implemented. But it was a consciousness-raising process if nothing else. Then we went to the federal courts, and we didn't think that the federal courts would do this, but they did. So that was one of the major things that the National Association of Women Judges has done.

Arthur Gilbert: You know, swimming laps with Buster Crabbe. Did you ever believe in a million years that you would be doing what you're doing today?

Joan Dempsey Klein: No.

Arthur Gilbert: Isn't that amazing?

Joan Dempsey Klein: But I knew I would be doing something. I just had that kind of energy and commitment and kind of a vision. "Don't tell me I can't do it, you just get out of my way"—that kind of an attitude. And Vaino and I have been support for each other all through the number of years that we've been working together.

Arthur Gilbert: It's been a wonderful friendship.

Joan Dempsey Klein: A phenomenal friendship, and I'm going to miss that lady something fierce. I mean, our hassles about getting the Jenny Commission established, because they used to have that blackball system—

Arthur Gilbert: That's the Judicial Nominees Evaluation Commission.

Joan Dempsey Klein: Yes, right.

Arthur Gilbert: So anybody knows what we're talking about in the future, when the Governor appoints a prospective nominee to the court or plans to, their name is submitted to the Jenny Commission for evaluation. And they send letters out to lawyers and find out about the person and their qualifications.

(1:22:33)

Joan Dempsey Klein: Yes, but before that committee was established, they had nothing.

Arthur Gilbert: Incidentally, I thought of the presiding judge of the superior court: Bill Ray. I knew the name would come; the computer is moving slowly, but Bill Ray.

Joan Dempsey Klein: I went to his funeral out there in Pacific Palisades recently. But anyway, Bobby Moretti went to the Governor and said, "Hey, I think she's a competent, qualified person; I know her personally, I can speak for her integrity, etc., etc., etc."

Reagan was all set to put me on the superior court. I got blackballed by one of those guys who was sitting on the State Bar Board of Governors. At that time, one person there could do it. So I remember talking with Seth Hufstedler, and who's the other guy that's been around a long time, former secretary of state?

Arthur Gilbert: Warren Christopher.

Joan Dempsey Klein: Warren Christopher. Two hotshots on the bar. I said, "You guys have got to do something about that system, so that people who are nominated for the court get a fair investigation and a fair deal." I don't know timewise when that Jenny Commission was established, but that was the first time that nominees got a fair shake.

Arthur Gilbert: I think it was under Jerry Brown's administration, I believe.

Joan Dempsey Klein: But at least you got a fair shake there. I went through that process, I got exceptionally well qualified; but a few years earlier, boing, I got dinged, one person.

Arthur Gilbert: Tell me when—to change focus a little bit here—being on this court, when you first came to this court. Here you are a woman coming in as a presiding justice in this sort of essentially male bastion—

Joan Dempsey Klein: You got it.

Arthur Gilbert: What was the first day like, walking in?

Joan Dempsey Klein: It was tough. Here I came in. I'm with three guys with crewcuts and little Joanie. I would have been happy to come in here as an associate justice. I didn't need to be appointed a PJ, but Rose said to me, she said, "If I can be a CJ, you can be a PJ."

I said, "Okay, Rose, whatever, I'm happy to do it." But there was a guy there, James Cobey, who was a former senator, big wheel, well-respected guy, and I liked him; he should have been the PJ and I should have been an associate justice. But what am I going to do, turn it down?

Arthur Gilbert: Exactly.

Joan Dempsey Klein: So I didn't; I took it. I really felt about two feet high when I came in—that's about all I felt worthy of. Nobody reached out to help me; nobody did anything of that kind. He had a

corner office, which I should have had as the PJ; was I going to move him out of there? Woo-hee, no. I would have sat in the cellar. And I tried my darnedest just to be low-key, cooperative, and work with those guys, and little by little gained their respect and little by little we moved along and had a relatively well-functioning division. But nothing at all like where I am now, where I work with my colleagues in an entirely different manner.

Arthur Gilbert: Well, your division is known for its congeniality, how well you all get along even though you may have different judicial philosophies.

Joan Dempsey Klein: As far as I'm concerned, as a PJ and my evaluation of the role of an appellate justice . . . And I'm distressed to read some of these newspapers articles saying that this is the case and here is the judge. It's not a one-judge thing, it's a three-judge thing, and that's something that some of the justices around here really need to appreciate.

You are that person on the trial bench, but when you come here, you're one of three. And what this division has done the whole time I've been the PJ is work together as a unit. We'll get in there and we'll argue all over the place, up and down and crosswise, etc., etc., etc.

It's nothing personal; it's strictly "Here are the facts we're dealing with, here's the law. Are these really the facts? Is this really the law? What's your point of view? I think that's wrong." Nothing is personal, but boy, we go at it; and when we finally get a work product, it's a work product of the three of us.

We have a pre–oral argument conference. We have oral argument, wherein we really appreciate having counsel come before us to help us decide cases in which I say to them . . . We have a post–oral argument conference where we get together again and say, "What do you think?"

Arthur Gilbert: Do you have a post–oral argument in every case?

Joan Dempsey Klein: We meet and then we say, "Okay, are there any of these cases that we really need to discuss?" We'll say, "No, I'm okay on one, two, three, four, five, six. I'd like to talk about seven, I'd like to talk about nine," or whatever; and that's the way we operate.

It boggles my mind that some of the people on the bench do not understand that they gave up being a one-man or a one-woman band when they came to the Court of Appeal. And some of the people around here, from what I hear, take exception when anybody second-guesses one of their

circulating drafts of which they are the lead author. I'm not going to mention any names, but it's astounding to me.

Arthur Gilbert: How would you describe your judicial philosophy?

Joan Dempsey Klein: It's a very simple judicial philosophy. It's fairness, bottom-line fairness. If the court system is a system of laws, the rule of law has to prevail. There has to be a separation of the various powers here, the three main: legislative, judicial, executive. There has to be that separation, which has to stay in place.

But the bottom line for everything is fairness; that's my philosophy. And fair and reasonable. If it's not fair and reasonable there's something wrong with it. I don't even want to be a part of any case going out of this division that is not bottom-line fair and reasonable.

And I think that's pretty much the philosophy in this division. We'll kick it around, take it apart backward and forward; and even though we're bound by directives of the higher courts, we'll do our darnedest to figure out what's fair and reasonable in the case that's before us.

Arthur Gilbert: Do the terms that are bandied about so often these days, "activism" and "restraint," does that have any bearing on that, do you think, on how the public looks at the courts?

Joan Dempsey Klein: Well, unfortunately with this President, he has put it front and center, because he keeps talking about activism. And that is so ridiculous, because his courts have been the most conservative activist courts that I can ever remember.

Arthur Gilbert: We're talking about Bush, George Bush, the son.

Joan Dempsey Klein: That's exactly right. When he . . . in effect his Supreme Court gave the election to George Bush over Gore, whereas Gore got more of the popular vote; and there was a question as to whether Gore or Bush would win the vote in Florida.

The Supreme Court stepped in, took it out of the state court where it was pending, and said, "Here we go, we're intervening and that is that." Now that's considered highly activated activity.

He keeps talking about activist courts, but it lies very shallow in his mouth given the amount of activism that has come from his court, including yesterday's opinion on pay discrimination for women. It was a 5-4 decision.

Arthur Gilbert: Dealing with the statute of limitations and when you should bring the action.

Joan Dempsey Klein: Very questionable. But none of us in this division believe in activism, and none of us is quote, "an activist." We do our job. We work very, very hard. We've got excellent help here. I've got a couple of research attorneys who have been with me 15 years, 20 years now.

And we go round and round and round putting together the draft that I'm responsible for, and I take it and run it by my colleagues, and then we get together and kick it around; but none of us, even though we're of different political shades, none of us imposes that on any decision.

(01:31)

I've never seen anybody try to impose that on an opinion here, and some of us hold strong views about a lot of things, surprise, surprise.

Arthur Gilbert: You don't, of course, right?

Joan Dempsey Klein: Neither does Justice Croskey. ***[laughing]***

Arthur Gilbert: Of course, right. Well, your court is known for its fairness and objectivity, and you get very high marks from all the lawyers. Lawyers say that appearing in oral argument in your court is a delight, because you're really on top of the case, and you ask good questions, and it's a fun exchange.

Joan Dempsey Klein: Why wouldn't we? That's what oral argument is supposed to be. You're not supposed to sit up there like lumps and nobody knows what's going on, so that it's an empty activism on the part of lawyers to come in and argue before a court like that.

It's our business to know what's going on. It's our business to challenge the attorneys for the positions that they're taking, etc., etc., etc. But nobody in this division attempts to impose any political philosophy, any other philosophy, on the other person. Now, we do that during our lunch breaks. ***[laughing]***

Arthur Gilbert: I've been to some of those lunches and I know all about it, yes.

Joan Dempsey Klein: Then we talk about everything from soup to nuts, and we can get down to the nitty-gritty there. But in terms of our role as justices . . . and we respect each other and we enjoy coming to work every day. That's one of the reasons I'm still here, one of the reasons Justice Croskey is still here. And away we go. And we've been working together as a division, our group, I think longer than anybody else in the state, of which I'm very proud of.

Arthur Gilbert: Sure. What has changed on the courts since you started? Have attitudes changed? Has the treatment of women changed, or does it depend on just the individual personalities?

Joan Dempsey Klein: Generally speaking, if I view the entire court system in the state of California, there has been a tremendous change in the composition of the court. We're still only about a third of the bench, whether it's the trial court or the appellate bench, but we've made inroads in that regard to the point now where we're not just a tiny minority. So that's a very substantial change.

I think there's more of a sense also of fairness in the selection process. You have this Governor . . . And I remember Pete Siggins, who was one of the guys who used to advise him as to judicial prospects, who is now on the Court of Appeal in the First District.

Arthur Gilbert: In Sacramento.

Joan Dempsey Klein: No, in San Francisco. I remember him speaking to a group of us one night over at the Jonathan Club, some bar function.

Arthur Gilbert: That's ironic too, is it not, the Jonathan Club?

Joan Dempsey Klein: It is.

Arthur Gilbert: Because women couldn't get in the front door, minorities couldn't get in the door, and now it's open to everyone.

Joan Dempsey Klein: You got it. And I was one of those people that I came there and they said, "You could take the back elevator to get up there, sweetie, you can't go here." "Huh? What's wrong with me?" ***[laughing]***Am I without clothes? Anyway, that's another whole story. California Club was the same thing.

No, but he said—and I didn't forget this—he said, "The Governor does not want to know the party affiliation until after he makes his appointment." And I thought, huh? That's kind of unusual. But that has been carried out by this administration.

Arthur Gilbert: We're talking about Governor Schwarzenegger?

Joan Dempsey Klein: Governor Schwarzenegger. And he has in fact appointed both Democrats and Republicans. There's an edge to the Republicans, which is okay with me, and that's probably the way it ought to be. But he has appointed a number of Democrats also.

Arthur Gilbert: In fact, Pat Brown had appointed a number of Republicans.

Joan Dempsey Klein: Yes and I think Gray Davis did a fair share. So there is a different philosophy of what . . . a fairness philosophy of looking at people not through a political lens, but through a lens whether they're competent, whether they have integrity, whether they can do the job.

And I remember I said, "I'm the senior presiding justice in the state, and I sit on this committee as a consequence of that role." And it's the judicial qualifications commission. It's an obscure committee that is provided for in the Constitution. It was put in there after one of the first Governors came to power in order to check his appointments, because they were afraid that he was going to put too many cronies on the bench.

So the people on this commission set forth in the Constitution are the Chief Justice, the Attorney General, and the senior presiding justice statewide if it's the Supreme Court or the senior presiding justice in any of the districts.

Arthur Gilbert: And that is you.

Joan Dempsey Klein: And that is me.

Arthur Gilbert: And you were just a kid just not too long ago. ***[laughing]***

Joan Dempsey Klein: Yes, that's right. So that's a very substantial role to play, a very difficult role for me sometimes, and was particularly for this last nomination to the California Supreme Court. I do not take that lightly. And the question is whether that committee takes into consideration judicial philosophy, as well as how many opinions have they written, are they okay, blah blah blah, routine kinds of things.

Although we don't have any staff or any money, the Attorney General has acted as an investigative arm of this committee and evaluates all candidates and is quite active in that regard. And I assume that Jerry Brown will fulfill that same role, and he'll be pretty strong in that.

There has been in the past times when somebody on that committee has voted against nominees to the bench. One of the classic examples is your good buddy Elwood Lui, who never, ever got over the fact that one of those commission members voted against him when he was nominated . . .

Arthur Gilbert: Yes, that's true.

Joan Dempsey Klein: . . . to the Court of Appeal.

Arthur Gilbert: That person voted for me, and he will never let me forget it. I'm sure we'll be doing an interview of retired Justice Lui.

Joan Dempsey Klein: You will?

Arthur Gilbert: And, I think—

Joan Dempsey Klein: You've got to bring it up.

Arthur Gilbert: We have to bring that up; and he has demanded that I will be his interviewer.

Joan Dempsey Klein: Because he is well respected on all regards, and was highly qualified at the time—but he got dinged. I don't remember the rationale for it.

Arthur Gilbert: I think a number of people got dinged by the Attorney General at that time, not because of their qualifications, but because he asked a number of questions in a letter that he wanted answered. And he said, "These are not appropriate questions to answer," and in fact he toned down the letter. And I received that same letter.

Joan Dempsey Klein: You're kidding me.

Arthur Gilbert: Yes, he asked a number of questions about how they ruled in certain cases.

Joan Dempsey Klein: Was that John Van de Kamp?

Arthur Gilbert: No, that was Governor Deukmejian, but he was the Attorney General at that time.

Joan Dempsey Klein: He voted against—

Arthur Gilbert: He voted against a number of people. And he sent the letter to me, but he had changed his questions; they were a little better. They were better, but still not always appropriate, and I respectfully declined to answer certain questions and told him why.

Joan Dempsey Klein: I didn't even know that.

Arthur Gilbert: Yes, and I told him why. And I did it very respectfully. I said, "I understand why you want to know this, but I feel that it is prejudging, and I can't really tell until I know the facts, but here is my philosophy," and so on. So I didn't directly answer the questions, but I didn't just ignore him. And so he did vote for me, and Elwood Lui will not let me forget it.

Joan Dempsey Klein: There was another person on our court now who got only two votes.

Arthur Gilbert: Yes, and those things stay with you forever.

Joan Dempsey Klein: Never forget it. And I don't—

Arthur Gilbert: A very capable person, but it just happens.

Joan Dempsey Klein: Yes, that was just Justice Roth that cast that vote, and it was against a woman. And I think he had a whole different set of criteria that he considered when he considered her. He was not very big on women's roles, etc. It was a very peculiar relationship that I found myself in . . .

(1:42:25)

Arthur Gilbert: There are a number of really significant cases you have written. You've authored so many cases and cases involving sexual harassment with employment.

Joan Dempsey Klein: True. One of the big ones very early on was the ***Sindell*** case. I'd just got appointed here, and that thing fell in my lap, and I thought, "Oh my god, this is a major case, what am I going to do with this?" And the ***Sindell*** case involved a pregnant woman who was given certain drugs from this laboratory or something; and I don't know what happened, whether she aborted the child or aborted the fetus or what it was. But after that process she was rendered childless; she couldn't bear any children after that. It went to trial and I come to find out that the drug that was used by this laboratory given to women in effect sterilized them all.

The question was whether . . . who could be named, because there was one of these things going on: the drug company said, "Well, it was not my drug, it was their drug. We didn't do it, she did it." Come to find out that all the drug companies were producing this same drug.

So what we came up with in that ***Sindell*** case . . . Remember the old case? You'll remember this one, where the guy is out hunting with buddies and they see a creature they're going to shoot at, and somebody gets shot and somebody gets injured, and so the question is, "Who do you sue?" So they sued them all. Do you remember the name of that case?

Arthur Gilbert: ***Tice v. Summers***[3]

Joan Dempsey Klein: That's the one.

Arthur Gilbert: Wow, I can't believe I pulled that out.

Joan Dempsey Klein: You did, you pulled it out. We took that concept and said, "If you don't know which one of these outfits actually was

the maker of the drug that you took, they're all responsible, and they can do this as far as each other is concerned." And we put that case out and it lasted about 10 minutes.

The Supreme Court took it and Justice Mosk took it over, wrote a huge case based on our premise. And that was a major case. I've had some biggies, and it is fun. You don't always get cases like that. You get the kind of stuff that I'm working on now, this CEQA and EIRs.

Arthur Gilbert: They're pretty important cases.

Joan Dempsey Klein: They are, but . . . We weren't an activist court at that time, but that was kind of creative.

Arthur Gilbert: No, it was, that was one thing. To be creative and not to just make up the law, and you certainly didn't do that—

Joan Dempsey Klein: And to have the confidence to put that forth. Because I was just brand-new, and I had these brand-new clerks, one of whom was a woman, who is now on our superior court.

Arthur Gilbert: I know who you mean, I know her.

Joan Dempsey Klein: She was in the U.S. Attorney's Office for a long time and she just got appointed. I can't think of her name, I can't pull it up. Anyway, she was one of my clerks at that time and we worked on that together.

Arthur Gilbert: I recall the case you wrote holding employers strictly liable for sexual harassment in the workplace—supervisors are strictly liable. You've written a number of very significant cases.

Joan Dempsey Klein: Based on a template of what is fair and reasonable, in terms of the application of the law, interpretation of statutes, and looking at prior cases.

Arthur Gilbert: Looking back over your life and your distinguished career, is there anything you would have done differently? It all seems to have worked out even though there were bumps in the road, and these bumps seemed to have made you particularly suited for the work that you wound up doing.

Joan Dempsey Klein: Yeah, I often think, "What if I had had money, what if I had had a comfortable background as a child, supportive mommy and daddy, what if it was easy for me to go to college? Would I have had the drive, would I have had the push, the goals?" The answer is no, probably not.

Arthur Gilbert: Who knows, huh?

Joan Dempsey Klein: I don't think so.

Arthur Gilbert: It was a pleasure doing this.

Joan Dempsey Klein: Mutual.

Arthur Gilbert: Thank you.

Joan Dempsey Klein: I could do another, god knows. Somebody had suggested I really should write a book with all this stuff.

Arthur Gilbert: Absolutely. You're too busy working to do it, but you could find time.

Joan Dempsey Klein: Yes, I am, but again I would have to publish it posthumously. There are too many details along the way that I've left out which are significant but very personal. ***[laughing]***

Arthur Gilbert: You certainly revealed a lot and gave us some great insight into a really remarkable human being.

Joan Dempsey Klein: Well, I appreciate what it is you're doing, and you're the perfect guy to do this interview, just the perfect guy.

Arthur Gilbert: I was honored to do this.

Joan Dempsey Klein: Well, thank you so much. It's absolutely mutual, as you know. I'm glad you're doing it. If I can be some kind of a role model, a catalyst for somebody else whose face has seen hurdles along the way and say, "Go for it," that's the point of the whole thing—because I didn't have anybody like that. I had no role models at all, none. All I did was see negative role models.

I remember . . . I have to tell you this one little thing: I remember when I went to UCLA on that fellowship and I was in this class and one of the papers was, "List everything that has happened to you that got you where you are today." And then you had to get up and read your paper.

Everybody wrote all kinds of nice things: "Well, my father was such a great influence in my life, my mother was so helpful, my Aunt Fanny took me to Europe, and my brothers and sisters all were helpful."

I wrote this thing saying, "Nobody, but nobody, was there for me. I had no money. I had nothing but negative impetus from those around me." I was the only paper like that, and people looked at me like, "Jesus, are you a weirdo," but that's what it was.

It was a negative impetus rather than a positive one, which I'm sure the professor thought everybody's going to write all these positive positions in support of their getting to college and all that good stuff; and then I come up with this bit.

Arthur Gilbert: You turned it into something very positive, very influential on us.

Joan Dempsey Klein: I didn't even talk about my kids and what I've done for them and grandkids; but that's a whole other side of it, and they can live on their own and they're doing very well.

Arthur Gilbert: You became the parent for them that you didn't have for yourself.

Joan Dempsey Klein: You bet. And that started right about this age, goosing them all along the way. And when my husband's three daughters joined us because their mother died an untimely death, I stepped in and I was their mother in effect and grandmother to their kids. So it expanded this to there.

Arthur Gilbert: A full, marvelous life.

Joan Dempsey Klein: Yes, so far so good—hanging in there. I hope you have some good gene lines, too, so that you'll hang around for a while.

Arthur Gilbert: Well, you're an inspiration; maybe I will stay for a while.

Part II
December 8, 2014

Arthur Gilbert: Hello there! I am Arthur Gilbert and I am the Presiding Justice of Division 2 of the California Court of Appeal and I am here with my dear friend Joan Dempsey Klein who is the Presiding Justice of Division 3 of the California Court of Appeal, and this is part of the California Legacy Project, and we might call this Chapter 2 because we met, it is hard to believe eight years ago where we did Chapter 1; and Joan, we have known each other for so many years and your life has been so filled with so many accomplishments that one interview is not enough.

And as I recall during that past interview we talked about retirement and decided you were never going to retire. Well now, out eight years later it looks like that is going to happen, after all you have been on the bench for 50 years and there are so many accomplishments of yours, you were so modest, we did not go over all of them but we are going

to do it this time and cover some of the other territory that we did not cover the last time.

Joan Dempsey Klein: Allow me to say thank you very much.

Arthur Gilbert: Oh my goodness! It is my pleasure to be here with you. So you have been on the bench for 50 years.

Joan Dempsey Klein: Seems like only yesterday.

Arthur Gilbert: Boy! Doesn't that, I remember you on the Municipal Court in Los Angeles awhile ago when I appeared in front of you. Let's talk a little bit about your judicial career; we talked a lot about your personal life and you growing up, and I think modestly we -- you left out some details of your very, very important career and the milestones in your life. Now you were a Deputy Attorney General, right?

(1:53:22)

Joan Dempsey Klein: Yes.

Arthur Gilbert: Let's start with that office, what about that?

Joan Dempsey Klein: Well, I was very fortunate to get that job after law school because when I graduated law school there was no opportunity for women anywhere.

Arthur Gilbert: Now when was -- what year are we talking about?

Joan Dempsey Klein: 1955 was when I graduated UCLA Law School and I had the good fortune to be able to spend some time in the Attorney General's office and I had an opportunity to be employed therein and that was a wonderful opportunity for me.

Arthur Gilbert: Now you met a very important person in your life in the Attorney General's office.

Joan Dempsey Klein: I surely did. I met Conrad Lee Klein who was an extraordinary attorney with great skills and as a consequence he represented some major clients in the Attorney General's office.

Arthur Gilbert: And in fact he is a preeminent lawyer in Los Angeles, very well-known, highly respected, everybody knows Connie if I can call him that.

Joan Dempsey Klein: Indeed.

Arthur Gilbert: Yes.

Joan Dempsey Klein: He helped me greatly to retain the bench, he represented big-time clients and they had connections with Governor Pat

Brown who at that time I guess, I guess he was the AG at the time and then became the Governor.

Arthur Gilbert: Now may I interrupt you and ask you this? You did some pretty significant work in the Attorney General's office, did you not?

Joan Dempsey Klein: Well I had clients, I was in the Trial Department, and I did love trial work. California Highway Patrol was one of my clients as was the Department of Fish and Game and so I did a lot of trial work on behalf of those agencies.

Arthur Gilbert: So you were showing -- I think you were showing people that women are as capable if not even more so than men.

Joan Dempsey Klein: Well, that's kind of you to say, but I had no difficulty appearing in the Trial Court before the Trial judges and was well received and I learned a great deal.

Arthur Gilbert: There weren't many women in the office.

Joan Dempsey Klein: No, there were 3.

Arthur Gilbert: 3.

Joan Dempsey Klein: When I joined them pursuant to the appointment, and I enjoyed my time there very much but I was eager to move on and I did have that opportunity when I was appointed to the Municipal Court.

Arthur Gilbert: Now, you mentioned that Connie Klein helped you.

Joan Dempsey Klein: Indeed he did.

Arthur Gilbert: No doubt he was impressed with your work and your ability.

Joan Dempsey Klein: Well that may be, but we were at twosome at that time and without his help I am not sure that I would have made it but I gloriously appreciated what he did on my behalf and I was indeed appointed to the Municipal Court.

Arthur Gilbert: Now when was that?

Joan Dempsey Klein: That was in 1963 and just – well, it just so happened. I sat there until 1975 because that's where the women were, the women were not on the Superior Court.

Arthur Gilbert: And there weren't that many women on the Municipal Court?

Joan Dempsey Klein: No, they were not.

Arthur Gilbert: Yeah, there were a few.

Joan Dempsey Klein: There were just a few of us, but after I had an opportunity to spend some time on the Municipal Court I thought I was ready for the Superior Court and Conrad agreed and we ran a campaign for the Superior Court which –

Arthur Gilbert: Now, was that an open seat and so --

Joan Dempsey Klein: Yeah.

Arthur Gilbert: -- we understand how -- did you run against somebody or is there an open seat?

Joan Dempsey Klein: It was an open seat. It was an open seat.

Arthur Gilbert: So there are seats that sometimes are open where the Governor has not made --

Joan Dempsey Klein: Right.

Arthur Gilbert: -- and people run for the office, and you were one of those.

Joan Dempsey Klein: Yeah, I was one of them.

Arthur Gilbert: And how did that --

Joan Dempsey Klein: I missed out, I take that back. There was a candidate against whom I ran and he edged me out in the final scheme of things and so we tried again the next time.

Arthur Gilbert: The next time was a success?

Joan Dempsey Klein: The next time was a success and --

Arthur Gilbert: Now your campaign was interesting because you had done quite a bit of things, instituted reforms on the Municipal Court.

Joan Dempsey Klein Yes.

Arthur Gilbert: And you had to let people know about that?

Joan Dempsey Klein: Right, and Conrad helped me focus on a new approach to that second run and that was media coverage, and the media coverage was of the things that I had done as a Presiding Judge of that Court, and one of them was we created the Bail by Mail --

Arthur Gilbert: Right, right.

Joan Dempsey Klein: -- in the County of Los Angeles so you could pay your tickets.

Arthur Gilbert: And you could do it through the mail –

Joan Dempsey Klein: Through the mail.

Arthur Gilbert: -- and to take off work and a very helpful program you instituted.

Joan Dempsey Klein: Yeah.

Arthur Gilbert: -- for the public, yeah.

Joan Dempsey Klein: Yeah, I thought that was a pretty good thing to do for the folks in the County of Los Angeles.

Arthur Gilbert: And you did some other things too that you -- how about funds to law enforcement agencies, did you work with the supervisors?

Joan Dempsey Klein: Yes, I did -- I did. There was money coming from the Law Enforcement Agency Group in Washington, DC. For some reason they had money and they gave it to us to support interesting projects around the United States and we got -- we got some money for that purpose and Kenny Han who was the supervisor in the Fifth District here.

Arthur Gilbert: He was a very well-known figure in Los Angeles.

Joan Dempsey Klein: And he was a very great help to me and I loved him dearly and he took me all over the city and supported me in a variety of ways.

Arthur Gilbert: So Conrad had a really sophisticated approach. If you've accomplished great things the public should know about it, right?

Joan Dempsey Klein: Yes, and he was the main source helping me to acquire news media and endorsements which were great importance to my winning that election.

Arthur Gilbert: Yeah, and you don't get those news, endorsements unless you've really accomplished something and you make it great, so it's not a question of just knowing somebody you have to have the substance, which you obviously did.

Joan Dempsey Klein: Well, thank you for that observation!

Arthur Gilbert: Of course. So then you -- so the election was over and you were now on the Superior Court.

Joan Dempsey Klein: Yes, yes.

Arthur Gilbert: Now if we can mention some other things, we've talked about these reforms you've instituted in the Municipal Court but you are active in organizations in fact you founded an organization now that is one of the most important in the city.

Joan Dempsey Klein: Well, more than the city actually --

Arthur Gilbert: And the nation -- actually in the nation.

Joan Dempsey Klein: -- on a nationwide basis -- yes, California is a huge State, numbering many, many, many women lawyers and they needed to be organized.

I met Justice Vaino Spencer when I first came on the Court in 1961, well, I was -- I think '63 she was the first Black woman whom I know as a judge and we became fast friends, we recognized in each other, soul mates and so we worked together on all the projects that I was involved in over the years and we founded the California Women Lawyers as a statewide bar association.

(2:01:47)

Arthur Gilbert: There weren't associations like this around, were there?

Joan Dempsey Klein: No.

Arthur Gilbert: What year was this?

Joan Dempsey Klein: That was in 1974. And it made such a big difference as between one or two women standing up and calling for reforms of this, that, and the next thing as contrasted with having a Bar Association statewide composed of women lawyers who had common goals and were willing to work toward projects that influenced women in the state.

Arthur Gilbert: So putting that together was a big job. I mean, you had to draft bylaws. Where did you meet? How did you start it? How did it get going?

Joan Dempsey Klein: We started that with a group of us meeting in San Diego and we had some of our very first meetings at our home, and Conrad and I drafted some of the bylaws for that.

Arthur Gilbert: So now, but that's not all, this organization blossomed; you started other -- you started a national organization, did you not?

Joan Dempsey Klein: Well, yes, this was really very effective in the State of California and we felt very good about it. And there were about maybe seven or eight women on the bench in California at the time, and we had a lot of problems. We had

a lot of problems dealing with lawyers who didn't treat us fairly in the courtroom, and I think you can probably guess some of the incidents that we might have been involved in.

But again, we thought that if we had an association of women judges, not only in the State of California but around the nation, that we would have a voice and we could have an impact on improvements in the system and recognition of us as a competent journey people.

And so we met in 1979 out in Westwood, at the Marquis Hotel, and by that time we had gathered together information from about 100, 115 women judges around the country, and we met. And it was a very unusual group. If you can imagine, these highly educated, skilled women from all over the United States in those states that had women judges, because there were a number of states who didn't know what we were talking about when we asked, give us the name of the women judges in your state.

Arthur Gilbert: You mean they would say what women judges?

Joan Dempsey Klein: What? Who? How?

Arthur Gilbert: Now, my goodness, today there is thousands of members, are there not?

Joan Dempsey Klein: Yes, there are.

Arthur Gilbert: Wow!

Joan Dempsey Klein: The founding of the National Association was one of those ideas whose time had come, and it blossomed, and you are right, we have women all over the United States and on the Supreme Court.

Arthur Gilbert: And also, hasn’t this been extended even beyond the United States?

Joan Dempsey Klein: Well, after the NAWJ got moving and shaking around the United States, it was so successful that at one of our meetings in Washington D.C. we contemplated the possibility of extending this on a worldwide basis. And one of our members agreed to assume the responsibility for doing that, and she did, and we created the International Association of Women Judges, and it is still functioning.

Arthur Gilbert: Sure it is.

Joan Dempsey Klein: And it is functioning in some of those areas of the world where women are having a very bad time right now, like even being recognized. You don't see or hear anything

about them, and it's a tragic situation, and maybe I could help do something about that when I retire.

But in any event, we did establish the International Association and I am very proud of that.

Arthur Gilbert: I can imagine how satisfying a legacy this is for you.

So you are on the Superior Court now and I know, I have appeared in front of you when you were on the Municipal Court and the Superior Court, you had a number of assignments, didn't you? I remember you were hearing all kinds of cases.

Joan Dempsey Klein: Yes, I had a variety of assignments and probably the one that was kind of the most fun for me was the felony arraignment court, wherein I had an opportunity to assign lawyers to help the poor folks who were rounded up over the weekend and brought in for arraignment and for preliminary hearings to see if there were enough evidence to bind them over. And that was an interesting and a fun court.

Arthur Gilbert: A court that moved along quickly, didn't it? There was no dull moment.

Joan Dempsey Klein: Yeah, moved along very quickly. It was fun.

Arthur Gilbert: We were talking about women and I want to jump ahead a little bit. You did obviously go on to the Court of Appeals and become one of our distinguished jurists, with an international reputation. And you sit on a special commission that decides the qualifications or whether certain appointments should be made in the Supreme Court and Appellate Courts. Tell us a little bit about that commission.

Joan Dempsey Klein: Yeah, that's the Commission on Judicial Qualifications and it's provided for in the Constitution. And it's composed of three persons; the Chief Justice, the Attorney General, and the Senior Presiding Justice.

Arthur Gilbert: And that's you.

Joan Dempsey Klein: And that is yours truly. And it just so happens that at the present time the three of us are women, and so it's kind of fun when we sit together in San Francisco to be heard on the Governor's nominees to various courts. And not infrequently we are ruling on women candidates; one of whom recently was to be my replacement, and I was delighted to cast an aye vote for her, Lee Smalley Edmon.

Arthur Gilbert: Lee Smalley Edmon. Yes, I have appeared in front of that Commission, in front of you just recently on another nominee.

So just for the record, so people know this, because this could be seen by people in the future obviously, the Supreme Court Justice is Tani Cantil-Sakauye.

Joan Dempsey Klein: That's true.

Arthur Gilbert: And the Attorney General is Kamala Harris.

Joan Dempsey Klein: That is correct.

Arthur Gilbert: And you are the third member of that Commission. And this is the first time in recording history that we have three such amazing competent women, so accomplished sitting on this Commission, it's really quite remarkable.

Joan Dempsey Klein: And you can imagine from my history how significant I believe that is, and how much pleasure I get out of sitting on that Commission at the present time.

Arthur Gilbert: Now, the California Supreme Court has -- there will be another member, it's short one member, and there is a nominee now, and if this nominee is confirmed, tell us what will be unusual about the California Supreme Court?

Joan Dempsey Klein: We will have a majority of women justices on that court.

Arthur Gilbert: And the Chief Justice is a woman.

Joan Dempsey Klein: And the Chief Justice is a woman and the Senior Member of the court is a woman, and I will have the glorious opportunity to sit in on that confirmation hearing in the near future.

Arthur Gilbert: That will be wonderful! My goodness! And you have sat, incidentally you have sat as a pro tem, have you not on that?

Joan Dempsey Klein: Yes, I have, on several significant cases; the most recent of which I had to write a dissent.

Justice Arthur Gilbert: You wrote a dissent, and it was quite a dissent. It got quite a bit of interest and it was pretty courageous.

Joan Dempsey Klein: Well, I still think I am right.

Arthur Gilbert: Do you want to just briefly tell us about it?

Joan Dempsey Klein: I don't think so.

Arthur Gilbert: Okay. It's okay. So you give speeches, you talk a lot throughout the country, and even abroad, about a variety of issues touching on the judiciary and women's rights, perhaps you can tell us a little about that?

Joan Dempsey Klein: Well, in terms of the international aspect, the People to People Program, which is in the Midwest of the United States, has a program wherein they send people like Forrester's to meet with Forrester's in other countries around the world. And they asked Conrad and me to take women judges and meet with women judges around the world, which we did.

We led several of those campaigns, and we went to China and Russia to meet with counterparts there, and the Scandinavian countries; Norway, Sweden, Finland.

And not pursuant to that, but I had the opportunity to sit with the Israeli Supreme Court, thanks to Judge Dorothy Wright Nelson, and that was an interesting international experience.

Arthur Gilbert: So you sat there, you weren't actually deciding a case?

Joan Dempsey Klein: I sure wasn't.

Arthur Gilbert: It might have been quite an experience. And you have been asked by the State Department to travel to countries.

Joan Dempsey Klein: Yeah. Actually one of the most important trips that we have taken was pursuant to the State Department's request that we go down to South America and meet with counterparts down there, and as a goodwill gesture exchange of information.

And we did, and we were gone for six weeks, and we toured Peru, Argentina and Brazil. We met with judges and lawyers. Astounding, it was strange to me, there are a number of women lawyers in South America, but they don't seem to practice; it seems to be like a finishing school for them.

But we met with them. We met with judges. We discussed our legal system and our democracy and how they go hand in hand. And we covered in addition various legal topics; we talked about abortion; and we talked about the disappeared ones in Argentina.

And as was the custom, we would have dinner with Chief Justices, et cetera, at midnight at clubs. The only problem with that is --

Arthur Gilbert: You have got to get up in the morning.

Joan Dempsey Klein: Exactly! We had a full schedule to meet and it was a grueling six weeks down there.

When we were touring Brazil, Brazil is such a huge country, we had I think about 20 takeoffs and landings all over Brazil, which as you can imagine was difficult to negotiate given the planes and where we were going and ups and downs.

Arthur Gilbert: Mountains and different places.

Joan Dempsey Klein: That is correct. That is correct. And quite frankly, at the end of the six weeks I was quite eager to get home.

Arthur Gilbert: You were glad it was over, but glad you did it too.

Joan Dempsey Klein: I was glad I did it and I was glad that Conrad was with me. I don't know that I would have been able to handle that by myself. He was a great support in so many ways in that trip in South America.

Arthur Gilbert: And he is a very prominent attorney, with a very busy practice, but he had plenty of time to spend with you as well.

Joan Dempsey Klein: He was gracious enough to accompany me on a number of these trips that I took as a judge and a justice, and he helped me with the presentations and the compiling of information that I wanted to exchange, and I couldn't have done it without him. I will tell you that right now.

Arthur Gilbert: So now, you were on the Superior Court not a long time before you went to the Court of Appeals. How long were you on the Superior Court?

Joan Dempsey Klein: Gee, I don't know, but you are right.

Arthur Gilbert: A few years?

Joan Dempsey Klein: A few years.

Arthur Gilbert: You went on because I remember you went on the Court of Appeal.

Joan Dempsey Klein: 1979, when Jerry Brown was elected Governor and there I was.

Arthur Gilbert: And there you were.

Joan Dempsey Klein: I was appointed the First Female Presiding Justice in the State of California and I have been there ever since.

Arthur Gilbert: And you have been there ever since?

Joan Dempsey Klein: Yeah.

Arthur Gilbert: You certainly have and you were the lead author on so many opinions, it's hard to count. I know you have over 500 published opinions, correct?

Joan Dempsey Klein: That is correct.

Arthur Gilbert: Wow! And how many have you participated in? It's almost -- it's a staggering number, in the thousands.

Joan Dempsey Klein: Yeah, in the thousands, yes, indeed.

Arthur Gilbert: Yeah, wow!

Joan Dempsey Klein: And I am very proud of that record, I am very proud of serving on my Court, Division 3, with my colleagues, and we were most contentious from the word 'go'.

Arthur Gilbert: Absolutely.

Joan Dempsey Klein: And we have an excellent reputation, and the law books are full of our cases and stand for themselves.

Arthur Gilbert: You are also known for the collegiality in your division, and the Chief, the Presiding Justice is the one that sets that tone, and you certainly done that admirably.

Joan Dempsey Klein: Well, I am happy about that also and that's a two-way street obviously and I have enjoyed working with my colleagues toward the preparation of the best opinions that we could put out on a monthly basis in addition to the other work we have to do which is handle all the writ requests that come before us and the various other requests that the Court has to deal with on a routine basis. It's a very busy job.

Arthur Gilbert: Yeah, it certainly is.

Joan Dempsey Klein: As you well know.

Arthur Gilbert: Yes, and I know you have authored so many significant cases, maybe we can just talk about one or two that stand out in your mind?

Joan Dempsey Klein: Well, the 1993 case of Solorzano, we held plaintiffs could not be disadvantaged because they were poor and could not afford a referee, and the trial court had to fashion some kind of a procedure to accommodate those folks. That was a new concept that we introduced and I think it was totally appropriate.

Arthur Gilbert: Absolutely, it's been cited by many cases. I've cited it in a number of cases that I've decided and it's a very significant case.

Joan Dempsey Klein: Well, I appreciate that. We made a ruling in the Rojo case back in 1989 and we referred back over a hundred years to a 1879 amendment to the California Constitution to prohibit discrimination against women. I had to go back that far to find some support for that but we did, we did indeed, and that's a major case.

Arthur Gilbert: Another important part of your legacy. So we have -- we did meet before and we had an interview before and you were quite modest and didn't discuss all the many awards that you received and I think it will be appropriate if you would tell us a little bit about some of those awards because they were so well-deserved.

Joan Dempsey Klein: Well, one of the most prestigious and probably best known is the American Bar Association, so the Margaret Brent Award, it is given to women in the Judiciary, and I was very pleased to be a recipient of that award, and I am proud of the people who received it before and those that are coming after me.

Arthur Gilbert: This is a National Award.

Joan Dempsey Klein: It is a National Award.

Arthur Gilbert: It doesn't come easy. You have to earn it and you just earned it by being who you are.

Joan Dempsey Klein: I think I have earned it not just by being who I am, but the hard work that I have done –

Arthur Gilbert: That’s what I mean.

Joan Dempsey Klein: -- particularly on behalf of women judges in the profession.

Arthur Gilbert: Yes, that’s who you are.

Joan Dempsey Klein: That’s who I am.

Arthur Gilbert: How about the -- there are some other awards too.

Joan Dempsey Klein: Yeah, California has a big one.

Arthur Gilbert: Yeah.

Joan Dempsey Klein: The Bernard Witkin Medal for a man whom I consider an absolute genius and I was delighted to be the recipient of that award.

Arthur Gilbert: He was a chronicle of California law, has a series of books out.

Joan Dempsey Klein: That's correct.

Arthur Gilbert: He is no longer with us but we all revered and honored him and to receive that award is really quite something.

Joan Dempsey Klein: Thank you and I appreciate that. I was the LA Trial Lawyers Appellate Justice of the Year, and when `***The LA times***' was doing it I was one of their ribbon of the year.

Arthur Gilbert: Yes, that was quite -- that was publicized quite a bit everybody talked about it.

Joan Dempsey Klein: Yeah.

Arthur Gilbert: Another well-deserved award. And the women lawyers have certainly honored you.

Joan Dempsey Klein: Yes, they have. They have given me the different awards, but what is significant to me is that the women lawyers have adopted that award that is named after me.

Arthur Gilbert: Did you ever believe who -- it's not amazing that we look back, but isn't that wonderful?

Joan Dempsey Klein: It is.

Arthur Gilbert: What a legacy!

Joan Dempsey Klein: Yes, it is. I am --

Arthur Gilbert: I mean, they say, Joan Dempsey Klein, everybody knows, and to receive the Joan Dempsey Klein Award is a great honor.

Joan Dempsey Klein: Yes, it goes to a woman of outstanding achievement in the judicial system, and I am humbly proud of that, I really am.

Arthur Gilbert: Well, it's good that we are talking about it. So you've been involved in so many committees and projects to help women, to remove the barriers that have kept them from progressing in the legal profession, maybe you can just tell us a little bit about that too.

Joan Dempsey Klein: Well, there was one that I worked on and that I had the opportunity to work on that truly I feel is significant and you know it's significant also because it was a project to ascertain whether women could serve as highway patrol

officers and to compete, not necessarily compete but to practice in a manner wherein they were doing essentially the same kinds of works as men, and we had a two-year study to check that out, do watch them engage in various activities and --

Arthur Gilbert: Oh yeah, it's common place now, isn't it?

Joan Dempsey Klein: It is common place.

Arthur Gilbert: It's common place.

Joan Dempsey Klein: And I am very --

Arthur Gilbert: We just take it for granted now and you were -- you made it happen.

Joan Dempsey Klein: Yeah, I was the chair of that committee and I had some good folks with me and we had some interesting times in those two years as you can well imagine, but it has now been established that women need all of the relevant criteria for that job, so that's helpful.

Arthur Gilbert: Now you've also been instrumental in advancing the careers of women, in the judiciary women lawyers. Tell us a little bit about some of your work you did in that way?

Joan Dempsey Klein: Well, I have been available to counsel with women in terms of the advancement of their careers, and in the NAWJ we have committees that help women in that regard, I am very happy to say and back in 1981 back when we were founding the National Association of Women Judges I had occasion to meet Sandra Day O'Connor who was in a neighboring state in Arizona and she was interested in what we were doing in California, she is an organizational person too and so she and I got to know each other and talk about what we had done with NAWJ and what she --

Arthur Gilbert: That's the National Association of Women Judges.

Joan Dempsey Klein: Right, and what she was attempting to do in Arizona, so as time went by and things progressed lo and behold I was requested by her to testify in Washington, DC on her behalf to become the first woman on the United States Supreme Court. That was an extraordinary opportunity, and honor for me, and I did it and she was appointed and the rest is history.

Arthur Gilbert: And we all wish you were still there.

Joan Dempsey Klein: Right, and she is still. She and I are good friends and she still -- and she remains active.

Arthur Gilbert: Yes, she is, as you are going to be --

Joan Dempsey Klein: Not probably --

Arthur Gilbert: You have to promise.

Joan Dempsey Klein: That's an easy promise.

Arthur Gilbert: So gosh, your judicial career spanned so many decades, but let's just review that just briefly. You were, if we combine your work on the court, the Trial Court and the Appellate Court, it's what, it's 52 years, right?

Joan Dempsey Klein: My heavens! Yes, my heavens, that's right!

Arthur Gilbert: Mozart would have been alive and dead twice already. And then how many years were you on the Court of Appeals?

Joan Dempsey Klein: I think it's 36 years.

Arthur Gilbert: 36 years.

Joan Dempsey Klein: If I can say that. I am giving away my age as I sit right here now.

Arthur Gilbert: You look like a kid. You look so young.

Joan Dempsey Klein: That's kind of you.

Arthur Gilbert: It's because you are so active and engaged in life

Joan Dempsey Klein: Well, I am indeed --

Arthur Gilbert: And you have such a great relationship with your husband.

Joan Dempsey Klein: I was just going to say because I have a wonderful husband who has helped me throughout the years in every aspect of my career, and I won't say that he has helped me decide cases.

Arthur Gilbert: No, he hasn't done that.

Joan Dempsey Klein: But he has been a good friend and a wonderful supporter and a confidant in all respects, and I could not, I simply could not have done what I have done without him over the years.

Arthur Gilbert: He has got a great sense of humor too, doesn't he?

Joan Dempsey Klein: Indeed, and that has been helpful to us throughout our long career together.

Arthur Gilbert: Yeah. And a preeminent lawyer, boy, with a very busy practice. So both of you, the energy, you could light up the city with the energy the two of you have.

Joan Dempsey Klein: Plus, he sits as the chair of a foundation that he is quite proud of, that helps needy children in the Los Angeles area.

Arthur Gilbert: Terrific.

Joan Dempsey Klein: He is in charge of that and he does a wonderful job there.

Arthur Gilbert: And you and Conrad have been married for a few decades, right?

Joan Dempsey Klein: Yes, we have been married for --

Arthur Gilbert: Like some 50 years or so.

Joan Dempsey Klein: Yeah, we were married in 1963.

Arthur Gilbert: Wow!

Joan Dempsey Klein: By Justice Mildred Lillie, who was on the Court of Appeals for a long time.

Arthur Gilbert: Mildred Lillie, another dear friend. Yeah, they even named the library after her. She was a dear friend of both of ours, right?

Joan Dempsey Klein: Yeah. She did marry us in the home of Ingall Bull and his spouse out in Pasadena, and we had a great time at the wedding. But the important thing is that he and I were together all those years and we were a partnership, not only in my career, but in rearing of our family together, because he had three daughters and I had two sons and it was important that we provide a loving home and education for all these kids and the grandkids that came after that.

Arthur Gilbert: Wow!

Joan Dempsey Klein: So he and I are an institution in ourselves.

Arthur Gilbert: Yes, I think so.

Joan Dempsey Klein: We really are.

Arthur Gilbert: So tell us about what some of the kids have done? You have got a few lawyers in the family.

Joan Dempsey Klein: Yeah, a lot of them -- well, I think three of them graduated law school, but the only one who is practicing is the one son who is now sitting on the LA Superior Court.

Arthur Gilbert: Wow!

Dempsey Klein: And we are proud of his work. He has a good reputation so far and we are happy about that.

(2:30:13)

Arthur Gilbert: And he will continue to do so.

Joan Dempsey Klein: Right. We still have I guess three left in college and that will be the end of the kids and the grandkids.

Arthur Gilbert: And you have got 9 -- well, how many grandchildren, I think 9?

Joan Dempsey Klein: 9.

Arthur Gilbert: We talked about it.

Joan Dempsey Klein: Yeah.

Arthur Gilbert: Wow! That's wonderful! So what do you like to do as a family? Tell us a little bit about what the family does?

Joan Dempsey Klein: What we have felt, based on our extensive travel throughout the world, and that's been most delightful to the both of us and also very educational for us. And we have been all over the world together. We have engaged in activities with like educated folks and so on, and we felt that that was an educational experience that should be shared also by our kids.

So we have taken our kids around different travels with us. We went to Europe with them, and my mother at one point in time, and it was one of those quick trips. If it's Tuesday it must be Belgium, and by God it was Tuesday when we were in Belgium.

And we took the kids also around the United States in an RV tour.

Arthur Gilbert: Oh, that must have been something!

Joan Dempsey Klein: It was! It was indeed! And I could spend a lot of time talking about that trip, but they had a sense, an overall sense of the United States after that extensive trip, which was important for them to know, in addition to the opportunity to get over the ocean and see at least Europe.

And then all of them have extended their travel and their experiences and their association with the world in that regard, for which I am very important.

Arthur Gilbert: And you and Connie have done some traveling?

Joan Dempsey Klein: Yes, we personally have been -- in addition to the traveling that we have done on behalf of the state and the People-to-People and et cetera, we have traveled without the kids, did snorkeling in Fiji and we did a photo safari in Kenya, where I wouldn't go now obviously.

Arthur Gilbert: No. I was there too. Yeah, I did the same thing. It's pretty exciting.

Joan Dempsey Klein: Yeah. We did a Hawaii trip on all the islands, and we have been athletes all our life.

Arthur Gilbert: Yeah, you are quite an athlete. We have talked about that.

Joan Dempsey Klein: Yeah. And we bought a place in Sherman Oaks. There is a big house and a big lot so that we could have the kids there and their friends there and see what's going on.

And Conrad did a most amazing thing. It was oddball, hillside lot and he honchoed a tennis court in the backyard, and that was a great play area for us for tennis.

Arthur Gilbert: It was the famous client tennis court.

Joan Dempsey Klein: It was indeed! And we had a lot of fun spending a lot of hours there with the family, and I am delighted that he has the talent to do that.

Arthur Gilbert: In addition to everything else.

Joan Dempsey Klein: Yes. He used his mental faculties, his training as a lawyer and his perspicacity to go forward and build that tennis court; an extraordinary feat!

Arthur Gilbert: I know you guys, you told me once about a trip you took from Moscow to Beijing?

Joan Dempsey Klein: That was the most recent trip that we have taken.

Arthur Gilbert: Yeah, through different time zones, 12 different time zones.

Joan Dempsey Klein: Yeah, that was another one of those Orient Express trips, and we went from Moscow to Beijing, and we went through Mongolia and Russia and Siberia, and stopped to take a look at Lake Baikal, which is the biggest freshwater lake in the world, with seals. That was a very interesting trip; enjoyed that!

Arthur Gilbert: So with all this energy, all this ability, all these accomplishments, why are you retiring? Why retire?

Joan Dempsey Klein: Why retire? Because I am 90 years old and --

Arthur Gilbert: No one believes it.

Joan Dempsey Klein: And I don't believe it. But nonetheless, the facts are there and they do indicate that it's time for me to make way for someone else to lead this court. And I am most delighted to say that the Governor has appointed my replacement, Lee Smalley Edmon.

And the beauty of her is that she was the first woman presiding judge of the LA Superior Court, which is the biggest Trial Court in the world, and she handled that with aplomb, and she has been president of a number of organizations. And she has a very smooth easy way of being a boss person, and I am delighted that she will be coming in and replacing me.

And I have had a long beautiful run. I can't complain about anything. It has been wonderful. All the folks I have met, all the things I have been able to do, and my good colleagues on the court, and I will say sayonara with a glad heart.

Arthur Gilbert: We are going to miss you deeply. But tell us, you have got plans, come on; I know you must have?

Joan Dempsey Klein: Well, the fact that I have these two associations who are engaged or which are engaged in activities.

Arthur Gilbert: You mean the Women Lawyers?

Joan Dempsey Klein: I mean the Women Judges, the Women Lawyers and the international group, I am going to find within that milieu some things that I think I can have an impact for the betterment and we will see.

Arthur Gilbert: Oh, no question about it, you will continue to be an inspiration, not only for women lawyers, but for all of us.

And it has been a thrill for me; I just have to add this personal note to know you, to work with you, and to be privileged to conduct this interview.

I just have to tell you, you are an idle for everyone and I deeply love you, along with everyone else.

Joan Dempsey Klein: Well, thank you so very much, because there is a mutuality there. I highly respect you. You are one of the PJs on the Court of Appeals who has accomplished a great deal and you have your own style, which is just so friendly and warm and loving and everybody appreciates that fact, sir.

Arthur Gilbert: Well, thank you!

Joan Dempsey Klein: So it is my pleasure to have you do this for me.

Arthur Gilbert: Great! Thank you Joan!

(2:37:50)