Cynthia Aaron: My name is Cynthia Aaron and I am an Associate Justice on the Fourth Appellate District, Division 1 and we are here for the Legacy Project Interview of Justice Richard Huffman.

Justice Huffman, I know that you are a California native; can you tell us about your early life, where were you born, where did you grow up?

Justice Richard Huffman: Sure. I was born in Los Angeles. My father was a LA County fireman and my mother was a homemaker. We lived in various parts of Los Angeles as he moved from station to station, and then my parents got divorced when I was nine, and then I lived in Huntington Park area of Los Angeles County for a number of years before my mother remarried, actually it was when I was in the Huntington Park City Junior Band and marched in the road parade.

Cynthia Aaron: What did you play in the band?

Justice Richard Huffman: A flute.

Cynthia Aaron: Interesting, and did you go to high school there?

Justice Richard Huffman: No, my mother and her husband moved to Paramount which is towards Long Beach, so I went to the newly constructed Paramount High School and graduated from high school there.

Cynthia Aaron: And you started working for pay at a relatively young age, didn't you?

Justice Richard Huffman: I did. I started delivering papers at about age 12 and I think I had a Social Security Card by the age of 15 and I had to get a work permit, but I worked washing dishes, sweeping floors, finally got a job in the grocery stores as a bagger, box boy.

Cynthia Aaron: How did you get to work when you were that young, too young to drive?

Justice Richard Huffman: Well, I worked at -- in the first jobs I worked in the neighborhood that I could ride a bicycle to wherever I worked to the drug store or to the restaurant or wherever I worked. Then by the time I got working in the grocery store I had an old beat up car that I could drive, actually I had a Model A Ford.

Cynthia Aaron: Really?

Justice Richard Huffman: Yeah.

Cynthia Aaron: That must have been --

Justice Richard Huffman: It wasn't new.

Cynthia Aaron: Okay. When you were growing up, what do you think you would do for a living when you were an adult?

Justice Richard Huffman: Well, by the time I began to think about that, I concluded that I was going to be in the military that I was probably going to be in the Coast Guard, and I ultimately applied for and was appointed to the Coast Guard Academy where I stayed very briefly, but I think my early plans were to have a military career, it didn't work out but that's where I thought I was headed.

Cynthia Aaron: Going back to high school, I just want to ask you -- as I understand you met your wife in high school, didn't you?

Justice Richard Huffman: I did. She had moved from Long Beach to Paramount with her mother and new husband, and yeah, I met her there, we didn't socialize or talk on anything. She liked me there. I was kind of a nerd. I think I am still a nerd, but we then had mutual friends, and I think I asked her for a date. New Year's Eve the year we graduated at a friend's party.

Cynthia Aaron: And the rest is history?

Justice Richard Huffman: The rest is history, yeah. I am so smooth, I suppose. I think I said something like "When are you going to go out with me?" It's a pretty good line and her response is, "When are you going to ask?" So I asked!

Cynthia Aaron: That's cute.

Justice Richard Huffman: Yeah.

Cynthia Aaron: Very nice!

Justice Richard Huffman: Yeah, we've been friends for a long time.

Cynthia Aaron: Now, I understand you were the first person in your family to go to college.

Justice Richard Huffman: True. That's true. My mother's family came from

Kentucky in the South or still I think reeling from the depression era, and my father's family came from Minnesota to South Dakota but nobody had gone to college till I did.

Cynthia Aaron: What motivated you to go?

Justice Richard Huffman: Well, it seemed to be that was the family's conclusion that I needed to go to college, and I think the discussion was when I was a kid, whatever you do if you get an education they can't take that away from you.

Cynthia Aaron: So, the education was valued.

Justice Richard Huffman: It was valued by the family. It was thought to be very -- but not important enough for the family to pay for any of it, but --

Cynthia Aaron: Well that must have been difficult. You worked your way through college then?

Justice Richard Huffman: Yeah. Well I -- and I had like -- of course I was first appointed to the Coast Guard Academy but --

Cynthia Aaron: Yeah. Oh yes, let's talk about that.

Justice Richard Huffman: -- I didn't pass the physical and so I got back to Connecticut, so I came back and was admitted to USC in the Navy program there. But I still worked part time in the grocery business and then a couple of years in the school.

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Caroline and I got married and I dropped out of the Navy. So I took a semester off and worked in the markets, which is, I tell you, it's a great motivator to go back to school when you realize this is what I could be doing the rest of my life. So I think --

Cynthia Aaron: Sure, that's true.

Justice Richard Huffman: And my grades went through the ceiling when I went back to school, but -- but I worked full-time in the grocery business, got through Cal State Long Beach and then even when I went on to law school I had a full-time job.

Cynthia Aaron: So you were holding on a full-time job and attending

school?

Justice Richard Huffman: Right! Yeah, I spent interesting time because at Long Beach State you had to take PE classes, which I resented rather greatly having to unload trucks in the morning and then come and play volleyball or something.

Cynthia Aaron: Couldn't get credit for unloading trucks?

Justice Richard Huffman: No, and I kept saying, so if I hurt myself you are going to support the family, but -- so my grades in Physical Ed were not really great. My attitude wasn't very great either.

Cynthia Aaron: Well, somehow you carried on?

Justice Richard Huffman: I got through, yeah.

Cynthia Aaron: Well, how did you happen to apply to law school?

Justice Richard Huffman: Well, when I left the Navy career idea, I thought of being a high school teacher, and teach history.

Cynthia Aaron: Oh, okay.

Justice Richard Huffman: And so, I was taking graduate courses at Long Beach State when a friend of mine who had been in the Navy with me, thought we ought to go to law school and I had -- I think back about the lack of planning in my life. I mean, I didn't even know a lawyer. I'd never met a lawyer and I am not exactly sure what I expected, but family friends introduced me to a lawyer who helped sponsor me in my applications and I got accepted in the evening program at USC. And then I --

Cynthia Aaron: So in the evening program, so you were working full-time duty that you said, at first at least at the grocery store, and going to school in the evening?

Justice Richard Huffman: Right, right. Yeah, I went to school, the evening students weren't very popular in the law school I guess, but yes, we had to go five nights a week and every summer for four years.

But, after working in the grocery stores for a while a family friend again, same one, got me a job with the North American Aviation as a Contract Administrator in the First Air Force Missile Program and then on the

Apollo Program, so --

Cynthia Aaron: And that was a full-time job as well?

Justice Richard Huffman: Oh yeah, very much a full-time job, but I leave every evening and drive downtown Los Angeles, go to school.

Cynthia Aaron: Must have been hard on your wife?

Justice Richard Huffman: Oh well, she is -- probably should be nominated for sainthood, we had a son and I worked through college and I worked through law school, and besides that I'm a compulsive, so if I wasn't working I was probably studying.

Cynthia Aaron: Well, served you well.

Justice Richard Huffman: Well, she'd hung in there with me all through that.

Cynthia Aaron: And when you were in law school what kind of legal career were you planning to pursue?

Justice Richard Huffman: Again, the depth of my ignorance about the legal profession was profound and I think back on it, but after being a contract administrator I thought that I would do -- first of all I thought I would go to work for North American but they don't, like -- they are naive enough not to know that they wouldn't hire kids out of school.

So I figured that I get a job with a firm doing some form of transactional work in Los Angeles at some place. That's what I thought I would do.

Cynthia Aaron: But you didn't end up doing that, did you?

Justice Richard Huffman: No. No.

Cynthia Aaron: What happened?

Justice Richard Huffman: Well, a life overcomes you sometimes with the -- North American was paying me $950 a month. The going rate for a new lawyer in Wilshire Boulevard is about $600 a month.

For whatever reason the Attorney General's office wanted me, they offered me $750, so you have got a wife and child and house payments and so I took that job thinking, well, AG doesn't do just crime, they use civil administrator, you can do all that then I would go

out and be a transactional lawyer, and that didn't work out.

Cynthia Aaron: Now that didn't happen either.

Justice Richard Huffman: No.

Cynthia Aaron: What kind of work did you do at the Attorney General's office?

Justice Richard Huffman: Well, criminal appeals was the basic work for a while. I did some workers' comp, some administrative law, trying to do other things, and then, I got assigned to the trials and investigations section, there is a small group of people that we filled in for where there were conflicts by DA's offices.

(00:10:05)

Cynthia Aaron: Right.

Justice Richard Huffman: So I ended up doing trial work with the Attorney General, which led me to trial work with the US attorney, which led me to being in the DA's office and my whole career changed.

Cynthia Aaron: Do you remember your first trial?

Justice Richard Huffman: Oh yeah!

Cynthia Aaron: What was it?

Justice Richard Huffman: Well, first of all, I have never tried a misdemeanor case, not many prosecutors could say that.

Cynthia Aaron: That's fortunate.

Justice Richard Huffman: Yeah. But I -- we had the retrial of a pimping and pandering conspiracy being tried in Los Angeles, where the DA's office had a conflict, got a hung jury but this was a retrial and otherwise it would be insignificant except the defense attorney was an affiliate named Irving Kanarek, who was legendary in Los Angeles as a wacko.

Cynthia Aaron: How so?

Justice Richard Huffman: Well, his idea of a trial is to object to every single question you ask, every question, including name, which

is hearsay and whatever. And then his idea of cross-examination would go on, if you had a half hour of direct testimony, he could cross-examine for a week until you finally get him shut off, but he represented Smith in The Onion Field case.

Cynthia Aaron: Oh!

Justice Richard Huffman: Ironically, he is one of the few people I know that has a published opinion in the California Supreme Court that he was confident to try a death penalty case in Ray Smith and habeas corpus. But anyway –

Cynthia Aaron: It sounds like an adventure.

Justice Richard Huffman: It was an adventure. It was the best -- probably the best trial training you could ever get because the judge's view is, he would sustain any valid objection, so you had to learn how to get around that and deal with his subvert idiot while you have retrials for your witnesses or prostitutes, who have been questioned and are sick and tired of being there. It was an experience.

Cynthia Aaron: I'll bet! While at some point you became involved in a mob prosecution.

Justice Richard Huffman: Yeah.

Cynthia Aaron: How did that come about and what was that about?

Justice Richard Huffman: Well, a local from here, Frank Bompensiero and I don't know, an LA mob figure by the name of Jimmy Fratianno but they had gotten loans from the Exchange Bank in Chicago where the mob had raided the bank and they brought their trucking company down to Imperial County to work on Interstate Eight that was being built at the time.

And, I think the headlines were mob invades -- the Mafia invades the valley and so on. The District Attorney asked for help, which he did often down there, so the Attorney General's office sent two of us down, but one of them fairly knowing more about El Centro than I did, didn't show up, but they sent me down there in August of 1966.

Cynthia Aaron: El Centro in August.

Justice Richard Huffman: Yes, and I knew so much about it, I was wearing a black

suit. So yeah, first job is to get clothes. So I helped with the prelim down there and then a State judge dismissed the case for some bizarre reason that we appealed and ultimately got it reversed. But in the meantime, the US attorney here was then Ed Miller and the FBI moved in and charged him -- these people in Federal Court.

Cynthia Aaron: In San Diego?

Justice Richard Huffman: In San Diego. But what happened is the assisting US attorney who had handled that case went into private practice. So the then US attorney Ed Miller came up to LA and asked if I could be assigned as his special assistant US Attorney because I am the one that had the factual knowledge of this event.

Cynthia Aaron: And I think you were saying that might have been the first time that a person must cross.

Justice Richard Huffman: The first time they had a State attorney, yeah, the head of the criminal division came out and they had a big press conference and it was kind of a big deal at the time, but creative process actually was used -- they still use to some extent here in the Southern District of having cross-designation of State attorneys as assistant USAs and then US assistants as deputy DAs to take advantage.

Each form has different advantages for the prosecutor and it's picking the best place to take your case.

Cynthia Aaron: Exactly! So is this how you met Ed Miller?

Justice Richard Huffman: Yeah. Yeah, that's – he was US attorney at the time.

Cynthia Aaron: Right, and then he later became San Diego District Attorney?

(00:15:00)

Justice Richard Huffman: Right. When Nixon was elected, Miller was out. So he was in practice for a little while, but he ran for DA here and defeated a longtime favorite here. And so when he was elected DA, he offered me the job as Chief Deputy DA.

Cynthia Aaron: And what's the role or what was your role as Chief Deputy DA?

Justice Richard Huffman: Well, I think I made it up. As we go out, I think I was all of 31 with five years experience. So --

Cynthia Aaron: That's young.

Justice Richard Huffman: Yeah, it was challenging, but it was administrative in a sense of being responsible for supervising a number of divisions of the DA's office and then I tried cases that I thought were important.

Cynthia Aaron: So you were involved in hiring, I understand, and you hired a number of women and minority people in the DA's office?

Justice Richard Huffman: Yeah, we did. It was an interesting time because when Ed arrived, he was a moderate Democrat, and moved into an office that had been by large conservative Republican which was essentially all White males and his view was that that wasn't a way to run the shop that we ought to have more diversity in -- the attorneys and not just have women as clerks but as attorneys and investigators. And so we actively had to recruit in those days. We'd go to schools and recruit, and it was a little bit revolutionary among the male staff, but, yeah.

Cynthia Aaron: What year was that? Around when was that?

Justice Richard Huffman: We started in 1971.

Cynthia Aaron: So kind of a pioneering.

Justice Richard Huffman: Yeah, it was. It was, I mean they had to follow the consent decree between the county and the litigants over Justice Department over diversity hiring. We were already -- we didn't care about their stinking decree because it is important to find -- yeah, they had to be qualified.

Cynthia Aaron: Sure!

Justice Richard Huffman: But we thought it was important to open up opportunities.

Cynthia Aaron: Do you think it made a difference in the office?

Justice Richard Huffman: Oh yeah. Well of course. All my years teaching in law school and watching, I had two women in my law school class. And now it's at least 50% or more, so it's just sort of the beginning of a trend for women and minority

lawyers were getting more involved.

Cynthia Aaron: I remember hearing as a lawyer in the community that your role in the DA's office was kind of to be the heavy?

Justice Richard Huffman: Yeah.

Cynthia Aaron: You were aware of that I assume?

Justice Richard Huffman: I was, in the late '70s when Star Wars came out, the deputies decided that I was Darth Vader.

Cynthia Aaron: Now why was that?

Justice Richard Huffman: Well, Ed as wonderful gentle human being and Bill Kennedy who was the Assistant DA was a really nice man, neither one of them wanted to do things like fire people.

Cynthia Aaron: Oh, I see.

Justice Richard Huffman: Or if things were not going right it was usually my job and I for good or for bad, when I have -- if I had jobs like that I don't go and say Ed Miller said I will deal with it myself. And it wasn't mean to people but it was -- it was not good to be summoned to my office I was told. Well, I think of myself a very friendly person.

Cynthia Aaron: I can just picture that. I am glad, it wasn't in a position to be summoned to your office. And you are saying you also were able to try cases while you were Chief Deputy, are there any that stick out in your mind that's particularly memorable?

Justice Richard Huffman: Well, there were a number of interesting ones. I mean we had the first case I tried down here. So executed -- literally executed a police officer following an armed robbery, and was tried on the theory of getting a death penalty, guilt wasn't an issue.

Fairly elaborate trial, and it becomes significant because the jury returned a death verdict the same day Cal Supreme issued their Anderson opinion overturning the California death penalty.

Cynthia Aaron: So how did that play out?

Justice Richard Huffman: Well, we still had the Judge. The State Judge still sentenced him to death because there was still the

likelihood of appeals. Ultimately he was -- the death penalty was set aside, although ironically this guy was such a jerk that he got himself killed in prison, but anyway.

But there were others -- the last trial of course I had finished with an 11 to 1 verdict where I tried the Mayor of City for perjury and conspiracy and things of that type.

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Cynthia Aaron: That's right.

Justice Richard Huffman: And then I left the next week to go teach a class on jury selection when I was 11-twelths of an expert, so like that, we had a number of significant cases here.

Cynthia Aaron: And you were clearly a very accomplished trialer, your membership in the American College of Trial Lawyers and the American Board of Trial Advocates, what did you like about trying cases?

Justice Richard Huffman: Well, I like the challenge of, I guess, sorting out what you're going to do, organizing a case, getting -- picking jurors, dealing with witnesses, it's quite a drama when you really get into it, trying to not only marshal evidence put on but make it live to the point where people understand what you're doing.

This is of course in criminal trials, yeah, I didn't have to do depositions and I didn't have to do discovery and all of that stuff. So you function at a different level, and being the Chief Deputy, then the Assistant DA, I wasn't trying the day-to-day drunk drivings or misdemeanor cases, they were major cases and had investigators, and so, it was kind of like cops and robbers, if you would and it was exciting. I enjoyed it, although I think by the time we finished the first trial on the Mayor, I think I worked seven days a week, maybe 18 hours a day for months.

Cynthia Aaron: It's all-consuming.

Justice Richard Huffman: Yeah, it was. It just -- it finally just drains, it was a good diet, I lost over 20 pounds in the process, but I -- and then about the same time is when I got appointed to the Supreme Court, so I was ready for a new adventure.

Cynthia Aaron: So if there was anything you didn't like about trying

cases it might be that that all-consuming nature and stress that goes along with it.

Justice Richard Huffman: Yeah, I think it's my own personality. They were being compulsive as I am. I would burn myself out in these cases, and so -- but I would say today, if I had the opportunity to go try a case, I'd do it just because I think it would be exciting.

Cynthia Aaron: It would be challenging.

Justice Richard Huffman: It would be challenging.

Cynthia Aaron: By the way, were you able to select the cases you wanted to try as Chief Deputy?

Justice Richard Huffman: Yeah, generally.

Cynthia Aaron: Well, that's nice too.

Justice Richard Huffman: Yeah, that's right. No, I had the best of all worlds, so I mean.

Cynthia Aaron: Now, when you were in the DA's office, you were also involved in local Bar Association activity, weren't you?

Justice Richard Huffman: Right. I was on the County Bar Board.

Cynthia Aaron: Was that something that was encouraged by the DA's office or something you wanted to do?

Justice Richard Huffman: It's something that the DA and I encourage people to do. There weren't many DA's participating in the County Bar.

Cynthia Aaron: Right, still aren't.

Justice Richard Huffman: Not so many, no, but we did pay their Bar dues and a number of things to try to get people. And it's been -- Melinda Lasater was at one point president of the County Bar, so if we had some, participate, we thought it's important, and I participated in some State Bar committees as well, so I try to be involved.

Cynthia Aaron: And you had opportunities to leave the DA's office and enter private practice, but you chose not to do that, why is that?

Justice Richard Huffman: Well, by the time I got what would be a reasonable offer,

I was also thinking about being a judge, and one of the local retired judges encouraged me to become a judge as a better shot for it. So ultimately that worked out and that's what I began to be.

I had some more serious offers for private practice, and I was going to take one of them, actually right after I was appointed. I liked the firm, I liked the people and then they went over, they showed me their billing process and stuff, and I went home and I said to Caroline, I can't do this. I just -- this is not me, I can't see me working out the finances with clients and billing. Bless her heart. She said, well, if you make more money, we will just spend it, so why don't you do what you want to do?

(00:25:00)

Cynthia Aaron: Well, that's really nice.

Justice Richard Huffman: Yeah, so I stayed with the Court.

Cynthia Aaron: Well, let's talk about then, now how long were you at the DA's office before you were appointed to the Superior Court?

Justice Richard Huffman: Just over 14 years.

Cynthia Aaron: And it kind of become a goal for you then to --

Justice Richard Huffman: In the later years.

Cynthia Aaron: And what year were you reappointed to the Superior Court?

Justice Richard Huffman: 1985.

Cynthia Aaron: How did that come about?

Justice Richard Huffman: Well, it's a long trail. I like to say it's all skill, but it's life on judicial appointments, a lot of as we all know, luck. As it turned out -- at one point I was on the State Bars Commission, on Judicial Nominees Evaluation at the last year of then Governor Jerry Brown's first tour and then the first year of Governor Deukmejian's tour.

So I was there when Marvin Baxter came to deal with the Committee which was an interesting experience for him to – it was kind of like a cold shower to find out how

the Committee view their role versus the Governor's role. So we got acquainted sort of there and then after I left --

Cynthia Aaron: At that time he was in what position?

Justice Richard Huffman: He was the Appointment Secretary to the Governor. The Committee wanted him to commit as Brown's people had that if they found the person not qualify the Governor wouldn't appoint him, and Marvin's position was, no, the Governor is not going to yield his appointment authority, I mean he will consider what you say but --

Ultimately a year or so later, he managed to persuade the State Bar President to create a group to reform the Jenny Commission to try to make it a little more fair so the people knew what the criticisms were and we are not blind-sighted, fun things like that.

Cynthia Aaron: Oh, they used to be private.

Justice Richard Huffman: Oh yeah, they used to wait till you arrive and then hit you with it. So I served on that Commission with him, with Marvin Baxter. So when I applied it was --

Cynthia Aaron: He knew you.

Justice Richard Huffman: He knew me, yeah.

Cynthia Aaron: Nothing like that.

Justice Richard Huffman: That was a great interview when I met him in LA, John went with me, invited us out to dinner.

Cynthia Aaron: Wow! That's fair.

Justice Richard Huffman: So it was obviously being in the right place at the right time.

Cynthia Aaron: Once you got on the Superior Court, what was the adjustment like from being at the DA's office?

Justice Richard Huffman: It's an interesting transition. I have a view of people that like to exercise power whether it's in the PTA or wherever, in the DA's office, some reasonable power, you can charge people, you can refuse to charge people, dismiss cases. You have to be Superior Court Judge and assigned to the criminal calendars and you really lost a

lot of power. You can't do something if nothing is brought -- if it is not brought to you.

Cynthia Aaron: You can't initiate anything.

Justice Richard Huffman: No, and if you are honest there is limitations as to what you can do, you have to let people try their cases even if you think they are dumb, and then it's also an adjustment, it's also a step away from the place where you are very busy, people coming in and out of your office everyday, phone calls, I used to travel to teach with the DA's, associated DA's college.

Every place I would go and call in to see what the current crisis was. I wanted to travel when I became a judge to go to some program. I got off the airplane, went to the phone and realized there is no one to call, nobody cared. I felt a little deflated at the time, but I liked stepping back from advocacy at that point.

Cynthia Aaron: Was it hard to stay out of the trials in front of you, having been such an excellent trial attorney?

Justice Richard Huffman: Most of the time, no, because I very strongly believe the judges should stay out of the trial, and particularly someone like me. You don't want to put your finger on that scale. There was one trial, the highway patrol officer was accused in murdering a young woman and in the first --

Cynthia Aaron: Notorious case.

Justice Richard Huffman: -- yeah, it was, and I had both trials. In the first trial the DA was drunk, would show up drunk, would make the dumbest pronouncements. So I did – I actually did this. I went in, took a recess, went into the chambers, went into the bathroom, looked in the mirror, and said outloud, "Stay out of it! It's not your case!"

Cynthia Aaron: Must have been difficult.

(00:30:00)

Justice Richard Huffman: It was. It was. But here was a very difficult case, a very sensitive case, I am not that long out of the DA's office, there was no way for me to be trying to help one side or the other.

Cynthia Aaron: Well, that must have been a memorable trial. I was

going to ask you if there were any particularly memorable trials you presided over?

Justice Richard Huffman: Well, that one was memorable because it was all circumstantial, it had the botched up first trial and then the second trial and it was --

Cynthia Aaron: Very high profile.

Justice Richard Huffman: Very high profile. Everybody was there, the media were there.

Cynthia Aaron: I have a feeling you controlled the courtroom better than some other high profile cases that we have seen in later years.

Justice Richard Huffman: I would like to think so. My view is that the judge is supposed to be in control of the courtroom, but even as a trial lawyer when I was trying the Mayor, the media were there with cameras. And one cameraman asked me -- told me that when I was cross-examining the Mayor I needed to move over because I was blocking his picture, and we had a kind of colorful exchange.

Cynthia Aaron: When you went on the bench, did you miss trying cases?

Justice Richard Huffman: No.

Cynthia Aaron: Oh, that's good. You were ready?

Justice Richard Huffman: I was ready, I was ready, and I wanted to do more than just criminal. I mean I did little family law and Criminal Calendars and supervising criminal judge, but I left the business because I wanted to do other things, civil, whatever, and the presiding judge had a weird sense of humor. I told him I would like to do some civil work. So he put me into what was known as Civil Law and Motion. For a person who had never practiced civil law, it was - it's a way to learn.

Cynthia Aaron: Well, I have another question about your experience on the Superior Court, do you know how you were perceived by your former colleagues at the DA's office and was that difficult at all?

Justice Richard Huffman: It wasn't difficult for me, but I -- they perceived me as -- they probably thought of me as somewhat of a traitor. Somebody asked to amend the information a few hours before trial to double the potential punishment and I

said no; you would have thought I had three heads, but.

Cynthia Aaron: That hadn't happened to them before, huh?

Justice Richard Huffman: It had; it should have happened for me because I was supposed to be one of them.

Cynthia Aaron: So how long were you on the Superior Court?

Justice Richard Huffman: A little over three years.

Cynthia Aaron: And then you decided you wanted to apply to the Court of Appeal?

Justice Richard Huffman: Well, I did appellate work in the AJ's office, I had been teaching, started teaching in the law school in 1972, and I find I like the law issues in the judge business more than the fact finding issues. And there is also an opportunity; Justice Butler was retiring, and the legislature had provided two more positions here, and Governor Deukmejian was still in office and that --

Cynthia Aaron: The stars were aligned.

Justice Richard Huffman: Everything was -- yeah, it was just one of those things, and so I applied and got appointed.

Cynthia Aaron: And that was what year?

Justice Richard Huffman: 1988.

Cynthia Aaron: Is it -- was it what you hoped or expected it would be in terms of the legal issues and getting to grapple more with that sort of thing and less of the fact stuff?

Justice Richard Huffman: Yes and no. I think I had -- like my diving into being a lawyer and not knowing what I was doing, I had probably some misconceptions, I am going to have time to consider these issues, but there is a lot of work here, you don't really have time to just ponder.

And I think the hard part -- now you get to the position where you write an opinion and somebody disagrees with you, I am a Superior Court Judge, I don't care if you disagree with me. Now all of a sudden I have to care and it changes your approach and thinking in a way you really -- I hadn't really thought that through.

I mean, fine, I have adjusted to it, but it's different. But

also I found that I had to do other things than just write opinions, so I got involved with the judicial administration business and all that stuff.

(00:35:08)

Cynthia Aaron: Very much so, and we will get to that in just a minute. I want to ask you a little bit more about your experience on the Court of Appeal. What do you enjoy most about being an appellate judge?

Justice Richard Huffman: Oh, I think I enjoy working through problems, the puzzles that we often call cases; issues that I have never seen before.

Cynthia Aaron: It's amazing, you can do this work for many, many years and still there are issues that you think would have come up, but they haven't.

Justice Richard Huffman: Right, exactly! Sometimes when you get your cases and sit down with the staff and say to your staff attorney, okay, you go first, what do you think this is, because everything is so different sometimes, but I think that's the most enjoyable process.

Cynthia Aaron: Now, you have said that people would describe you as being conservative, having a law and order background, but I have been working with you now for over 14 years, almost 15, and I wouldn't describe you as predictable, conservative in your opinions. Would you say that you have a particular judicial philosophy or approach to cases?

Justice Richard Huffman: Well, I try not to, to be honest with you. I mean we are who we are, the product of our background or philosophies in life. But the appellate work, to me, we are here to deal with something in a more structured area. We have got rules, standards of review, presumptions and statutes, and to me, my judicial philosophy is I guess I want to get it right within the range of what I have to work with.

Now, will I in that area where there's -- we all know there is gray in the process, so it may be that I lean more conservatively on some things than others might, but I think you still have to step back and say, the trials are done in the trial court, discretion is exercised there, the legislature makes policy, we are here to make sure the rules have been followed and somebody got a fair

shot, not to have do-overs, so.

Cynthia Aaron: Well, I mean from my perspective, viewing your opinions, I don't think that you are at all predictable, and I think that's a good thing in an appellate judge.

Justice Richard Huffman: I hope so.

Cynthia Aaron: You are trying to get it right and I think that's reflected in your opinions. How would you and your staff approach opinion writing now? What's the process?

Justice Richard Huffman: Well, for our Chamber's cases, when the cases are assigned, I look through the briefs before I assign them to one, balance the workload. Also, maybe to give one staff attorney a break from having too many sex crimes in a row or something, and then I assign them.

And then the process is when the attorney is ready to work on the case, he or she lets me know, I read the briefs, they have done their brief reading and some preliminary research. Then I usually send them a memo of my tentative thoughts. And then we -- in some instances -- I mean some cases are pretty straightforward and there's not really much challenge or debate. But some of them, then their job is to come back and talk to me as they work through it.

Some things; we just finished an insurance case. We must have met a half dozen times. They bring me statements of decision, portions of a transcript. They also give a list of the significant cases that I need to read, so that by the time the draft is prepared, it should be pretty much what I want.

I wouldn't have an attorney draft something and then bring it to me and me just start fresh, I don't do that.

Cynthia Aaron: Right, I think I would agree. I think your approach makes a lot of sense, for whatever that's worth.

Are there any opinions over the course of your career here that stand out in your mind?

Justice Richard Huffman: Well, 29 years, I have umpteen thousand opinions.

Cynthia Aaron: I know. It's hard to remember.

Justice Richard Huffman: And one of the downside is, someone says to me I read

your opinion on such and such and I might say, really, what did I say, because it's been so many.

Cynthia Aaron: I understand.

(00:40:00)

Justice Richard Huffman: But there have been a couple. I mean we had a criminal habeas corpus. Again, a killing of a police officer in -- it appeared that the DA's office had had some pretty outrageous behavior, where they were allowing the informant to have sex in the DA's library.

Cynthia Aaron: That was another very high profile matter.

Justice Richard Huffman: It was, and really it appeared at the end of the day the informant was probably the actual killer. But ultimately we had an appeal -- 28 boxes of materials made up the record, and the habeas petition. And ultimately we granted habeas corpus and vacated the murder convictions. That was a big deal because my old friend was still the DA, but life is like that.

Cynthia Aaron: Now, besides teaching, which we will talk about, and deciding your cases and other things, you have volunteered to sit on the Superior Court a number of times while you have been on the Court of Appeal. What inspired you to do that?

Justice Richard Huffman: Well, I did it about 15 times I think over the last 29 years. Couple of things. One, I didn't do much by way of civil trials; I only had one civil trial, jury trial as a lawyer, and only a few civil trials as the judge in the Civil Law and Motion. So one thing I wanted to do is some civil trials to work with the jury instructions and the case management process and all that that I hadn't seen.

But also, it's just my quirky philosophy, but I think I need this to remind myself that I can make mistakes faster than any Superior Court Judge, no matter how thoughtful I think I am. Meaning, I want to keep in mind that we are dealing with people working their way through problems and things like the exercise of discretion, for example. It was just important for me to go, force myself to do the same things they do.

Cynthia Aaron: So it wasn't just theoretical?

Justice Richard Huffman: No, I didn't want to be theoretical; I wanted to keep my

hand. And then I did about three trips to juvenile court for sometimes as much as six weeks. Ms. Caroline was a CASA at the time and juvenile dependency law was very important to me and I wanted to see up close what goes on.

Cynthia Aaron: And what did you derive from that experience?

Justice Richard Huffman: Well, I studied the juvenile court judges but --

Cynthia Aaron: Tough assignment.

Justice Richard Huffman: It's a tough assignment, and it's understaffed, particularly the attorney staffing for children and families has been very poor. They are finally getting a bit more money from the Legislature, but it's been a neglected area.

The court system, the judiciary pays for the attorneys, and it's been a real challenge. But I think we have collectively -- I mean, I am just way out in the periphery, but we have made some helpful changes I think, getting a better level of representation, that children are not just a piece of furniture to fight over; there are people who have rights and we have at least been able to get them meaningful representation and we are happy about that.

Cynthia Aaron: You were involved in that Blue Ribbon Commission?

Justice Richard Huffman: Yeah, I was on the Blue Ribbon Commission on foster care for a number of years.

Cynthia Aaron: Now, we alluded a little while ago to your service on the Judicial Council. Did you -- my impression is that you may have served longer on that Council than anybody else possibly.

Justice Richard Huffman: Marvin Baxter beat me.

Cynthia Aaron: Oh, did he?

Justice Richard Huffman: Yeah. I was there -- I started in 1996, I left in 2011. And Marv stayed on a couple of more years till he retired.

Cynthia Aaron: So you were appointed then by Chief Justice George?

Justice Richard Huffman: Right!

Cynthia Aaron: And you and he knew each other well before then?

Justice Richard Huffman: Oh yeah. When I started with the Attorney General in 1966, Ron was in the Appellate Division there. You could always tell there was a difference. He had a big office with windows and I had a great office, but I had to get out in the evening so the janitor could come in and get his equipment.

(00:44:52)

But he was handling cases in the US Supreme Court; we used to joke when we would do some of these programs. He would go off and handle cases in the US Supreme Court and I would go over to El Centro or Holtville and handle something. And his rejoinder would be, yeah, but you won your cases, because he had Chimel and some other really big cases.

So I mean, we knew each other, and then he left to become a municipal court judge under Reagan and I went off to San Diego.

Cynthia Aaron: Well, so on the Judicial Council under -- first under Chief Justice George, what was your role?

Justice Richard Huffman: Well, after the first year I was appointed Chair of the Executive and Planning Committee, which was one of the, I think then, three internal committees that was responsible for setting the agenda, doing the planning process, and acting on behalf of the Council when it was not in session.

Cynthia Aaron: That's a big job.

Justice Richard Huffman: Yeah.

Cynthia Aaron: Time-consuming I would imagine.

Justice Richard Huffman: It's a big job, yeah. I figured the Judicial Council had various assignments and it took about two full weeks out of every month. So when I left the Judicial Council, I write many more opinions now, because I have to find something to do with myself.

Cynthia Aaron: Did you remain in that role the entire time you were on the Council?

Justice Richard Huffman: Yeah.

Cynthia Aaron: Is there anything else about being on the Council that you want to mention?

Justice Richard Huffman: Well, it was an interesting time, because we went through state court funding, state funding of the trial courts, which was new, the unification process, which was a big deal. And then the case management system developed a schism between some of the trial judges and the Council and it was the view that trial courts ought to be the individual counties, and then there is a state system, and of course with state funding there's been more pressure.

So that developed some -- I think some acrimony between particularly the Chief Justice but the Judicial -- some parts of the Judicial Council, including me, and the Alliance of California Judges, for example. And I think one of the things that the current Chief has tried to do is to temp that down a little bit, where Chief Justice George comments, bless his heart, somebody said, well, the Alliance is going to object to that and he said not doing something because the Alliance objects would be like canceling your trip to Yosemite because there are ants on the road. He actually said that.

Cynthia Aaron: I am sure that didn’t go over well.

Justice Richard Huffman: Not so much. Not so much. So it was a time that when he left, there was a natural transition, I think trying to minimize some of the acrimony that arises in that kind of a process.

Cynthia Aaron: Was you role at all while you were on the Judicial Council being as in the DA’s office kind of the deliverer of bad news or the heavy in any sense?

Justice Richard Huffman: Well, not as much, but the Chief view that I needed -- it was kind of like being the party whip, to move things along. If the Chief is particularly concerned about an issue, maybe I could go -- my task was to go work the crowd, talk to the other members to see -- to try to see if we could get some resolution, and I am probably pretty aggressive about it.

And I am good news and bad news; sometimes I am pretty straightforward in what I think.

Cynthia Aaron: Sometimes?

Justice Richard Huffman: Sometimes, and sometimes I would offend people. I always hate to offend someone accidentally, but anyway.

So that's what led to me to be -- the Chief declared me the Judicial Council's curmudgeon at a statewide meeting and that kind of stuck. I think I have three copies of The Portable Curmudgeon that were given to me.

Cynthia Aaron: Yes, you have an award, don't you?

Justice Richard Huffman: I have an award, yeah.

Cynthia Aaron: Well, it's a badge of honor, isn't it?

Justice Richard Huffman: Yeah, they meant it in good spirit.

Cynthia Aaron: In addition to serving on the Judicial Council, we talked about your service on the Jenny Commission. I did want to ask you, you served a couple of terms I think.

Justice Richard Huffman: Right.

Cynthia Aaron: What qualities do you think are important in a trial judge?

(00:50:00)

Justice Richard Huffman: In a trial judge?

Cynthia Aaron: Yeah, I am just interested in your service on the Jenny Commission and what you were looking for?

Justice Richard Huffman: Well, Jenny Commission was one thing, but I served about four years on Governor Deukmejian's Advisory Committee on Judicial Appointments.

Cynthia Aaron: Oh, I did not know that.

Justice Richard Huffman: Where you do a little more looking at qualities. I think the Jenny Commission to some extent is looking at qualities, but they are looking at it perhaps to see if there are negative --

Cynthia Aaron: Oh, I see. More ruling people out?

Justice Richard Huffman: More of it -- it struck me more of it that, but the things that would -- of course skill, intellect, and expertise

strike me as the minimum that you are working with now.

You are going to be a trial judge, you may not have tried securities cases or you may not have tired criminal cases or you may not -- but we would be looking classically for sound experience in the law, whatever it was.

One of the things I used to say to people, one of the qualities is patience, perhaps that's why the appointment process is so agonizing, because it's something that we think we are patient, but trial judges get tested in their patience hourly and it's very important I think.

And the reputation for --

Cynthia Aaron: Integrity, that sort of thing.

Justice Richard Huffman: Integrity, honesty, and the ability to make a decision is very important. So our job at the Jenny Commission or with the Governor was to weigh the community as best we could and get information about the person's behavior, background, experience.

And of course in the Governor's Office probably philosophy is certainly there. Nobody wants to appoint somebody that's going to be an embarrassment or something of that type.

Cynthia Aaron: Right!

Justice Richard Huffman: So those are the general things. Trial judges need to be thoughtful, experienced, hardworking, patient, and have some more knowledge of the human condition.

Cynthia Aaron: And as you said, know how to make a call.

Justice Richard Huffman: Yes. I had to say to some people sometimes, read the job description, this job makes decisions, if you don't like making decisions, don't do it, it's not going to be any fun.

Cynthia Aaron: Good advice. Another enormous thing that you have been involved in is teaching, you taught for over four years at various places. What did you teach? Where did you teach?

Justice Richard Huffman: As I said, I wanted to be a high school teacher and did

take graduate courses, but I have had a lot of opportunities. I was on the faculty of the National DA's College for a number of years and taught all over the country.

Cynthia Aaron: Teaching trial practice?

Justice Richard Huffman: Trial practice, conspiracy law, confidentiality, privacy, discovery, disclosure.

I got the opportunity with the National Institute of Justice to teach DAs and Sheriffs and Police Chiefs privacy law, discovery and disclosure. I taught it when I was in the DA's office. I taught at San Diego State in the Criminal Justice Program. I have taught a couple of times at Cal Western. I have taught judicial courses both as a lawyer and as a judge.

But my long tenure, I joined the -- I started teaching at USD Law School in September of 1972 and taught every semester some summers and four programs until I retired this last December.

Cynthia Aaron: Why were you so dedicated to teaching?

Justice Richard Huffman: Well --

Cynthia Aaron: You had to have been dedicated to put that many years in.

Justice Richard Huffman: Yeah, it first developed -- the intellectual challenge of not only trying to understand, but trying to communicate; that was obviously helpful to me as a lawyer, judge or whatever; if I can get law students interested and understand.

It's an enjoyable process to deal with, right people that have questions. I just like the process of learning and teaching and discussing. I don't know what the students learned over those years, but I learned something.

(00:55:00)

Cynthia Aaron: Well, I can tell you that every -- I run into lawyers around town all the time and everybody -- every single person who went to USD and had you as a professor tells me you were the best professor they ever had.

Justice Richard Huffman: Well, I love it when they talk like that.

Cynthia Aaron: I hear it all the time.

Justice Richard Huffman: That's nice.

Cynthia Aaron: I don't think they are just saying it.

Justice Richard Huffman: It's been very gratifying. And I have to say, I am glad I stopped, because after that many years of working two nights a week and all that stuff, I miss it.

Cynthia Aaron: I was just going to ask you whether you miss it.

Justice Richard Huffman: Oh yeah.

Cynthia Aaron: I thought you might.

Justice Richard Huffman: Yeah, I do, but not enough to keep doing it.

Cynthia Aaron: Well, 40 plus years I --

Justice Richard Huffman: 44 actually.

Cynthia Aaron: Wow, that's wonderful! I mean, it's really public service.

Justice Richard Huffman: Yeah, they don't pay you very much, I will say that.

Cynthia Aaron: No, it really is. You are doing a service to future generations, as I see it.

Okay, awards; looking at your biographical material, I noted that you have received many, many, many awards over your career, both as an attorney and as a judge that are, as they say, too numerous to mention. Some are even named after you, both at a local and state level. Are there some that are most meaningful to you or would you prefer not to say?

Justice Richard Huffman: Oh, they all -- of course they all mean a lot. The one Outstanding Professor Award from the Law School was something special; I was, as far as I know, the only adjunct professor to ever get that acknowledgement.

Cynthia Aaron: It's quite an honor.

Justice Richard Huffman: It's quite an honor. For a while the Moot Court, times change, but for years they had the Richard Huffman Award for participating with them.

And recently the ABOTA Chapter has created a Judicial Civility Award they call the Richard Huffman Judicial Civility Award. That's a pretty good transition from being a curmudgeon to a judicial civility.

Cynthia Aaron: Civilized curmudgeon.

Justice Richard Huffman: Civilized curmudgeon. But that meant a lot. And I have the Ronald George Judicial Excellence Award, and for a while there was the Richard Huffman Award for Families and Children, but the Council has since removed all the names off of their awards, probably to placate the Alliance I am sure.

But you still have the Ronald George Award and the Vickrey Award. They still give awards; they just took the names off of them. But still, those things were very meaningful.

Cynthia Aaron: Now, my impression of you, when I first came over here and was hearing about you is I heard -- couple of things that led me to think of you as a Renaissance man. I understand as we talked about briefly, you are a musician, how did that happen?

Justice Richard Huffman: Not a very good one anymore. Well, I was interested in music starting as a kid. I started with the violin and I hated it, but I had orthodontic work so I couldn't play the clarinet or the trumpet, so I got a flute. And partly because when I was young my parents were divorced, but I got sent to this special program; I don’t know what was really special.

But the principal was, I still remember, Gertrude Wallenstein had a -- her brother was Alfred Wallenstein, the Director of the LA Philharmonic. So classes got to go to the Symphony, the Opera, we had music. And then when I moved to Huntington Park, I got in this band that played around the state, marching band for kids.

Cynthia Aaron: And you stuck with it?

Justice Richard Huffman: I stuck with it, even a little bit in college. And then I put it down, and to my everlasting shame when I -- I still have a new flute, but it's not -- doesn't sound quite like it used to sound; it must be the flute itself.

Cynthia Aaron: Must be.

Justice Richard Huffman: But I was in the choir in the school and in the church.

Cynthia Aaron: You were a singer?

Justice Richard Huffman: Well, I was in the choir.

Cynthia Aaron: Now that I didn't know.

Justice Richard Huffman: Oh yeah, yeah.

Cynthia Aaron: I knew you were a musician, I didn't know you were a singer. And I understand that you are quite an accomplished ballroom dancer.

Justice Richard Huffman: Well, my wife and I love to dance. Yeah, we belong to a group called The Cotillion Club that has ballroom dancing several times a year. So yeah, I don't know how accomplished I am, but she is great.

Cynthia Aaron: Oh, that sounds like fun.

Justice Richard Huffman: It is fun.

(00:59:58)

Cynthia Aaron: I want to go back to your experience at the DA's office; I believe it was at the DA's office.

Justice Richard Huffman: It's actually the AG's office.

Cynthia Aaron: AG's office, oh, okay. And that you had mentioned that you tried a no body murder case.

Justice Richard Huffman: Yeah.

Cynthia Aaron: Tell us about that.

Justice Richard Huffman: Well, in this special trial, we covered a lot of ground. I think I was sparring with an Honorary Deputy DA in both Riverside and Imperial. Anyway, this information we had led to claim that in these competing drug rings that this one person who we were looking at, his group had murdered several people, including this other drug dealer that he was dealing with, and buried his body somewhere in Riverside. It was quite an elaborate murder conspiracy that goes from Phoenix to San Francisco to Alameda to Los Angeles to Riverside, and involved murder for hire. And it took five months to try the case.

Cynthia Aaron: Where was the trial?

Justice Richard Huffman: In Riverside.

Cynthia Aaron: Riverside, okay.

Justice Richard Huffman: Yeah. And the only thing missing was the body. But it was one of those once in a lifetime trials, where colorful investigators and they are uncovering things during the trial, like finding where the body was going to be buried with the sulfuric acid and the plastic lining and all those things, but the body wasn't there.

It belonged to an itinerant guy who had been a Navy pilot and then had a PT boat that he was using to smuggle. I mean the kind of Damon Runyon characters that it got written up in a couple of detective magazines.

Cynthia Aaron: Those are supposed to be very difficult cases to prosecute?

Justice Richard Huffman: They are, particularly with -- I mean case law is very clear, you can do it, but you have to be able to convince somebody in the absence of the body that the person is not just gone, they are dead.

And when a body belongs to an itinerant drug dealer, who often runs off in boats or whatever, it gets a little challenging. But it was one of those -- probably the most marvelous investigation I have seen police officers do; well, they weren't police officers, AGs, investigators. They were themselves characters of considerable color.

Interestingly, we got to guy convicted, the jury didn't impose the death penalty, rather wisely, because some years later I -- the victim's name was Warren Hudson and these investigators would send me cards, signed Warren, things like that. And then they said -- and so they finally found Warren, finally found him.

Cynthia Aaron: They did?

Justice Richard Huffman: Yeah. But he was dead.

Cynthia Aaron: Yes.

Justice Richard Huffman: He was found in a cave in Perris, California, Riverside County. But it was --

Cynthia Aaron: Sounds like a colorful --

Justice Richard Huffman: Yeah, it was probably the most colorful trial where again, things are just unraveling and it all fell together, and quite an experience.

Cynthia Aaron: It sounds like that.

Justice Richard Huffman: Yeah.

Cynthia Aaron: Well, let me ask you this, have you found being on the Court of Appeal to be a fulfilling experience?

Justice Richard Huffman: Yes, I have. I have. I think a lot of it has been coupled by doing more than just appeals. I am not sure if I would have done just appeals during all this time if that would have been sufficient. I am now comfortable having worn myself out doing all the -- I am still on several Advisory Committees, but I am more comfortable with working on my appellate work and keeping more regular schedule.

But yeah, it has been -- it's been -- I have learned a great deal. I hope I have contributed somewhere.

Cynthia Aaron: And it's important work.

Justice Richard Huffman: Oh yeah, absolutely, and I think it's important also that we do the work the way it's supposed to be, by the rules and not interject our bias and prejudice. It's hard, we are human, but to the extent that we can do it, I think -- this court in particular needs to be objective, apply the rules fairly and evenhandedly and leave discretion, policy, generally speaking, somewhere else.

Cynthia Aaron: One more question.

Justice Richard Huffman: Okay.

Cynthia Aaron: Looking back on your career, your legal career, is there anything that you would have done differently or anything you wish you would have done but haven't?

Justice Richard Huffman: I don't know, as far as the things, I -- part of me would have liked to have had some experience in private practice. When I was doing organized crime work for the Justice Department and had connections with Ed Meese, when he was Attorney General and that I -- part of me

would have liked to work in Washington in the Justice Department for a while.

I had an offer to be Assistant Chief of the Organized Crime Section in Kansas City, which I happily declined and stayed here in San Diego.

So it's opportunities like that that part of me wishes I would have explored them a bit, but I have had such a full experience that I can't say that I have missed much.

Cynthia Aaron: Doesn't sound like you have. Well thank you! It was very enjoyable. I knew it would be.

Justice Richard Huffman: Thank you!

Total Duration: 66 Minutes