David Knight: We'll start with Justice Ashmann-Gerst.

Judith Ashmann-Gerst: I'm Judith Ashmann-Gerst. I'm a justice on the Court of Appeal for the Second District. My name is spelled A-S-H-M-A-N-N hyphen G-E-R-S-T.

David Knight: Justice Woods?

Arleigh Woods: And I'm Arleigh Woods, a retired presiding justice of the California Court of Appeal. And my first name is spelled A-R-L-E-I-G-H, and my last name is W-O-O-D-S.

David Knight: Wonderful. We are all ready to go, and Justice Ashmann-Gerst, if you want to introduce this is in any way, go right ahead.

Judith Ashmann-Gerst: Right. This interview is being conducted by Judith Ashmann-Gerst on May 19, 2009, as part of the Legacy Project of the California Court of Appeal. And it's my pleasure to have this opportunity today, as I was privileged to work with Justice Woods as a pro tem justice in 1983. Working with you is such a wonderful experience. Your knowledge of the law, practical experience as a lawyer, your understanding of human nature, made you an outstanding appellate justice, and it was a great honor to have been able to work with you and learn from you during those few months. So today is an opportunity to share that wisdom with many others. And I was looking over the material I was sent, and I'd really like to start with your childhood. Let's start with your mom, who taught music. Tell me about her.

Arleigh Woods: Yes. Well, my mother was a prodigy in the true sense. She was about 9 or 10 years old and played a concert, and it just so happened that someone from the Schirmer family was there and gifted her family with a piano, and she was . . . of which she was very proud, of course. And she came to California, actually, to study music at USC. She was still a very young girl. And she met my father and got sidetracked, and so she did not further her education at 'SC. But even years after she was no longer practicing, if she played, it gave you chill-bumps; she was very gifted, very gifted. And she actually never taught music. She . . . . In fact, she didn't work most of my life growing up, and when she did decide to go to work when I got married, she went back to school and became a CPA. So we were very proud of her that at that point in her life she wanted to do that.

Judith Ashmann-Gerst: Absolutely. How old was she when she did that?

Arleigh Woods: Fortyish, anyway, . . . 2:27

Judith Ashmann-Gerst: Isn't . . . . That's . . . .

Arleigh Woods: . . . because I married . . . I was . . . well, I was actually . . . Funny, I married on the 3rd of August and my birthday's on the 31st, so technically I was 20 years old when I got married. *[laughs]* But so I would guess that she was in her very early forties.

Judith Ashmann-Gerst: Yeah, that was an amazing thing to do for her to go back to school and become a CPA . . .

Arleigh Woods: Absolutely.

Judith Ashmann-Gerst: . . . at that point in her life.

Arleigh Woods: Yes.

Judith Ashmann-Gerst: You also had several aunts?

Arleigh Woods: Yes.

Judith Ashmann-Gerst: And they had a big influence on your life.

Arleigh Woods: They did. We were not a very prolific family, I'm afraid. And my mother had three sisters and none of them had children, so I, as a consequence, had four mothers. And there was a good side and bad side to that, you know. But they were wonderful women. My grandmother was a very strong woman, and . . . who was absolutely committed to educating her children. And so all of them had degrees and, you know, were professional persons. Mainly they taught school, but one was an accountant, and one was a dental technician. And they were wonderful. I was very much loved, you know. And I think it's very important. I think a lot of your confidence and your drive comes from your childhood experiences, good or bad. And in my case, it was wonderful to have that much love growing up.

Judith Ashmann-Gerst: You had all these women as . . .

Arleigh Woods: I know.

Judith Ashmann-Gerst: . . . role models for you, and . . .

Arleigh Woods: That's right.

Judith Ashmann-Gerst: . . . to provide you with the strength.

Arleigh Woods: Yes. They lied to me, in the sense that I was so protected that I didn't understand racial issues. My husband said, you know, when we got married, he had to teach me what it was to be black. And that's an exaggeration, but 4:07

they so insulated me that there were things that I wasn't really prepared for. But I'll forgive them for that, because I got so much benefit from . . . .

Judith Ashmann-Gerst: You grew up in Los Angeles?

Arleigh Woods: I did. I was born in Los Angeles and I grew up here.

Judith Ashmann-Gerst: And where, exactly? What area were you living?

Arleigh Woods: They then referred to it as the "West Side" of L.A. On . . . . Do you know where Gramercy Place and Country Club Drive . . . ?

Judith Ashmann-Gerst: Sure.

Arleigh Woods: It's in that area. That's where I grew up – on Gramercy Place.

Judith Ashmann-Gerst: And they were able to protect you . . .

Arleigh Woods: Yes.

Judith Ashmann-Gerst: . . . from the outside world, basically.

Arleigh Woods: Really. I graduated from high school a little early, and that's why I went to Chapman College, because it was a smaller school. It wasn't in Orange County at that time; it was in Los Angeles and was a much smaller campus. And, you know, I went to my first dance with a chaperone. We were very Victorian, really. But it was a long time ago. But even for that time, they were overly protective. And, you know, but it was a good way to grow up.

Judith Ashmann-Gerst: Tell me about your father. They . . . . Your parents separated when you were relatively young?

Arleigh Woods: They . . . . I was only two years old. And it was one of those . . . . It was an interesting separation because they went to court, as couples do, and my mother got a quite generous support award. And then, as I understand it, when they left the courtroom, she told him, "You never have to pay me a dime, but you're never going to see your child again." So it was not, you know . . . . They weren't bitter in the sense of being at each other's throat, but she just felt that since they were divorcing, she wanted to independently have control. And as a consequence, I was 15, I think, when he knocked on the door one day and said, you know – he had a really gravelly voice – "Do you know who I am? I'm Ben Maddox." So after that we became very close, and, you know, he was a very . . . . Some children wonder, or angst, over the fact that their parents divorced. As I 6:02

got to know my father, I never understood why they got married. They were so different in temperament and personality and interests. He was a seaman, you know, and he was nothing like my mother, who was into culture and, you know, the classics and all that. And . . . . But they . . . . His personality was wonderful. His sense of humor was wonderful. And the two of them became great friends after he and I became close.

Judith Ashmann-Gerst: Oh, that's interesting.

Arleigh Woods: And so it all worked out in the end.

Judith Ashmann-Gerst: He told you stories about his travels.

Arleigh Woods: Oh, yes -- lies, for the most part. But marvelous stories. He could just . . . forever, you know. And it imbued . . . . That's why I have such a strong desire to travel. I've been traveling all my life, you know. But he would bring home little things to me – carvings, or . . . . One time he brought me a little box, and I opened it, it was rocks. And I thought, well, I don't understand the significance of this. And it turned out they were star sapphires that hadn't been polished yet. So, actually, that paid part of my tuition when I went to college. But, anyway, yes, lots of stories about countries and places, some of which I'd read about but some I didn't know anything about. And I became determined that I was going to visit all of those places.

Judith Ashmann-Gerst: And you have traveled . . .

Arleigh Woods: I have.

Judith Ashmann-Gerst: . . . a lot.

Arleigh Woods: All my life.

Judith Ashmann-Gerst: Where have you gone? Where have you been?

Arleigh Woods: Oh, really, almost everywhere except Australia. And we're planning to do that, finally. My husband was very resistant to that trip. But out of the clear blue, he said to me, just a few weeks ago, "Maybe we'd better go ahead and plan a trip to Australia." But other than that, we've visited all the continents and most of the countries, and gorged on all the cuisine. We love to eat.

Judith Ashmann-Gerst: How did you meet Bill?

Arleigh Woods: He was working for the telephone company and going to school. He was an installer. And you know, they have those cute little things that bounced around on their 7:55

hips, and I saw him walking down the street. But actually, I was in school . . . college and I was getting ready to go to law school, or thinking in terms of going to law school. And they came on the campus. They had a new phone. Now, this *really* tells you how old I am. It was the Princess phone. They came in, and they wanted some college girls to sit in the lobby at desks in the main downtown thing and sell Princess telephones. So a girlfriend of mine was going, and I didn't . . . . You know, my idea of summer vacation, you went to the beach, you know. And she said, "Oh, come on," you know, "and maybe we'll get jobs and it'll be fun" and all that. And I thought, "Well, with college coming . . . you know, tuition coming up and everything, I'll do this." And so I did. And of course, what happened? I got hired and she didn't. But anyway, I was working in the main office and he came into the office for something and saw me. And as the story goes, he told the person he was with that that was the woman he was going to marry. And years later, you know, at our wedding, this fellow was running up and down speaking to anyone he could get to listen that "I was with him when he first laid eyes on her! He said he was going to marry her!"

Judith Ashmann-Gerst: So that was about when you were 18?

Arleigh Woods: Yes.

Judith Ashmann-Gerst: Because you married when you were 20.

Arleigh Woods: That's right.

Judith Ashmann-Gerst: And Bill . . . . Well, you went on to law school.

Arleigh Woods: Yes.

Judith Ashmann-Gerst: But that wasn't what . . . your first choice, was it?

Arleigh Woods: Not at all.

Judith Ashmann-Gerst: Your first choice was medicine, right?

Arleigh Woods: That's right, that's right. But seeing as I was making that choice when I was 9 years old, it was a little early, you know, to be very confident about it. But it . . . . I persisted, and I really had more interest in medicine. And I had none in law. I just didn't gravitate to the law. But at that point in time in the '50s, when I graduated from college, I couldn't get admitted to a local medical school. And most of the black doctors who came along at that time graduated from eastern or southern medical schools. And again, we go back to the protectiveness of my family and the control of my family, and they were 9:59

adamant they didn't want me to go away to college. So my mother took . . . . I had an aunt and uncle – the one I'm named after, Arleigh – and they lived on the East Coast. And they invited me back as a graduation present. And, oh, I got the most marvelous wardrobe, and oh, I just had a wonderful time. And I flew on the TWA . . . whatever it was. It was huge. And it still had prop jets, and oh, God. But it was . . . .

Judith Ashmann-Gerst: An old DC-3 or something.

Arleigh Woods: Yes, yes. Oh, so it was a very exciting time for me. And while I was gone, my mother decided to enroll me in law school because she didn't want me to get sidetracked, and if I wasn't going to be a doctor, then I was going to be a lawyer. So I really didn't have a lot of choice in the matter. But when I came back, you know, I talked to some friends of ours who were lawyers, and I thought, well, you know . . . . And that's the reason I wanted to work, because I wanted to pay that first semester's tuition so that if I didn't like it, no one could tell me, "Well, we've got all this money invested in your education." But it worked out very well.

Judith Ashmann-Gerst: So, when you said that you thought about medical schools but as an African-American woman you couldn't get into a local medical school, . . .

Arleigh Woods: That's right.

Judith Ashmann-Gerst: . . . is that the first time you think you probably experienced some overt discrimination?

Arleigh Woods: Probably was, now that you've mentioned it. I think so. I certainly experienced it in the legal field and with bar associations and so forth, which also discriminated. But . . . . And the bar itself, which had a quota system for blacks at that time, although they were loath to admit it. But that would have been my first experience, I think.

Judith Ashmann-Gerst: Wasn't there a time when the bar didn't allow – or the L.A. County bar didn't allow – either African-Americans *or* women to be members?

Arleigh Woods: Absolutely. And the quota system for the bar was three African-Americans in each bar. And I gave a speech, right after I'd been admitted, and I was at the Athletic Club, where they did not accept black members. But I was invited there as a speaker for some group – I don't remember exactly which. And I had no idea there was any press in the room. And in my remarks, I commented on the fact that – I was being nasty, really – but I commented on the fact that it was a privilege to be 12:19

in the Athletic Club because I . . . the only way I could get in there was as a guest of someone else. And I . . . . They were asking me about, you know, the bar, and I said, well, that the usual quota had been imposed, and there were three persons who had passed the bar but that I hoped that, you know, that was something that was going to be corrected in the future. The bar I took was the first bar where they had mixed subjects. You know, it used to be the old bar if you had a contracts question it was strictly contracts. Well, this one would be corporate contracts. And so it frightened people. And it was a very low pass rate because of that. And I wasn't, you know, bright enough to let it bother me. I just wrote what I saw and, you know, it worked out fine. But as a consequence, I was talk . . . asked to speak about that, and what I thought about that being a pattern for the bar, and so forth. And of course I mentioned the racial business. Well, it turned out it wound up on the front page of the *L.A. Times.* And the bar was, you know, denouncing me and my comments and the fact that it wasn't true. And the next bar, 15 black candidates passed. And one of them, the black fellows, referred to it as the "Y'all come bar." But, you know, it was gratifying to see that kind of reaction to the fact that they were exposed to the press. No one had ever done . . . you know, just never thought in that . . . in a situation where it would *make* press to say, "Come on, you got a quota system here, and we know it," you know. But, anyway.

Judith Ashmann-Gerst: Shocking to think of that.

Arleigh Woods: Hmm?

Judith Ashmann-Gerst: Shocking to think that that . . .

Arleigh Woods: Yes.

Judith Ashmann-Gerst: . . . was the case, isn't it?

Arleigh Woods: Yes, yes. Oh, would I know some shocking stories. There was one man that was a good friend of our family's, who graduated number one class at Cal Tech and wound up a postman, because no one would hire him. And that was before my time, but I was certainly a teenager when that happened.

Judith Ashmann-Gerst: Right.

Arleigh Woods: So there was no overt prejudice that you had to deal with growing up in southern California; I was never offended in a restaurant, or . . . nothing like that ever happened to me in my life. But all these other subtleties were going on, and I certainly was aware of it. 14:32

Judith Ashmann-Gerst: So your mother signed you up for Southwestern.

Arleigh Woods: Yes.

Judith Ashmann-Gerst: How did she choose Southwestern other than it was close to home?

Arleigh Woods: I . . . . Well . . . .

Judith Ashmann-Gerst: Think it's because of that?

Arleigh Woods: I think it was several things. I think one thing was that it was late in the game, you know, for registering to go to law school and everything. And she didn't really know all the nuances of getting my . . . all that together. And someone – and I don't remember who it was, but I think there was some . . . one of the lawyer persons whom we knew – had said to her, "Well, register at Southwestern because they're more lenient" and all that business at that time. "And then if she wants to transfer later she can, but at least you'll get her into law school because," they said, "it's too late to try to get her into UCLA or USC or whatever," you know. And at that time, Joan Klein came along at that time, and she was in the class – or maybe the class just before I would have been in – and they gave her a very hard time, and she was the only woman in the class, and she was only admitted because she had graduated . . . was a graduate of UCLA. So I wouldn't have had any chance of getting in there. Yvonne Brathwaite went to USC, oh, a couple of years after I went, and was the first woman of color to go to USC. So even in the law field, there was some . . . still some problems. More so, I think, as a woman than as a woman of color. But there were very few women admitted.

Judith Ashmann-Gerst: When my husband graduated law school in '59 there was only one woman . . .

Arleigh Woods: Yes.

Judith Ashmann-Gerst: . . . in his class at 'SC.

Arleigh Woods: Yes. Well, there were three, I think, in each of the classes at Southwestern, but it was, you know, there was a paucity of women. And it wasn't all the law school's fault. There weren't that many women *applying* to go to law school. And that certainly changed. We have 52 percent female registration now.

Judith Ashmann-Gerst: Isn't that something?

Arleigh Woods: Isn't it wonderful? 16:26

Judith Ashmann-Gerst: But the time you came out was a time like when Sandra Day O'Connor couldn't get a job.

Arleigh Woods: Yes.

Judith Ashmann-Gerst: And Shirley Hufstedler was offered a job. . .

Arleigh Woods: That's right. Mildred Lillie.

Judith Ashmann-Gerst: . . . as a secretary.

Arleigh Woods: That's right! Well, Mildred Lillie was offered a job as a secretary. And a contemporary of mine. In fact, the very law firm that I wound up going with, and that she was partially instrumental – 'cause I had lunch with the head of the law firm at her invitation – but she had worked for them as a secretary. And after she passed the bar, she approached them about coming to work for them as a lawyer and they said, "Oh, no." So it was a very different time, very different time.

Judith Ashmann-Gerst: When you did graduate from Southwestern, where did you start your law career, and what was that . . .

Arleigh Woods: I . . . .

Judith Ashmann-Gerst: . . . like?

Arleigh Woods: Before I got the bar results, to show you what an egotist I was, Bill and I went out and rented an office and bought office furniture and started getting all set up. Isn't that a terrible thing to admit? But it's true. And so I opened my office. I didn't know anyone or any*thing*. And a man came into my office and he told me his name was Mr. Amos. And he says, "I understand," you know, "that you have an *in* downtown, and I want you to take care of my boys." And he proceeded to put little stacks of cash on my desk. And I thought, "Oh, my God." *[laughs]* And it turned out he was the premier bookmaker of Los Angeles and Pasadena. And the reason he thought I had "an *in* downtown" is because the *Cahan* case had come down and absolutely blown the search-and-seizure rules, and so everyone was getting kicked because they hadn't complied with reading the little card that we since came to know of reading one's rights. And that somehow got translated by someone into the fact that I had connections. So I had a very lucrative criminal practice *[laughs]* for a year or so, getting bookmakers out of jail in the middle of the night.

And both Bill and I grew tired of that, and I decided I definitely had to do something else, even if I . . . . I 18:42

even considered leaving the legal profession because I thought, "This isn't the way I want to spend my life." And Ruth Jacobs, who had been a contemporary of mine in law school, introduced me to Abe Levy, who had turned her down. And we had a long talk over lunch, and he said, "Would you like to come with my law firm and do workers' comp?" And I've always had a little social worker in me, you know. So the idea of doing something that I felt would be gratifying as far as a social effort was concerned – and practicing law – appealed to me, you know. I was very disappointed when I saw the forum. I mean, they were little hearing rooms, and you know, there was no jury, there was no audience. So I didn't like that part. But I loved the work. I loved the work.

Judith Ashmann-Gerst: Well, did Bill go to law school before you did? Same time?

Arleigh Woods: After.

Judith Ashmann-Gerst: After.

Arleigh Woods: He was . . . . When he met me, he was studying at USC Engineering, working for the telephone company. He was going into electronics and engineering and all that. And he would . . . . You know how you have bull sessions when you're in law school, and the kids would congregate at my house, and we would go . . . . He would come over, and he would answer every question. It is so *difficult* to be wrong *100 percent* of the time. He *never* was right, *never* was right. And everyone would say, "Oh, for God's sake," you know. And he finally told my mother . . . . He walked in one day, and he says, "Okay, I signed up for law school. I've done it in self-defense," you know. So I was in my last year, I think, when he started, so he graduated at least a couple of years after.

Judith Ashmann-Gerst: Did he also go to Southwestern?

Arleigh Woods: Yes, he did. Mm hmm, yeah, yeah.

Judith Ashmann-Gerst: Tell us a little bit about Bill, because people who are watching this, they may not know Bill and . . .

Arleigh Woods: Right.

Judith Ashmann-Gerst: . . . what he was involved with.

Arleigh Woods: Right.

Judith Ashmann-Gerst: Just tell us a little bit.

Arleigh Woods: Well, he . . . . As I say, he worked for the telephone company, and there were five – again, this is a 20:39

racial thing – but there were five black installers in southern California and he was one of them. And he was very good at what he did and became a supervisor and worked the . . . what they called the switchboard, where he worked inside. And when he was studying for the bar, he was still working, so he got himself a job that . . . where you just watch . . . it's a switch room, and there's all this electronics around, and you don't do anything unless an alarm goes off. So he was able to sleep, and study, and do very little for the telephone company in that last year while he was studying for the bar.

But he loves athletics – he's a very good golfer – and he used to hunt and fish. And I tried . . . . I think I succeeded in stopping him from hunting. But he likes the outdoors very much. And I had never done the outdoors. I was at the – I think like many young women my age at that time, you know, you get a bug on your silk blouse and you're horrified. So, as a consequence, I had . . . we were not compatible in that regard. But we became so, and I really loved being out and camping and all that, and learned to cook out, and it was all fun. And we did that when we were very young.

And we went through the "potluck era" of entertaining, where everybody brought something 'cause none of us could afford the whole dinner. And in fact we smoked, very briefly, from the time I was about 19 until I'd say, like, 22-ish. And we gave one of these potluck dinners, and one of the – we were all students of one kind or another – and one of the fellows who was in med school had done his first . . . seen his first lung tissue, and it was black because the person was a smoker. And when he got through describing it, we were so horrified that the next day Bill and I decided we were going to quit smoking. We never had another cigarette the rest of our lives. So, it was a good thing, a good thing.

Judith Ashmann-Gerst: Yeah, *very* good.

Arleigh Woods: Mmm hmm.

Judith Ashmann-Gerst: Bill was very involved with the L.A. Marathon.

Arleigh Woods: Yes. Well, he ran track at high school, and he ran with a very . . . two very famous runners, and one of them is Mel Whitfield. And he did not . . . was not in their league. But he ran hurdles. And he has short hamstrings and had rather an odd technique but was very successful and really loved it. And so when the marathon started, he got on the committee and stuff, because he was very interested in reinforcing the running mentality of Los Angeles, you know. So he enjoyed that. 23:11

Judith Ashmann-Gerst: Yeah, I mean, he was very involved in the community when the two of you lived here.

Arleigh Woods: Yes, he was, he was.

Judith Ashmann-Gerst: Right.

Arleigh Woods: He . . . . His practice evolved into a medical-legal kind of thing because he perfected, or learned very early on . . . . When doctors were first allowed to incorporate, he got in on the ground floor of that and then he learned what was necessary to create a medical building – you know, all the laws with regard to that. But even the equipment that you must have, and the permits you must have. And he did the Hospital for the Deaf here in Los Angeles and several private medical groups. And what happened – I shouldn't put it this way but it's the truth – doctors at that time were changing wives the way most of us change clothes. And as a consequence, he had never wanted to do family law, but they would say, "You're the only one that understands our . . . my business, you know where my money is," you know, and this kind of thing. So he was . . . His practice became almost exclusively babysitting doctors and medical groups and getting their divorces, you know.

Judith Ashmann-Gerst: St at the time he's during his thing, you're becoming one of the premier women lawyers in Los Angeles. You started off with that law firm, but then you also went . . . you pursued your medical interests as well. You went to the osteopathy medical school . . .

Arleigh Woods: Yes, yes.

Judith Ashmann-Gerst: . . . for several years, so that you could combine your law and medical interests.

Arleigh Woods: That's right. Well, because the cases I was handling, I gravitated to the cross-examination of the doctors in the construction accident cases, and then in workers' comp, it's very much medically based. And I was fortunate enough to come along at the time that, you know, a heart attack was your problem, a stroke was your problem – it didn't matter if you were carrying 500 pounds at the time you had it. So there was not a lot of new law to be made in the field. And it was very interesting for me. And so at one point, everyone in the firm, you know, was to some degree involved in medical terminology. We had a . . . . Everybody had a Merck's Manual on their desk, you know. And I said, "Someone ought to really take some classes," and so they said, "You." So, I . . . that's what I did for two years. And I was still practicing, but I very 25:30

much limited the number of cases so that I could take the classes. And it inured to my benefit, and I like to think it inured to the firm's benefit.

Judith Ashmann-Gerst: So you did that for two years.

Arleigh Woods: Yes.

Judith Ashmann-Gerst: Did you stay with that firm?

Arleigh Woods: Oh, yes.

Judith Ashmann-Gerst: Is that where you stayed . . .

Arleigh Woods: I did.

Judith Ashmann-Gerst: . . . until you were appointed to the bench?

Arleigh Woods: Yes. I started out making $300 a month, and I wound up a senior partner, and made substantially . . .

Judith Ashmann-Gerst: A little bit more.

Arleigh Woods: . . . more.

Judith Ashmann-Gerst: We all started that. I mean, I think my first job I made $565 a month.

Arleigh Woods: Yes, yes, yes. In fact, when I went on the bench, and you know, you know you're going to make less money, and you're . . . . But the things you don't think about, at least with my law firm, you know, they provided my car, they paid all my insurance, I mean, there were all these things that I didn't give any thought to. So when I received my first check from the superior court, I was horrified! It was less money than I got as walking-around money with my firm, you know.

Judith Ashmann-Gerst: What made you decide to pursue the appointment to the bench?

Arleigh Woods: The . . . . My husband. My husband's always had more insight into what was good for me than I did, you know. He really has a real sense about it. And he felt that I was working entirely too hard with my law firm, and . . . . We had some really . . . . We had true genius in our firm. But we did not have many emotionally stable people. And it was very, very difficult, and it was a drain. And I was the mother of the firm, you know. And I didn't realize the toll it was taking on me, but it was. And he knew it, and he wanted me out of there. And I was not really ready to sever that relationship the first time I was offered a judgeship. But then a couple years later I was 27:23

offered it again, and I felt that it was a good move for me, and I've never regretted it. It was the best thing I ever did in my life. I just loved it.

Judith Ashmann-Gerst: And when were you appointed?

Arleigh Woods: 19 . . . . Let's see, I went on the appellate court in '80, so I was appointed in '76.

Judith Ashmann-Gerst: By Jerry Brown?

Arleigh Woods: Yes.

Judith Ashmann-Gerst: Uh huh.

Arleigh Woods: Mm hmm. Mm hmm.

Judith Ashmann-Gerst: So you've had a lot of firsts in your life. You've got to be very proud . . .

Arleigh Woods: Yes.

Judith Ashmann-Gerst: . . . of all that. You were the youngest woman admitted to the bar; you were probably the third black woman admitted to the bar; you're the first black woman to hold the position of senior partner at a law firm; you went on the superior court, you were the only woman supervising judge in North Central; you were the first black woman on the Court of Appeal; the first woman to chair the Commission on Judicial Performance. There's so many . . . . I mean, I could go on for a long time. What are you most proud of, do you think, of these . . . your firsts?

Arleigh Woods: I don't know. Part of the consequence of being first is simply the fact that other people hadn't been given the opportunity. And so you do . . . . It's more a sense of responsibility than pride. You feel that you *must* excel, and not just, you know, it isn't enough to just do a decent job, you feel that you must excel to not embarrass anyone, and to make it less difficult than . . . for the next person who comes along. And so, being given the opportunity to do that – and as far as I know, not having really fouled it up – that gave me great pride, because I do feel that I opened some doors for other people.

Judith Ashmann-Gerst: Right, right. So your experience on the superior court: what were your assignments? Where did you sit?

Arleigh Woods: I went . . . . I was assigned to North Central. Well, I don't know if I should tell this part, but it's the truth. When I went in for the initial interview, they talked to me about going to . . . it was like Pacoima, or someplace that I really, when he said it, I couldn't quite even 29:35

remember where it was, you know. And I said, "I simply can't do that." And I didn't . . . . I was so naïve, because of being in the labor field, you know, I didn't practice in the . . . Los Angeles. And I thought when you became a judge and you were appointed – I was appointed to the superior court – that you sat downtown. It never occurred to me that you sat anywhere else. And so I wasn't going to drive an hour and a half or something. I just . . . you know. So . . . and I . . . you know, it's a shame. I mean, in retrospect I would not have behaved this way. But I just didn't know any better. And so they said, "Well, Burbank." I lived in Los Feliz, so they said, "Well, Burbank is close, and you would be going in the opposite direction of the traffic, and that would be an easy commute," 'cause that was . . . it was the commute I was complaining about. And so I said, "All right." And I didn't stop to think about the racial implication, but I was greeted with the headline "Black Woman To Sit In Glendale-Burbank Courts." Because Glendale was a city that when I was a child – and I didn't get exposed to this, but I learned later – it had the signs, you know, "No Blacks After 6 p.m." kind of thing. And it was probably the most racist community immediately contiguous to Los Angeles. So when I went out there as their superior court judge, it made headlines in the paper. The article that accompanied the headline was not at all negative. But it was just quite a surprise to see that headline, you know.

But I went out, and Tom Murphy was the Supervising Judge, and Tom had a reputation all of his own. But he was marvelous. He was just a marvelous person to work with. And I didn't really appreciate it until I went on the Court of Appeal. You'd get Tom's decisions, and they were on the money, no matter how he got there or what he might have said when he went off the record. He practically never got reversed, because he was really a very, very good judge. He just had his own personality and his own style.

Judith Ashmann-Gerst: How long were you in North Central?

Arleigh Woods: For the three years that I was on the superior court.

Judith Ashmann-Gerst: Oh, the whole time. Okay.

Arleigh Woods: I . . . . Yes, that's not quite . . . . That's not true, because at the . . . just before I went on the appellate court I *was* transferred into Los Angeles, but before I could even get my feet wet I was elevated. So I just . . . I sat in L.A. in the civil, you know, department – very, very short time.

Judith Ashmann-Gerst: And were you accepted by the lawyers out in Glendale-Burbank? I mean, even after that headline? 32:07

Arleigh Woods: I know. It was so funny. The first morning that I took the bench, I had some little nothing, you know, it was easing me into it. And I could hear noise in the courtroom. And so I asked the clerk, I said, "What's going on out there?" And he says, "I . . . . There's some people in the courtroom," or something like that. And I walk in, the courtroom is filled, people are standing around the walls, and I thought, "Oh, my God." And it turned out that the bar was there to let me know how welcome I was.

Judith Ashmann-Gerst: Oh, isn't that nice!

Arleigh Woods: It was a marvelous gesture. It was a marvelous gesture. We wound up having cake and coffee and having a party, you know. But it was a wonderful way to welcome me. And I never questioned, after that, that I was welcome.

Judith Ashmann-Gerst: And so you went downtown for a very short time . . .

Arleigh Woods: Yes.

Judith Ashmann-Gerst: . . . and then got elevated.

Arleigh Woods: Yes.

Judith Ashmann-Gerst: Did you pursue the Court of Appeal? Were you interested in that intellectual challenge, or how did that come about?

Arleigh Woods: I was shocked. *[laughs]* I was shocked when I got the phone call. The . . . . Really it was both the labor unions, who when Democrats are in have a lot of political force, but also it was the bar. It was the Glendale-Burbank bar that was very supportive of me. And – oh, I'm so terrible with names – I can't tell you this, and I'm very fond of him. I can't think of his name. But one of the premier lawyers in the Burbank-Glendale – Rogan, Mary Rogan's husband – was in . . . a very prestigious lawyer in that area. And he happened to be chair of the bar admissions committee at that time.

Judith Ashmann-Gerst: I think it's Jim.

Arleigh Woods: Nnnn . . . .

Judith Ashmann-Gerst: Not Jim?

Arleigh Woods: No . . . . I think that's their son.

Judith Ashmann-Gerst: There's a son.

Arleigh Woods: I'm just 33:54

Judith Ashmann-Gerst: There's also a Pat Rogan, who's a son.

Arleigh Woods: Yes, a son. Right. I think they had five boys. Anyway, he was the person that came to the ceremony, you know, and I got an outstanding recommendation and all that. So it was really the force of the bar's acceptance of me and my work, and the labor movement, that I was told . . . . Howard Berman was a very good . . . and he *is* a very good friend. He worked for my law firm when he was going to school. And I have . . . had some wonderful stories to tease him about one time when we did a roast on him. But he was, you know, on . . . very close to Jerry Brown and the Assembly and all that. And he was the one who called me to tell me that I was being considered for the Court of Appeal, and I was very surprised. And the next thing I knew, you know, it had gone . . . .

But my going on the court . . . . Everything I did was with controversy, it seems, but I don't know if you remember that the Lieutenant Governor made an appointment to a vacancy when the Governor was out of state. And then there was litigation to test whether or not he was empowered to do that. Guess whose seat he gave away? I had been . . . . It had been announced that I was going to be appointed, and it was twofold, because Bernie Jefferson became the Presiding Justice of Division One, and I replaced Bernie Jefferson in Division Four. So the Lieutenant Governor made those appointments, and when the Governor came back, he disclaimed them and renominated the persons whom he had nominated. But then it was another year almost, I think, while it was in litigation as to who had the power. And the decision was that the Lieutenant Governor did have the power to fill any vacancy, but if before confirmation of the persons whom he had nominated the Governor returned and withdrew those names, then the Governor could still nominate. So that whole thing was . . . involved Bernie Jefferson and myself.

Judith Ashmann-Gerst: Well, I remember Mike Curb being the Lieutenant Governor, and remember that there was controversy about the appointments, but didn't remember that it was you and that your appointment was held up for a year!

Arleigh Woods: Yes, yes. And it was . . . . The emotional impact for me was that my mother had terminal cancer, and she very much wanted to see me sworn in. And as it drug on and on, you know, I was very concerned that she wouldn't be able to do that. But again, as I say, she was a very strong woman, and she was there with bells on.

Judith Ashmann-Gerst: She made it. 36:34

Arleigh Woods: Yes, yes. And you know – something about Jerry Brown that people used to say was so cold and so on – he called my mother in the hospital, he called her at home to reassure her, you know, that everything was moving along. And I thought it was just a wonderful thing for him to do. He didn't know my mother, you know, but he was just wonderful to her. So I had a totally different attitude about him than what rumor would have led me to believe.

Judith Ashmann-Gerst: Before moving on to the Court of Appeal, what about the superior court? What experiences on the superior court stand out in your mind?

Arleigh Woods: The . . . . Tom Murphy was very generous. I've been very fortunate to deal with men who were very good to me and who realized, you know, that I . . . anything I was exposed to was going to be a new experience for women, in many instances, and certainly for me. And the advantage in Burbank was you didn't sit in a department. The advantage for *me,* at least, was you didn't sit in a department; you handled everything. And so I learned, very quickly, many aspects of the law that I hadn't been exposed to before. I stayed up a lot of nights, but it all worked well. And he was just very generous. And he had a law-and-motion calendar. And he loved that law-and-motion calendar. I mean, here he had this big audience and he could be Tom Murphy, and he had never allowed anyone else to take that calendar. And he gave it to me. And it was a wonderful experience, but it was also very generous of him; it was something he did not have to do. And the same way when his term was up as presiding justice for the district: he nominated me to replace him. So he was very good to me, and was instrumental, certainly, in what I was able to do out there. He called me "Princess," which even at that time women didn't like, but he was very good. Very good.

Judith Ashmann-Gerst: So then you went on the Court of Appeal to Division Four, and who were your colleagues at the time?

Arleigh Woods: Gordon Files was PJ, and Bob Kingsley – who had been dean at USC also. They were both very much my senior, and I was very much intimidated by their . . . . They were both excellent judges and scholars of the law. And there we were, the three of us, because there were two vacancies in that division. Six months later, Gene McClosky – who was the love of my life, legally – was appointed to the division. And Gene and I had been on the BAJI Committee together when I was on the superior court, and we thought a lot alike, and very seldom disagreed on an issue, and we were very supportive of each other. But that was a wonderful division to be on, because each of the justices had such different 39:26

personalities. Files was quite studious and sort of reserved and severe, and Bob Kingsley was constantly telling you little anecdotes that happened 20 years before. But he was the most prodigious of the judges; he would sit there at his little typewriter and type his own, you know, and knock out opinions. And of course they didn't have a lot of meat *[laughs],* but he got to the essence of what had to be said.

Judith Ashmann-Gerst: Right. He had a reputation . . .

Arleigh Woods: Yes.

Judith Ashmann-Gerst: . . . for being short, direct, and correct.

Arleigh Woods: Exactly. Exactly. So that was it. There were the three of us for the first six or eight months, and then Gene came on, and we remained a foursome until Files retired. And then I was appointed as Presiding Justice to replace . . . . And I was a little concerned about Kingsley. And I remember going into his chambers – because I was told in advance what was going to happen – and I said, "It looks like I'm going to become PJ." He says, "Oh, I think that's wonderful." He says, "You know, the first words I learned in English were 'yes, ma'am.' " And it was such a nice way for him to tell me . . .

Judith Ashmann-Gerst: Yes.

Arleigh Woods: . . . that it was perfectly all right.

Judith Ashmann-Gerst: Right. And when I sat pro tem, I was able to sit with you and Kingsley and McClosky. And what a wonderful experience that was.

Arleigh Woods: Oh, I'm so pleased.

Judith Ashmann-Gerst: Oh, I mean, you treated me like one of the gang.

Arleigh Woods: We selected . . .

Judith Ashmann-Gerst: But nice. . . .

Arleigh Woods: . . . very bright . . .

Judith Ashmann-Gerst: But nice. . . .

Arleigh Woods: . . . people, Judy.

Judith Ashmann-Gerst: But you were nice.

Arleigh Woods: We were able to treat you as one of the gang because you as one of the gang because you 40:49

Judith Ashmann-Gerst: You cherry-picked the cases. You made sure they weren't too horrible. But we all went out to lunch.

Arleigh Woods: Oh, yes.

Judith Ashmann-Gerst: Almost every day as a group.

Arleigh Woods: Our division did that.

Judith Ashmann-Gerst: It was very, very collegial.

Arleigh Woods: Yes. And it was . . . . It's good, because it gives you an opportunity to socialize, and if anything has come up that might have caused a little rancor, it's smoothed out. And you also were able to talk about some of the issues. If there was something that was really bothering you, rather than to go into someone's chambers and take up chambers time, we'd talk about it over lunch.

Judith Ashmann-Gerst: Right. Well, collegiality is so important . . .

Arleigh Woods: Yes.

Judith Ashmann-Gerst: . . . on the Court of Appeal.

Arleigh Woods: Yes.

Judith Ashmann-Gerst: Without it, it can be a very difficult experience.

Arleigh Woods: Very difficult.

Judith Ashmann-Gerst: Right.

Arleigh Woods: As APJ, I was exposed more to some of the inner workings of some of the other divisions, and unfortunately we had a couple of divisions where there was not that collegiality. And it just makes it very difficult, you know.

Judith Ashmann-Gerst: Right. How long were you APJ?

Arleigh Woods: I think it was four years. When Lucas became . . . . I was APJ when Rose Bird was Chief Justice. And when . . . after the election and everything, and when Lucas came on, I felt that he should be given the opportunity to appoint whomever he chose. And I resigned. And it was not because of any antipathy toward him; I didn't know him. But I just felt that he should have an opportunity to select someone that he wanted to work with. And that worked out fine. And I had had enough . . . .

Judith Ashmann-Gerst: I was going to say that the APJ is a tough job, and the administrative responsibilities . . . 42:23

Arleigh Woods: Yes.

Judith Ashmann-Gerst: . . . are overwhelming.

Arleigh Woods: Well, the administrative responsibilities are not so overwhelming, because like everything else we do on the court, if you have good staff, they help you a lot with that. But it's this business of dealing with the personalities of that many judges, and they're so, you know, different. And it was sometimes awkward.

Judith Ashmann-Gerst: After Justice Files retired, who came in to the division? Who became your fourth?

Arleigh Woods: Good question. Who became the fourth judge? We had . . . . It might have been . . . .

Judith Ashmann-Gerst: When did Norm Epstein . . . ?

Arleigh Woods: Hmmm?

Judith Ashmann-Gerst: When did Norm Epstein come in?

Arleigh Woods: Oh, yes, it was Norm.

Judith Ashmann-Gerst: It was Norm?

Arleigh Woods: You're right. It was Norm. It was Norm. And that was a wonderful addition, you know. Of course, I don't know, Judy . . . . We had Amerian . . . . Isn't that awful? I did know the pecking order at one time, but I don't now. I'm not sure that Amerian didn't come in next. And he only stayed on the court a couple of years.

Judith Ashmann-Gerst: Right.

Arleigh Woods: And then, I think, is when Norm came on.

Judith Ashmann-Gerst: Uh huh.

Arleigh Woods: And then Arguelles was in our division, and of course Ron George was in our division, and . . . . Oh, I don't know, it's like . . . .

Judith Ashmann-Gerst: You were on the Court of Appeal for 15 years?

Arleigh Woods: Yes. A very long time. But I loved it, you know, I loved it. As an only child, I had been a reader and very introspective and all that, and my personality totally changed as a lawyer. I became very much a people person, which I was grateful for. And in the superior court, you know, dealing with juries and lawyers 44:00

and things. And so . . . . But I was able to become a recluse again. *[laughs]* And I was very comfortable with that. And I was fortunate in having wonderful clerks, you know, and I . . . . Florence Cooper, who's now *[inaudible]* clerks, and Rita Gunasekaran, who was just voted Appellate Judge . . . I mean, Lawyer of the Year last year. And Michael Nava, who . . . . Michael left a prestigious firm to come with me because he was writing, and you know what billable hours are all about, and he had no time to write. And so he felt if he took a job where he was 9-to-5'ing it – which it turned out to be a little more than that –

Judith Ashmann-Gerst: Right.

Arleigh Woods: . . . but that then he would have his weekends to write. And I thought, "Oh, this is great; he's going to be a wonderful writer." His first opinions were *awful*. I . . . . The language was just *awful*. And we worked with each other, and it reached the point where I would say, "Did you write this, or do I write . . . ?" Not that I thought I was so marvelous, but at least it was supposed to be my voice, right? And he was just wonderful. And the most prolific of all the law clerks I had. He could knock out the toughest of opinions in the shortest time, you know. So I was very fortunate, very fortunate.

Judith Ashmann-Gerst: People have asked me if I feel that being on the Court of Appeal is, you know, very limiting; you don't interact with the lawyers and the juries. And I always tell them no. So apparently you felt the same way.

Arleigh Woods: Very much so.

Judith Ashmann-Gerst: And . . . .

Arleigh Woods: Very much so. And you do get involved in all these . . . .

Judith Ashmann-Gerst: Right.

Arleigh Woods: That's why I was involved in so many committees and commissions and whatever, because to the extent that you feel that way, you simply do other pro bono work, if you will, for the bar or for other agencies of the state. And there are certainly plenty of outlets. And you can teach in the evenings. And there's a million things you can do if you feel the need to do those additional things. But I was always very comfortable in the court, and I very much enjoyed it. I *very* much enjoyed it. And I liked having the kids come in from the law school and clerk, and you know, I loved it. It was wonderful. 46:12

Judith Ashmann-Gerst: I actually find that it's a very collegial experience, and you can have as much contact with people as you want.

Arleigh Woods: Exactly.

Judith Ashmann-Gerst: You know, there are people there to talk to, and I really enjoy sitting with the research attorneys and having the time to go over the cases.

Arleigh Woods: Oh, absolutely.

Judith Ashmann-Gerst: We'll sit around, we'll have books spread out on the floor.

Arleigh Woods: Yes.

Judith Ashmann-Gerst: You know, we'll just, "What about this case?" and "What about that case?" And that's something you don't get to do on the superior court.

Arleigh Woods: No, no.

Judith Ashmann-Gerst: You don't have the luxury of that.

Arleigh Woods: And I can tell you're a good justice, since that's the way you're approaching it. *[both laugh]* I thought so anyway, but I think it . . . . I love working that way with the clerks. I think it's good for you and it's good for them, you know.

Judith Ashmann-Gerst: And you did get involved with a lot of other things.

Arleigh Woods: Yes.

Judith Ashmann-Gerst: You were on the . . . . You chaired the Commission on Judicial Performance, which I had mentioned earlier, which is such a significant role and a difficult one to be . . . .

Arleigh Woods: That was difficult.

Judith Ashmann-Gerst: Tell me about that.

Arleigh Woods: It was difficult because, you know, sometimes the judges that you were sitting in judgment of were close friends. And yet if they had done something that was inappropriate, you know, you had to let them know they had done something that was inappropriate. And particularly in the few instances where we removed judges, I found it, you know, very difficult. The other thing that was amusing but not funny is it got to the point when I walked in a room like in a meeting or something, and judges were talking, they'd shut up. And that part I hated, you know, but really it's like you're a pariah all of a sudden. But, no, it was . . . it's something that 47:42

needed to be done. Again, I was fortunate in having . . . . It was a different commission, very different then. We had nine members – I think now they have 11 or more – but at that time there were nine. And there were muni court and superior court judges from north, central, and southern California, and then an appellate justice from the north and the south. And then the immediate past-president of the State Bar. So they were all judges and the one lawyer. No lay persons at all. And now I think there's like four judges and five or six non . . . . not even necessarily lawyers . . . .

Judith Ashmann-Gerst: Well, there are a lot of lay members now.

Arleigh Woods: Yes. Uh-huh.

Judith Ashmann-Gerst: Right.

Arleigh Woods: And, I don't know, it's worked. At first I thought, "Oh, this is going to be a disaster, because one reason in my time that they made sure they had both municipal and superior court representation from the different areas of the state is the courts function differently. And what, you know . . . . Certainly if someone commits a gross error, you know what that is – ethically, I mean. But there are nuances of things . . .

Judith Ashmann-Gerst: Right.

Arleigh Woods: . . . that go on in a courtroom that might be perfectly acceptable in that situation, and if you've never been exposed to that court or that section of the state, you might not be aware, you know. So I thought it was very important, but apparently they've done very well without that kind of input, and that's what matters in the end.

Judith Ashmann-Gerst: How long were you on the Commission?

Arleigh Woods: The Commission? Well, I chaired it for, I think, five years, and I was on a couple of years before I became chair, so . . . .

Judith Ashmann-Gerst: That's a big commitment.

Arleigh Woods: It's a . . . . Yeah, it was a long time.

Judith Ashmann-Gerst: You were on the Judicial Council?

Arleigh Woods: Yes.

Judith Ashmann-Gerst: Which another . . . is another very important role, and a big commitment as well. 49:33

Arleigh Woods: Mm hmm. And it was . . . they . . . we didn't . . . you know, it's cyclical as to whether they have these really heavy issues to deal with. And we didn't really have the heavy issues on the council when I was on there. If we did, I don't recall it. But I don't think that it was overwhelming in that regard. There was the ongoing . . . . From the day I went on the court, there was the big fight, always, between whether or not to merge the municipal . . .

Judith Ashmann-Gerst: Right.

Arleigh Woods: . . . court and superior court, which has finally been resolved, you know. And I think that the council might have been dealing with some of that. But the reason that I had to leave the council is there was a conflict between my chairing the Commission on Judicial Performance – which is really under the auspices of the Judicial Council. And so I gave up one job for the other.

Judith Ashmann-Gerst: We've talked about Kingsley and McClosky. There are a lot other people that you admired as well, when you and I were talking earlier. We were talking about Bernie Witkin, . . .

Arleigh Woods: Yes.

Judith Ashmann-Gerst: . . . and Jefferson, and Tobriner, and your . . . how they were really role models for you . . .

Arleigh Woods: Absolutely.

Judith Ashmann-Gerst: . . . and people that you look up to.

Arleigh Woods: Yes, absolutely. And they were . . . . Again, they befriended me, and they were very good to me, you know. And I was very pleased and proud of the association. And I came along, too, in the year as far as the Supreme Court was concerned . . . . When I was sworn in, the Supreme Court was the Warren Court. And so Warren was the Chief Justice and Thurgood Marshall was still on the Court. So that was very exciting. Bill and I were sworn in together. And Jim Corman was a Congressman, and a good personal friend, and Jim sponsored us. And so, when we got up there . . . . You know, it's so intimidating, and we go up to the bench, and Warren looks down, he says, "We've got a California club here." And it was so great, because we just started relaxing immediately, you know. And . . . . But that was a very exciting thing. But I was . . . obviously admired Warren very much. And with Marshall, I . . . you're not as impressed with his opinions, but what he did as a civil rights lawyer to put himself on the Supreme Court, 51:43

and being the first African American on the Supreme Court. It was wonderful to have that group to swear us in.

Judith Ashmann-Gerst: Yes, it was. Can you think about any particular cases from your time on the Court of Appeal that stand out in your mind? Any significant issues?

Arleigh Woods: There was . . . . Well, I read an article recently about . . . . Oh, it was on . . . in the UVA. They send out this manual, or magazine, on a monthly basis, and they were talking about human cells and not being able to patent cells. And I . . . That rang a bell with me because when we were on the court, it was an issue that came up that . . . . I'm disparaging UCLA, but it's the truth. One of the scientists at UCLA . . . . They had a patient in the hospital who had a disease that made his cells very unique. And the doctors were taking the cells and utilizing them to create a serum. It wasn't a serum, but for our purposes. And they were patenting it. And what really, really upset me was they had this man continually coming back, under the auspices of treatment, and taking more cells. And so the lawsuit was brought for him to get some claim or interest in the . . . . I've forgotten how much money they had made, but it was a substantial amount of money in . . . at that time that they were making off of this process. And I felt *very* strongly that he should have some interest in that and that they didn't have a right to take his cells without informing him. And the Supreme Court, who constantly seemed to disagree with me, but . . . they held that the need of the hospital to be able to, you know, experiment and so forth was paramount. But this went beyond that, in my judgment, and I always regretted that that opinion . . . that our opinion didn't prevail. So that's one that was brought to mind recently because of the article I was reading, and it was an argument against allowing someone to patent a human cell, you know. And . . . . But anyway, so that was a very interesting case. And some of them were interesting because they were funny and, you know, that sort of thing. But there's no one case that I said, you know, "This is the case that marks my work on the appellate court." They just all seemed to kind of . . . .

I remember a case that we got into it in the division, which was unusual. And that was the first AIDS case we got. And this man had gone for a pedicure and they had refused him service. And, of course, I wrote an opinion saying, "You can't do that," and it was clearly established medically. It was in the era when people thought if they were in the room with someone with AIDS they were going to contract AIDS, and it was ridiculous. All they had to do was use alcohol, and they were perfectly 54:41

protected. Plus when you give a pedicure, you're not supposed to be cutting up somebody's feet anyway, you know.

Judith Ashmann-Gerst: Right.

Arleigh Woods: So anyway, I wrote this opinion and Jack Goertzen, who was on the division at that time, and oh, he just went ballistic that I was forcing these manicurists to do . . . give a manicure to someone with AIDS. So we had a little friction over that case. And he went over to the superior court – occasionally we'd go over for lunch or something, and let them know we were really still alive and well, you know – and he went over and oh, he got applause and ovations for standing up for these women's right not to give the pedicure. But the Supreme Court took the case and upheld me, so I felt vindicated by all of that.

Judith Ashmann-Gerst: So both of those cases are medically related. There you go.

Arleigh Woods: Well, that's true. That . . . . Isn't that interesting? Yes. And they would be the ones I would remember.

Judith Ashmann-Gerst: Right. Any dissents that you remember?

Arleigh Woods: Yes. I wrote a lot of them. Not a lot, really, because we . . . as you say, we were a very collegial division, and I worked . . . . I felt that the real function of the appellate court is to give direction to the superior court. And if you have fragmented opinions, then they don't know what the Supreme Court might or might not do. And I feel like you don't do them a service. It's important if you *really* disagree to say so, and to ask . . . . I've had dissents where I specifically asked the Supreme Court to take the case – that we need to resolve this kind of thing. And that's usually the only time that I wrote a dissent, was not to disagree with my colleagues, necessarily, but to lay out all the reasons why I feel . . . felt that the Supreme Court should take the case. But we really accommodated each other and we didn't compromise ourselves, nor the law. We would just keep talking until we met a middle ground, and . . . . One of the things I so much admired about Kingsley, and I hoped to emulate, was that no matter his age, he always was the most open-minded person. And I just came to understand that true intellect is the ability to not be fixed in your position, but to listen and to learn. It doesn't matter how long you've been doing it, or how old you are. And he was my role model for that. And we would just talk it and talk and talk until we finally reached a middle ground. And Norm Epstein is wonderful that way. He's a wonderful student of the law and will certainly come with an opinion, but you keep 57:09

talking and eventually he either persuades you or you persuade him, so it was . . . it worked very well for us.

Judith Ashmann-Gerst: Yeah, that is the joy of the court, . . .

Arleigh Woods: Mm hmm.

Judith Ashmann-Gerst: . . . doing that. You also, in your spare time, you also were the founder of the California Appellate Project.

Arleigh Woods: Yes.

Judith Ashmann-Gerst: That's . . . . That really has made a significant difference.

Arleigh Woods: Now, that's something . . .

Judith Ashmann-Gerst: Yes.

Arleigh Woods: . . . of which I am truly proud.

Judith Ashmann-Gerst: Right.

Arleigh Woods: The . . . . You know, CAP existed in San Francisco, but there was nothing in southern California, and again, it was . . . I was fortunate to have people available who were really very bright and very capable of running with it. It was just a case of getting permission to do that. But for a while I was known as "The Mother of CAP." *[laughs]* I wasn't quite sure . . . . But it's just worked so well and still does. And they do a wonderful job. And of course now, for a number of years, I chaired the Habeas Corpus Commission, . . .

Judith Ashmann-Gerst: Right.

Arleigh Woods: . . . which is kind of in . . . . You know, there, they're dealing with habeas rather than the initial conviction, but it's all kind of tied in together. And I was nominated for that by CAP, and continued to . . . . I chaired it when it was first organized and we were, you know, getting started. And then two years ago I ceased to be chair, but I'm still on the commission.

Judith Ashmann-Gerst: What does that commission do? I'm not that familiar with it.

Arleigh Woods: They represent . . . . They handle the habeas petitions for people who are on death row. And at the time that the commission was created, there were 173 people on death row with no lawyers. And so it was very important to correct that situation. But, you know, habeas, they come in with wheelbarrows as record, so it's very difficult to make inroads because as long as there are 58:56

convictions, then you just don't catch up. But it's been . . . . And you do . . . we're doing both the federal and the state. And it's been really quite an undertaking, but something that's, you know, absolutely necessary. And again, we were so fortunate in the people that we hired. And it's just . . . . We went from having nothing to having 35 lawyers. But what was so important was, each lawyer has a staff, including an investigator, which in that work is extremely important because you go back and revisit witnesses and things to determine what errors were made, if any. And it's . . . . They have now, by computer, they have every opinion in that computer. They have instructions and directions so that a person who had never handled a habeas corpus case could go into the computer and start with the very first forms. And of course they don't *do* that, because there's too much at risk. I mean, you're dealing with someone's life. But it *can* be done, and it is such an aid when you have lawyers who *will* volunteer to help do that work. The problem in that area has always been that lawyers just can't afford to do it.

Judith Ashmann-Gerst: Right. So the Habeas Corpus Commission – they have full-time . . .

Arleigh Woods: Yes.

Judith Ashmann-Gerst: . . . lawyers as well as outside lawyers who take the cases.

Arleigh Woods: That's right. But primarily the . . . most of the work is done by the full-time lawyers of the commission, because as I say, it's very difficult to get other lawyers to take the case. But when they do get lawyers that take the case, they assign a lawyer to work with them and they have our investigative staff, and all of that.

Judith Ashmann-Gerst: Is there overlap with CAP, or are they two separate organizations?

Arleigh Woods: They're totally separate.

David Knight: Before you answer further, I'm going to change tapes.

Judith Ashmann-Gerst: Okay.

David Knight: It's just about an hour. *[short silence]* Continue any time.

Judith Ashmann-Gerst: Okay. Was there any resistance to the creation of these programs?

Arleigh Woods: Well, you know, the . . . . Yes. But not overtly so. The . . . . There's always political maneuvering, and the more conservative the legislator or whatever, the less 1:01:11

they want us to invest in trying to retry, as they put it, cases where people have already been convicted. But the main thing, of course, that the Legislature can do is control the money. But it's . . . we've been very fortunate in that regard. And we have, in Ron, a Chief Justice that's protecting the court and protecting the agency. And we have not really had any over . . . . We've had nothing but support. And he comes once a year – maybe more often, but certainly once a year – and actually meets with the commission, and lunches with them, but goes over any problems that we're having, financial or otherwise. And of course there's always the urging by he and Beth to take more cases, take more cases. But certainly he understands why you can't take just so many of those, 'cause they go on for such a . . . . You know, you're talking about trials that sometimes lasted months, and you've got to go back and find the old witnesses and go . . . you know, they go through every aspect of the trial to see if there was error. And if there's something upon which to base, you know, the petition. So they do excellent work, and he realizes . . . recognizes that and is very, very supportive.

Judith Ashmann-Gerst: You've worked a lot with him . . .

Arleigh Woods: Yes, I have.

Judith Ashmann-Gerst: . . . over the years.

Arleigh Woods: Yes.

Judith Ashmann-Gerst: And of course worked *with* him on the Court of Appeal.

Arleigh Woods: Yes.

Judith Ashmann-Gerst: He was . . . . I actually appeared before him when he was a municipal court . . .

Arleigh Woods: Oh, did you!

Judith Ashmann-Gerst: . . . judge. Yeah.

Arleigh Woods: Oh, how delightful. That's . . . .

Judith Ashmann-Gerst: And he was, even then, just as, you know, charming and easy to be with . . .

Arleigh Woods: Yes.

Judith Ashmann-Gerst: . . . as he is now.

Arleigh Woods: Yes. Well we . . . . When he was first announced as being appointed, there . . . everyone has, you know, 1:02:55

their detractors, and we were hearing, "Oh, he's very ambitious," and this, and I . . . . What's wrong with ambition, you know? But it was said in a very negative way. And I appeared at his – what do you call it? –

Judith Ashmann-Gerst: Confirmation hearing?

Arleigh Woods: Yes. Confirmation hearing. And I made it . . . a joke, kind of, about the fact that we were trying to find out whether he went to lunch, because of what you said. Our division always lunched together, and we had been told that he didn't eat lunch. And so . . . . But anyway, it was a funny thing. And, of course, in the end he went to lunch with us like everyone else that ever came into the division. But he's very . . . he was very easy to work with. And he's a very good judge. I mean, he was then, and . . . . But I didn't know what kind of an administrator he would be as far as the court is concerned. And of course he's been outstanding. So I'm very proud of the fact I've had an association with him.

Judith Ashmann-Gerst: Absolutely.

Arleigh Woods: Yeah.

Judith Ashmann-Gerst: So, Southwestern. You loved Southwestern. People like their law schools – sometimes.

Arleigh Woods: Yes.

Judith Ashmann-Gerst: But you are really devoted to Southwestern and just done amazing things . . .

Arleigh Woods: Yes.

Judith Ashmann-Gerst: . . . with it and for it. Tell us about Southwestern.

Arleigh Woods: Okay. When Southwestern was first organized in 1911, I think it was, there of course were no women, no persons of color, no persons of Jewish faith, and so on. The first graduating class had a representative of each of those things. And so, you can see why, with that being the founding force, that you become very committed to the university. The other thing is that I came along in an era where it was difficult for women and for persons of color, and I felt that I owed Southwestern something for having given me the opportunity.

And then Leigh Taylor was the dean, and had been – was – for 26 years, I think Leigh was here. And we hit it off very well. And he would constantly ask me to do things for the school, and I would not decline, you know. And I really . . . . There was a mission here, because it 1:05:06

was a smaller law school, it wasn't that well known, and he strove to get its name out there and became one of the first deans – I think *the* first dean – from a small independent law school that was elected as president of the AALS. And so he was working very hard in that regard. And I was trying to do my thing.

And then this business came up about buying Bullocks Wilshire. Well, people thought he was absolutely insane. But we had always used their parking facility, 'cause we didn't have adequate parking on the other side of the street. And so the idea of actually owning it, you know – to say nothing of the building. So the board voted enough money to go back to New York and bid on the bankruptcy. And of course we didn't vote enough money, and there was a man there who wanted to buy the building and make a shopping center. Do you know how awful that would have been? So anyway, we appropriated some more money and he was successful with the bid. And of course after it was finished and people came and saw the library and saw, you know, what we had done here, oh, well, Leigh was a genius. And the other thing that was interesting about acquiring the building is that Cal Tech owned the land. And when we approached them, we knew the kind of money we were going to have to spend to do what we wanted to do with the building, so we approached them about purchasing the land. And they said, "Well, we don't buy . . . sell land; we acquire it," you know. I mean, it was just like, "Where are you from? The moon?" you know. But anyway, to make a long story short, we were . . . eventually acquired the land. And then we were able to go ahead with our fundraising and the projects that we've put in.

And we have now a state-of-the-art courtroom that's absolutely electronically magnificent. You have to have an engineer in there when you sit. I've done a couple of cases where – appellate cases – where they decided they didn't want to wait, you know. And they've come to me, and we selected two additional retired justices and sat in the courtroom downstairs. And it was wonderful, you know. But it's really rather intimidating because of the electronics and everything. But you can literally do anything. You can show a document to the court on, you know, the teleprompter, when . . . cut it off from the jury and do . . . pass things to the jury without ever leaving your seat because it comes up on the screens. And it's just wonderful, just wonderful. And the acoustics are marvelous. So it's really wonderful.

And then of course the last thing we put in was the gym downstairs, and it's a marvelous gym. And it's in the basement. And I had the experience of . . . . I 1:07:53

always try to go when a new class is coming in, meet some of the kids and everything. And there was this really tall kid and he was standing off kind of by himself, and so I went over and started chatting with him. So I said to him, "What brought you to Southwestern?" He says, "They've got a hell of a gym!" And I thought, "You'll *never* pass the bar." *[laughs]* But the reason for the gym was, you know, now everyone's very much into athletics and exercising. And they'd leave and go to a gym – wouldn't come back to school. So he put the gym here. They can run down, exercise, and get back in the library where they belong, you know.

Judith Ashmann-Gerst: Right.

Arleigh Woods: So it's worked out very well, it's worked out well.

Judith Ashmann-Gerst: I didn't know that . . .

Arleigh Woods: Yes.

Judith Ashmann-Gerst: . . . he had put a gym in.

Arleigh Woods: Mm hmm.

Judith Ashmann-Gerst: That's a wonderful idea.

Arleigh Woods: Yes. It . . . . We really had . . . . It really is, . . .

Judith Ashmann-Gerst: Right.

Arleigh Woods: . . . and it has worked out very well.

Judith Ashmann-Gerst: So you've been on the Board of Trustees. You've been Chair of the Board of Trustees for how long now?

Arleigh Woods: Forever. It was the . . . The term for the chair is supposed to be three years. But we were acquiring the building, then we were developing the building, and so they kept amending the bylaws to allow me to remain chair until we got everything completed. And that was the real reason that I was chair for so long. But I was chair for, like, 10 years, you know. And I worked hard, and it . . . but it was very rewarding, and I'm very proud of the results. And of course, so many people were involved in bringing this to the level that it is now. But I like . . . I'm pleased with the fact that I was one of them.

Judith Ashmann-Gerst: I know. I mean, the facility is absolutely magnificent.

Arleigh Woods: It is, it is. 1:09:25

Judith Ashmann-Gerst: And, of course, another first: you were the first to receive Southwestern's Alumni Association Outstanding Judicial Officer award.

Arleigh Woods: That was just newly created . . .

Judith Ashmann-Gerst: Right.

Arleigh Woods: . . . at the time when they decided to give it to me. But that was fun. We were still small, and so the . . . a gathering like that was a fairly small group, and you could have fun with them. And I remember the ceremony, and it was very fun.

Judith Ashmann-Gerst: So from the time you started as a judge until the time you retired, did you see a change in the attorneys?

Arleigh Woods: Oh, very much. Very much. And you . . . . Everyone complains about commercializing the law, and billable hours, and all of that. And it's true. I mean, it's just a fact. But it became so preeminent that it . . . there weren't that many lawyers doing pro bono and all these other things. Now it's kind of gone full circle. People are putting in the hours and the time, but they're also finding the time to do the things that were what lawyers originally did. I mean, you know, they were in the forefront of change, and they were people-oriented and issue-oriented, and we've gone back more to that. And the law schools are encouraging. We have clinics here, we have children's clinics here, and so we encourage the law students – even as they're learning the law – to see the commitment that they have to give to the community, or that they *should* give to the community. And I think that they're coming full circle on that. But I couldn't believe the hours that lawyers were working and expected to work. And their . . . . They had no time to spend with their family, and they certainly had no time to get involved in these other things. And, as I say, I'm happy to see that change.

And of course electronics changed the practice totally for judges as well as for lawyers, but more so for lawyers. And for law schools, because . . . . It's difficult. I mean, you can't live without a laptop. But, on the other hand, it's one thing to teach issues that way, and it's something else to try to teach concepts, and to get the class to, you know, *feel* those other aspects. And I think it's like everything else. There have been some good changes and some bad. But I think the two things that changed the most were the demands that were put on lawyers and then the whole electronic era of having a different approach to how you do research and how you do everything. And in this process of grinding out so 1:12:07

many hours, I think as an appellate justice, I think the briefs deteriorated.

Judith Ashmann-Gerst: Mm hmm.

Arleigh Woods: And, you know, you could go into the computer and pull out something and change the names and slap it together and, you know . . . . And a lot of that was going on. And again, I think there's less of that now.

Judith Ashmann-Gerst: How about the quality of oral argument?

Arleigh Woods: We were fortunate, I think, in that regard. Occasionally you would get an attorney who was clearly a trial lawyer and thought he was still arguing to the jury, you know. But, for the most part, we . . . there . . . because they . . . we have these specialists in southern California. We are very fortunate with the appellate bar, that you get a different quality of argument than you get . . . . Because even . . . . I sat on the Supreme Court several times, you know, as a pro tem, and sometimes I was amazed that the argument there was not necessarily as good as what we were hearing. It's like when you go to a moot court and the kids are arguing better than the lawyers, you know? Well, some of that was going on between, you know . . . . So it's . . . . No matter what level of the court, now you have lawyers that are absolutely outstanding and some that are not.

I remember one of the most famous lawyers in the United States came . . . flew in to argue a case before my division. And he had, like, these five kids behind him, you know – young lawyers. And they each had their stack of papers. And we'd ask him a question and he'd go like this and somebody would . . . . And, you know, it was . . . he was totally unprepared, he was *very* unimpressive, and he was wrong, you know. And so that was a disappointment. But, you know, reputation can take you a long way, but you don't necessarily produce when you get there. So that taught me something about that dynamic, too.

Judith Ashmann-Gerst: Right. A lot of people talk these days about how uncivil particularly civil lawyers are. Did you have that experience as well?

Arleigh Woods: My husband left the practice because of it.

Judith Ashmann-Gerst: Oh, that's interesting.

Arleigh Woods: He said that when he started, you know, you'd give somebody your word on the telephone – that was fine. Or, you know, when people said, you know, "I'll take care of this" or "It's okay to continue that," and it 1:14:18

went from that to someone basically calling you a liar and saying it never happened. You know, that kind of thing. And you had to document everything you did. And he finally reached the point where he says, "You know, this isn't fun anymore. I don't want to do it. I don't enjoy the people that I'm working with, and – not his partner, of course, but I mean, the people that he came in contact with. And that was really the last straw as far as his leaving the practice.

Personally, I think that there are advantages to being a woman in this field. At least, there certainly was when I started and there were so few women. And as a consequence, you know, if anything the lawyer would pull out the chair for you, you know, rather than insult you in any way or compromise you or lie to you. And the judges were the more offensive. I had a judge call me "little girl." I had a bailiff tell me I couldn't . . . "You can't come in here," you know, there where the bar was because he assumed I was not a lawyer. And that kind of thing. But it was more a basis of ignorance than anything, you know. I remember the first time my law firm sent me to argue a case of any substance, and afterwards – one of the partners knew this judge – so he asked him afterwards, you know, "What did you think about her" and everything. He says, "I didn't hear a word she says, but she has beautiful hands." *[laughs]* Oh, God. That's not going to help me advance in my firm, you know! But I do talk with my hands. I tried to curb it some when I was practicing law, but it's difficult. But, no, I can't say that I personally experienced . . . . There were women in my era who did. But I was fortunate. And maybe it was because of the nature of my practice.

Oh, now, I've had some really . . . . I had a union hall – an entire union hall – get up and walk out when I got on the stage: the Ironworkers. The idea of a black woman was going to be their lawyer? I don't think so. And so it isn't that I never had experiences, but for the most part it was just the reverse of that: I was very welcomed. And you know, I represented the United Auto Workers for 17 years, and they are the class union in the United States. And, you know, they were very warm and receptive and gave me opportunities that I probably wouldn't have had otherwise. And the Rubber Workers, which – I don't even know if the Rubber Workers exist anymore – but there was a Rubber Workers union in southern California when I came along, and they employed quite a few women, and so I was very warmly welcomed there. Because at that time there were only, I think, three women in southern California in the field. So either you were revered and appreciated, or you were condemned as being out of your place. So, anyway, I've had both experiences. 1:17:03

So civility there was an issue, but in the courtrooms I've not . . . .

Judith Ashmann-Gerst: How about as a judge? Any lawyers ever rude to you because you were . . . because you're a woman or because you're African-American?

Arleigh Woods: I really can't say that they were. I really didn't have that experience. Did you ever have that?

Judith Ashmann-Gerst: Yeah, I've had a few.

Arleigh Woods: Have you? Yeah.

Judith Ashmann-Gerst: A few of them would call you "Judge" rather than "Your Honor" *[inaudible]* they have to . . .

Arleigh Woods: Oh, yes, yes, yes.

Judith Ashmann-Gerst: . . . *[inaudible]* a putdown, you know.

Arleigh Woods: Mm hmm. Mm hmm. Yes. I know. But I don't . . . I really . . . . I'm sure I would remember if that happened to me, and I haven't had that particular experience, you know. As I say, the "little girl" bit, but after that nothing. It was so funny – when I started practicing, one of the . . . . Oh, well, the women lawyers didn't accept me, I'll tell you that. Oh, I went to a Women Lawyers . . . . I only went to one in my life – I mean, not in my life, but in my young life – and I went to this meeting, and of course I was very young – most of the women there were old enough to be my mother. And there was no other person of color in the room. And they made it very clear that I really wasn't welcome – they didn't really think I belonged there. And I never went again until years later, you know, when I got very involved with women lawyers and women judges. But they were quite a group.

Judith Ashmann-Gerst: It's interesting, 'cause when I first started practicing, there were so few of us that we all took care of each other.

Arleigh Woods: Exactly.

Judith Ashmann-Gerst: We knew everybody.

Arleigh Woods: Exactly.

Judith Ashmann-Gerst: We knew all of the women lawyers and we were, you know, a close-knit group. People like Maddy Flier *[inaudible]* 1:18:40

Arleigh Woods: Yes, yes. Oh, well, you were a wonderful group, you know. And that was a whole different era, you know. This was . . . . Let's see, I practiced law for 17 years, so when I'm talking about was 17 years before I ever became a judge and before you were born! And as a consequence, it was very different then. And women were not as generous, and particularly to the fact that I was as young as I was and the fact that I was a person of color. They just . . . you know . . . .

And but one woman who . . . decided she was going to be nice to me, and she told me that when we went to court, that we wear hats. And we wear gloves. And because the men wear their ties and their jackets, that we have to be appropriately dressed. And she wanted me to wear . . . . Well, at that time I had hair down to my waist. And I bought this little hat and plopped it on the top of my head, and I went into court, and this clerk who was really . . . turned out to be a nice fellow, came over to me. He says . . . . I came . . . . First we went through the "You don't belong in here," and "I'm the lawyer," and all that. And so then afterwards he was bending over backwards to be nice, you know. And so he said to me, "You know, I . . . . Maybe I shouldn't say this, but I think you'll do better with this judge if you lose the hat." And I never wore a hat to court again!

Judith Ashmann-Gerst: Was it Gladys Towles Root who told you to *wear* a hat?

Arleigh Woods: No, it wasn't Gladys, but Gladys was . . . . Oh, she . . . . I was in court one time when Gladys . . . . This was . . . . I was still a law student. And I went to visit a criminal courtroom, you know, and see the . . . . And Gladys came in in a hat that had . . . the crown of it was a cage, and there was a live bird in it. And a big brim, you know. And so the judge told her, he says, "Will you please get that creature out of my court?" But she was one *wonderful* lawyer, I mean, for all her eccentricities. She did it, obviously, to be flamboyant and to get press and to get attention. And . . . . But she represented people who then – like they were gay or whatever – and that had a hard time in a courtroom, and she did a fabulous job, you know. I came to respect her very much, beyond her hat.

Judith Ashmann-Gerst: Well, you obviously loved being a judge.

Arleigh Woods: Yes.

Judith Ashmann-Gerst: But you decided to retire . . .

Arleigh Woods: Yes. 1:21:00

Judith Ashmann-Gerst: . . . and go into private judging. What made you decide to do that?

Arleigh Woods: William, my husband. He had retired . . . . He has made a full career of retirement. He retired early. And Bill was always a businessman, and so he didn't have the same passion for the law that I did. For him, it was – whether it was with the medical groups, or whatever – it was always an instrument to get him the money he needed to do a lot of other things. And he had done all those things, and he really . . . . And as I say, he really was pushed to retire because of this lack of civility. And he was just involved in business. And he bought a restaurant. And he was very much enjoying that. But he finally was saying, he said, "Look, you know, this is going on for years and years and I, well, you know, I don't want . . . I didn't retire from the law to become a restaurateur." And so he kept pushing me and pushing me.

Well, we decided we were going to build a home. We went to Washington. We worked our way up the coast, looking for acreage on a river, which was . . . . This was all him, you know. And so we find this . . . found this property on the Lewis River in Washington. It's very, very beautiful, but then, you know, we have to build . . . clear the land. I mean, it was really just raw, you know, timberland. And so I took a year with the architect, I took almost three years to build the house, and I was really deliberately dragging my feet – but also to get some of the artisans that we wanted to work on the house, we had to wait. But in the end, the house was completed, and he says, "Okay," you know, "no more stalling," and that's when I tendered my resignation.

But I didn't leave the court because I was tired of it; I don't think I would *ever* have gotten tired of it. But I couldn't live up there and work down . . . it just wasn't going to work. So that was it. And we went up, and I was . . . . By the time the house got finished and I got it furnished and all that business, then I was sitting there, you know, looking around, and there was nothing to do! So I signed up for classes. Oh, I was taking art classes, and I was taking . . . . I don't know what-all I was taking. And it wasn't . . . . And I had always said I was going to write. And Michael Nava, as I say, is a novelist – one of my law clerks. And when I retired, I . . . one of the gifts I received was a box with this really ratty-looking sweater in it, you know. And I said, "What *is* this, Michael?" He says, "That's the sweater I wore every night when I wrote my first book, and I want you to take it to Washington, put it on, and write a book!" you know. And I really had good intentions of doing that, but I was just so 1:23:42

restless. I don't know what it was. I just couldn't settle down and do that. I wish I had, but I didn't.

But then I got a phone call that . . . from some lawyers, and they wanted me to come down and mediate a case for them. And it was a case that had gone up to the Supreme Court and got remanded. And there were so many defendants. They said, "Well, you know, if you can just eliminate some of the defendants so that the trial will be manageable." And so I said, "Sure," you know. And I was . . . kidded with them, because I was sure that they had blackballed, you know . . . 15 lawyers, nobody was going to get through the screening process, you know. And so I said, "What did you do, blackball everybody else, and then you were left with me?" you know. But anyway, so they asked me what I charged, and I said, "Oh, I'll pay you. I just want to get down there and do something!" you know. So, anyway, I came down and mediated the case. It went very well. In fact, we settled out the entire case. And it was just a great experience, you know. So at 2:00 in the morning I was calling Bill and saying, "I'm sorry. I know I said I was going to stay up there, but I found something I really want to do." And that's how I started mediating.

And I really liked it. And I continued . . . . For almost 10 years I was coming down here. I did my mediations here And I was coming down four days a week and staying in Washington over a three-day weekend. And I did that for almost 10 years, and thoroughly enjoyed it, you know. And he was not happy. But he got involved in other things, and then he has all these hobbies and things. So it was going along pretty well for a while, but then after, say, four years or so, he started bitterly complaining about me being gone so much. And . . . . But it worked its way, and then finally now I *have* slowed down dramatically because of his health and . . . you know. But everything . . . . I'm ready now. I wasn't ready then. And I can spend more time at home now and really enjoy it.

One thing – we moved there not knowing a soul. No one. So it takes you . . . . You know, usually you go through church, or through your children's school, or something, and you gradually meet people.

Judith Ashmann-Gerst: Right.

Arleigh Woods: Well, we don't have any of that. I mean, we don't attend a church, and I don't have children or grandchildren or anything, so with us it was strictly a case of, you know, meeting somebody at the grocery store and starting a conversation or something. So it took a while to 1:25:58

have a social network. And we didn't want to go to the bar or the retired judges or any of that, you know. So it was just a case of meeting neighbors, meeting friends. And now we have people we're very close to there and enjoy them very much.

Judith Ashmann-Gerst: So, how *do* you spend your time up there?

Arleigh Woods: How *do* I spend my time up there? Well, we have a gym in the house, so rule number one is you get up and you get in the gym and you work out. And . . . . But we . . . . I do . . . . We love food, we love wine, and so we do a lot of entertaining. And we had . . . . It was just happenstance that we were at a dinner party, and we were all having such a good time, and the hostess said we should do this all the time, and the decision was made that each of us would host the group once a month, you know. And so we've been doing that now for several years. And so that's been fun. One of the women in the group is . . . owns the largest catering company in Portland. So when you go to her house you get lots of yummies, you know. But it's been fun.

Judith Ashmann-Gerst: Does everyone try to do something special when they come to your home?

Arleigh Woods: Well, yes, in fact, it's been known as "outdoing the other person." It started off at a manageable level and now it's sort of gotten out of control, you know. But . . . . It's . . . . But one of our trips, we were picked up by limousine, went into the wine country, visited a few vineyards, and then came back to the house for dinner. That was pretty dramatic, you know. But for the most part, it's a case of just doing something that's interesting, you know, and that the people would really enjoy, food-wise and wine-wise. And it's been fun, it's been good.

Judith Ashmann-Gerst: Did Bill having a restaurant help? Does he help with the cooking?

Arleigh Woods: He . . . . Ever since . . . . When I got married, I could not cook. I had never cooked in my life. And I would be on the phone with my mother, you know – 'cause I was still in law school – and "How do you fix this?" or "How do you fix that?" And Bill just knew how to do steaks. And so we were just kind of . . . . My mother said she'd invite us to dinner and we obviously enjoyed it *so* much, and she thought, "Oh, these kids really love my cooking." Hell, it was the only decent food we ever got, you know. *Our* cooking was terrible!

But what . . . . I had a friend, Paul Jacobs, who was a good cook and who wound up . . . . They moved 1:28:13

to San Francisco – in fact, we bought their house when they moved to San Francisco – and Paul had a cooking show on television in San Francisco. So when I passed the bar, one of the first things I did was to call Paul. I said, "Okay, Paul, I want to learn how to cook. And I don't want to just do a meat-and-potatoes deal. I *really* want to learn how to cook." So his advice was, he gave me five cookbooks. He said, "Read them like novels. And when you've read them all through twice, call me and I'll talk to you." And it's amazing. It's wonderful to do that. I mean, you learn all about sauces, you learn which, you know, condiments go with which foods. And it's just amazing what you can learn if you just take it as an academic pursuit and read a cookbook. So anyway, Paul started teaching me to cook, and I became an absolutely marvelous cook.

But then, I . . . when I went on the Court of Appeal, I didn't have time for that. And Bill got the restaurant. (And we were fortunate to have someone that worked for us for 20 years and she also did the cooking.) But Bill got the restaurant and the chef started teaching him how to cook. Well, the thing that happens is you learn all these techniques where you can do in 15 minutes what it takes someone two hours to do. So that part was just wonderful. And of course, I didn't mind having someone in the house that turned out all this good food. So all these years I haven't cooked. So now, one of the – you said, what am I doing now – one of the things I'm doing is all these recipes I've been clipping out for years . . . . There were just mounds of them in boxes; I couldn't have found anything if I wanted to. So I'm organizing all of that and sort of doing my own cookbook, as I'm absolutely determined to start cooking again and to outdo Bill in that regard, so . . . .

Judith Ashmann-Gerst: Yeah, I wanted to do this up in Washington – this interview – and then I could have sampled . . . .

Arleigh Woods: I know! Well, I wanted to do that, and at one time I thought that was what was going to happen.

Judith Ashmann-Gerst: And the budget interfered.

Arleigh Woods: Yes, that's right.

Judith Ashmann-Gerst: You said you now do a lot of outdoors things.

Arleigh Woods: Mm hmm.

Judith Ashmann-Gerst: What do you do? 1:30:12

Arleigh Woods: Well, not in the sense that you do. You're very athletic and I'm not. But, you know, ours is like taking advantage of the area and doing a lot of climbing and walking and that sort of thing. And . . . . But I don't . . . . We . . . . There are a lot of out . . . . Believe it or not, as much as it rains in the Northwest, there are a lot of outdoor things in the sense of concerts and that sort of thing. I love the theater, and we have season tickets to the various theaters up there, and the opera, and to the point that Bill sometimes really gets sick of it. But there's . . . it's very good theater there. I . . . . Dance has never been my thing, particularly, so I'm not . . . I can't speak to the ballet or even the modern dance companies there. But the theater is very, very good.

Judith Ashmann-Gerst: In Seattle?

Arleigh Woods: No, in Portland.

Judith Ashmann-Gerst: In Portland.

Arleigh Woods: I live in Portland, you know. I live in southern Washington. We're on the Lewis River, which is like a suburb of Vancouver, Washington. And I commute in and out of Portland. And so most of the – all of – the theater that we attend is in Portland. The restaurants are on both sides of the river.

Judith Ashmann-Gerst: Let's see. Any . . . . You told me that you were doing some other kinds of artistic things, or some of the article said that you were doing some artistic things.

Arleigh Woods: I did at one time, yes. I . . . . There . . . . Again, the thing of color comes into it. But if you look at tapestries, in some cases it's because of the era in which they . . . . But when they became popular again in the '50s, maybe '60s – well, it was later than that, maybe '60s, '70s – it became very popular to do needlepoint and so forth, so I started doing ethnic needlepoints. And I would get tintypes out of old books and things, and then I'd sketch them out or get someone to sketch them out. And so I created . . . . I brought black people into the world of tapestry. And that was a fun project.

Judith Ashmann-Gerst: Do you do it any more?

Arleigh Woods: Not really. I haven't done anything like that for a good while. I . . . . The last thing I did, actually, was something I had in my chambers of a man on a library ladder and lots of books and things. And I used to have it hanging in the chambers. And I think that was the last thing I did. And I used to paint, and I used to sculpt . . . 1:32:33

Judith Ashmann-Gerst: Right.

Arleigh Woods: . . . but you . . . I didn't have the time for that, really, after I got on the court because, as you say, I was involved in a lot of other committees and commissions in the court and I didn't . . . I . . . really all the hobbies I had, I pretty much dropped during that era. And now I'm trying to . . . . But I haven't gone back to the artsy things too much. I took a painting class with Bill, and we didn't talk about it afterwards. *[laughs]*

Judith Ashmann-Gerst: So can you articulate what you think is the greatest challenge to the judiciary at this point in time?

Arleigh Woods: Well, volume of cases has always been a challenge.

Judith Ashmann-Gerst: The problem of independence of the judiciary . . . .

Arleigh Woods: Say it again.

Judith Ashmann-Gerst: The independence issue always comes up, . . .

Arleigh Woods: Always.

Judith Ashmann-Gerst: . . . of politicizing.

Arleigh Woods: Yes.

Judith Ashmann-Gerst: There's a new proposal to have those who are running for judicial office have to go through the JNE Commission. And whether . . . .

Arleigh Woods: Well, are you saying as candidates, or you're just saying . . . .

Judith Ashmann-Gerst: Both, as a sitting judge or as a candidate . . .

Arleigh Woods: Yeah, well, I think that's . . . .

Judith Ashmann-Gerst: . . . through JNE.

Arleigh Woods: Yeah.

Judith Ashmann-Gerst: Allowing political parties to make contributions.

Arleigh Woods: Yes. That I've always been opposed to. I . . . . The one thing . . . . Even years ago, with the court, as it became more and more . . . campaigns became more and more expensive, and judges who hadn't been challenged, you know, there was more of that, then finance became a big problem and I was, you know, very much opposed to the fact that fundraisers were being given for judges, 1:34:16

and . . . . Because there was a time, under the ethics rules, that the commission . . . if you attended any kind of a political event or showed support for a candidate, then, you know, you would be reprimanded for that. And to go from that full-circle to having fundraisers and having . . . indiscriminately having groups supporting you or raising funds for you, because it was . . . . True, most of that money comes from lawyers for judges. But a lot of it doesn't, and I just . . . I think we're going in the wrong direction as far as that's concerned. And as far as JNE and for sitting judges, I think it's very necessary for candidates but I don't see the necessity . . . . What do you have the Commission on Judicial Performance for, if you're going to put people through a JNE screening when they come up for office? I just think it's a double-whammy, and I don't support that at all.

Judith Ashmann-Gerst: Is there a philosophical approach to judging that you can articulate?

Arleigh Woods: Yes. I'm very concerned at the Supreme Court level with this debate that's going on as to whether or not you should humanize the judiciary. And I wouldn't want to be in a country where there wasn't an element of humanization of the judiciary. It doesn't mean that you're going to abort your knowledge of the law or your commitment to following the law. But the fact that you're human enough to say "Separate but equal isn't equal" is not a distortion of the law. And there's so many facets of our society that wouldn't make any advance at all if it weren't for judges that, first of all, recognize the problems, and then were willing to address them. And it disturbs me very much that the conservative voice is saying, "No, that's not what we want; in fact, we'd rather have lay people on the court." I think, "Thank you very much." But even if you don't go to that extreme, to say, "No, we don't . . . . We just want a judge to read the old cases; we don't want him to notice that, you know, people are in dire circumstance and need assistance," that troubles me very much, because I . . . that isn't what lawyers were supposed to be originally, you know. They were statesmen, and their . . . they had as much commitment to the community and to seeing that the country went in the right direction as they did into writing the law. And I don't think that should change. It has, but I don't think it should.

Judith Ashmann-Gerst: I know one of the people mentioned for the U.S. Supreme Court right now has said, "Being a minority . . . a woman and a minority woman obviously has an impact."

Arleigh Woods: Of course! 1:37:10

Judith Ashmann-Gerst: And I certainly agree with you that . . . .

Arleigh Woods: I was interviewed once, and they asked me which did I find the greater handicap: being a woman or being black. And I said, "I've never experienced one without the other." How would I do, you know? If you're going to discriminate against me, then what do I know what your, you know, your pet peeve is? But it's true. You . . . . I think you are more sensitive when you have been exposed or been associated with people that have been exposed. And like even in the labor movement, you know, dealing with working men and women, I became an entirely different person than I was. When I first went with my law firm, I didn't know anything about the labor movement and I had never worked, you know, as far as having a real job other than being a lawyer. And it was a whole new world. And I learned what making a paycheck stretch was all about, you know, and all the other problems with dealing with people on . . . in a workforce. And I think that's very important, that . . . . I do agree with people who say, "The broader your human experience as well as your judicial training, the better judge you're going to make," and I think there's something to that. Of course, life is a learning experience; it doesn't mean you can't learn these things after you get on the court. But I like to see judges who had some experience and who I think will be human beings as well as judicial instruments.

Judith Ashmann-Gerst: Words of advice for a new judge as he or she dons the robe?

Arleigh Woods: Learn. Listen and learn, you know. It's . . . . I think I'll condemn our male counterparts. I think there's some of this macho business of going on and wanting to show you know everything and you're in control and all that. And that, to me, is not . . . . You know, if you're new and you're into a new experience, you seek advice from *everyone,* and you listen, and you grow. And I think that that's the most important factor. And you continue to study. You know, don't just feel like you've made it and it's over with and all you have to do is go case-by-case. There's so much out there to learn.

Judith Ashmann-Gerst: Well, you've received so many awards over the years. The Appellate Justice of the Year by the California Trial Lawyers, Los Angeles Trial Lawyers; the Bernard Jefferson Award for Judicial Excellence; the Langston Bar Association Hall of Fame. And again, I could go on for pages. But having known you as long as I've known you, you deserve the award for grace, charm, intellect, and compassion. And I just want to thank you so 1:39:55

much for your years as a judge, and for allowing me to interview you today.

Arleigh Woods: Oh, thank you so much, Judy. I'm delighted that you were the interviewer. You made it so easy for me. But I really appreciate the compliments.

Judith Ashmann-Gerst: Thank you.

Arleigh Woods: Thank you.

Duration: 100 minutes
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