Timothy Reardon: Justice Timothy Reardon, Associate Justice on the California Court of Appeal, Division Two. Strike that. Division Four; I always say Division Two.

Carl Anderson: I am Carl Anderson and retired from the Court of Appeal, from Division Four, where I had the pleasure of working hand in glove with Justice Reardon.

Timothy Reardon: *[Laughing]* That's right; good times. All right, today's date is May 9, 2007. This interview is being conducted as part of the Appellate Court Legacy Project, the purpose of which is to create an oral history of the appellate courts in California through a series of interviews of retired justices who have served on our court.

I am Tim Reardon, an Associate Justice of the First District Court of Appeal. We're honored to have with us today the Honorable Carl West Anderson, who served on the First District from 1984 to 1997. Welcome, Carl, and thank you for participating in this project.

Carl Anderson: Thank you for having me, Tim; it's good to be back.

Timothy Reardon: Good to see you. And I should also for the record mention that you have been not only helpful in participating in this project, but you have also participated in this project as an interviewer, having interviewed, I believe, Justice Betty Barry-Deal and M. O. Sabraw; so I thank you for that as well.

Carl Anderson: Well, it was a real honor to do so.

Timothy Reardon: Carl, you were born, I know, in Monterey Park but moved at an early age to Albany in Northern California. Could you tell us a little bit about the Anderson family? I know off camera you mentioned something about your dad and how that may have influenced some of your thinking or philosophy as far as the court goes.

Carl Anderson: Well, I grew up in Albany, went to Albany public schools, graduated from Albany High School. It was during the war part of that time, and my mother was a nurse at the hospital and my father was an accountant that worked at Todd Shipyards, Matson Navigation Company, and ultimately for Chevron. He went to Cal for one semester, but then had to go home because he ran out of money. His father, who was born in Sweden, thought he already had enough education; and so my dad spent his life trying to get educated at night school and in junior college and became an accountant—ultimately ended up with Richfield in their auditing-accounting department. His last assignment for the last couple of years before he retired was to run around Richfield and check every department and try to analyze what they were doing from a paper standpoint and see if they couldn't create some efficiency in their operations.

So it was when Phil Carrizosa was interviewing me at one point, during our delay reduction project here, that he asked me what my dad did. He drew the connection, I didn't; I hadn't made any connection at all. What I was trying to do here at the Court of Appeal . . . by analyzing everything that was going on and trying to see if we really need to do this or don't do it, and if it's not necessary eliminate it; and try to reduce the backlog in our appeals.

Timothy Reardon: Well, I kind of agree with your thinking that came through in the Carrizosa interview that maybe your dad did somehow have an influence on you in terms of emphasizing efficiency, which is certainly something we'll discuss a little later in the interview. But probably the hallmark of your career on the court, aside from opinions that you've written and about the efficiency in the delay reduction, which I know was a goal of yours, was a very an important aspect of your career with the court . . .

Now, you enrolled in UC Berkeley and graduated in 1957. I know you're an avid Cal, a football fan; so I take it from that, your undergraduate work at Cal was a very entertaining and challenging one. Did you enjoy the undergraduate work?

Carl Anderson: It's a great school, great school. I was in the Cal band and enjoyed that, and that got me into football. And I'm too little to play football. But someday we're going to the Rose Bowl; someday before I die we're going to the Rose Bowl.

Timothy Reardon: I remember at your retirement I didn't know that you had the Cal band connection; but we had the Cal band at the retirement thing, so that was . . .

Carl Anderson: Yeah that was a high—

Timothy Reardon: . . . very entertaining. It was. *[laughing]*

Carl Anderson: *[Laughing]* Leading the band instead of the court.

(00:04:57)

Timothy Reardon: Carl, you entered Boalt Hall and received your law degree and then were admitted to practice in 1963. I know you joined the Alameda DA's Office shortly thereafter in 1964, and you served as a deputy district attorney and a senior trial deputy. Who was the DA who hired you in 1964?

Carl Anderson: It was Frank Coakley. And an interesting story between my second and third year at law school—I had this job lined up in Southern California in the trust department of a bank, and I was really going to get some good legal experience. For some reason I had totally forgot about my commitment in the reserves, which met every Thursday in Richmond, and so I

couldn't take the job. So as soon as finals were over I saw this notice on the Boalt Hall bulletin board said that the public defender is accepting young, two-year law students for the summer to work for him for free and learn about how to be a trial lawyer.

So I said, that sounds great; I want to go do that. So I went down. I made an appointment and went down to the courthouse, and I got there a half hour early. So I was looking at the program—who's here—and I said, oh, the District Attorney's Office is here too; well, I'll go up and see him. So I went up the elevator to the ninth floor, and I said, "I would like to talk to the district attorney." He said, "Just a minute. What's your name?" Gave him my name and a lady came out and said, "I'm the district attorney's secretary; come on in and follow me"—right into his office and met with Frank Coakley. I told him why I was there. I said, "I saw your name on the board." I had remembered growing up that there was a program on radio called *Mister District Attorney—Defender of Justice*.

Timothy Reardon: That's right, there was.

Carl Anderson: Helper of the victims. And in fact, that just crossed my mind when I saw a district attorney up there, and so I went up to talk to . . . So Frank Coakley ushered me right in and we sat down and talked. And I thought . . . I didn't think anything unusual about it at that time; but thinking back on it and having been in that office, knowing how busy that man was, to accept me off the street was basically pretty phenomenal. But he was very concerned about the Communists at Cal and Sproul Hall, and I explained to him I was at Boalt Hall and that was quite far removed from Sproul Plaza, and I didn't have anything to do with the Commies. *[laughing]* And we got along great. And I said, "Well, I've got to go; I've got to go talk to Mr. Pulich about this job." And he says, "No, no, you're going to work for me." *[laughing]*

Timothy Reardon: That's an amazing story.

Carl Anderson: So he put me on in the Berkeley office, and I worked for him for nothing all summer and just had a great time learning. And I had one case, I was doing research on a suspended driver's license case and it was all legal work and the attorney was in. So we had made arrangements with the judge and I could argue the case, but we did it in his chambers, not in court. I wasn't practicing law without a license. And the judge knew it. So afterwards I won the case, and she (*sic*) came down to my office and we talked about it and how to fill up the loose ends and she said, "Now, when did you graduate from law school?" *[laughing]*

Timothy Reardon: *[Laughing]* So that was kind of the start of the career in the DA's office.

Carl Anderson: It was, and I just loved it. And being the lowest guy on the totem pole, I got to talk to a lot of people whose cases were not prosecuted. And we'd sometimes bring in neighbors that were quarreling and try to resolve those differences, what is now mediation—that's what we were doing.

Timothy Reardon: You were doing at that time, that's amazing. You mentioned Marty Pulich. Was he the public defender at that time?

Carl Anderson: He was the public defender, yeah.

Timothy Reardon: He went on to become a superior court judge and—

Carl Anderson: He did, yeah; I beat him by one day. *[laughing]*

Timothy Reardon: Oh, is that right? *[laughing]*

Carl Anderson: Right, seniority-wise.

Timothy Reardon: He was a character too. And I know there were a lot of characters at that time in the DA's office as well. Was Lowell Jensen there then?

Carl Anderson: Yes, sure.

Timothy Reardon: This is kind of interesting. I think during the same period when you were with the DA's office you served as the legislative advocate for the California District Attorneys Association, where you spent a lot of time in Sacramento. What did that position entail? What did it involve?

Carl Anderson: Well, the District Attorney of Alameda County had historically been nominated by the California District Attorneys Association to be the chair of the law and legislative committee. And I guess that evolved because Alameda County was the largest DA's office closest to the capitol, and the DA would have some time to be able to go and tend to legislative matters.

(00:09:46)

It goes back to even before Earl Warren, before he was DA at Alameda County. So that's a real long tradition. But because the Legislature now was full-time and every year, Frank Coakley couldn't spend a lot of time up there; so he was in the habit of sending a deputy up to Sacramento to represent the association and then would have meetings every three weeks with the committee of about 10 district attorneys. And then he became the chair of the California Peace Officers Association's legislative committee and also then also the state sheriff. So we had basically all of law enforcement represented in our representation under one leader.

My job was to do what that committee told me. There were good bills and there were bad bills. The bad bills you try to kill and the good bills you try to get passed. So that's what we did. In the second year, I guess, we had a freshman senator . . . actually, the first year had a freshman senator by the name of George Deukmejian. And we gave him some of our bills because he was very interested in law enforcement at the time, and still is, of course. One bill that he carried for us, and successfully, was a bill that gave the prosecutors for the first time in the history of California the right to appeal.

We were experiencing troubles with some of our trial court judges who were taking the Fourth Amendment a little too seriously and ruling at trial that the evidence that we had produced somehow was not properly obtained. This bill allowed us to test the constitutionality of the search and the seizure of that evidence before the first witness was sworn and jeopardy attached so that we could do that in a hearing; it was all a legal matter. We set up a procedure for having this hearing and then allowing the district attorney to appeal that decision if the evidence was quashed or the search was quashed.

Timothy Reardon: 1538.5.

Carl Anderson: 1538.5, the Penal Code.

Timothy Reardon: I didn't know that was the origin.

Carl Anderson: That was the history and the origin of that. We felt pretty good about that, because Ed Meese, who was a predecessor of mine in the same job a few years earlier, got the idea—the idea germinated then. But we finally put everything together and had a lot of help from the Los Angeles District Attorney's Office in that as well. We were very united in that, and I think that served justice pretty well.

Timothy Reardon: Yeah, very significant legislation, I would say.

Carl Anderson: Yeah. When the trial judges know that if there is a chance of being appealed, they paid a little more attention to the facts.

Timothy Reardon: Now, did this position in Sacramento take you away from your home and your family quite a bit?

Carl Anderson: It did. We had an apartment in Sacramento and I was there for four days a week, and then I would be home for one day. And then that lasted through September and the legislative recess, and then I was doing trials between September . . . It was only a two-year assignment. So I thought, this isn't that much of a commitment. But seven years later I was still doing that. *[laughing]* When we went to Sacramento we had no children; my wife quit her teaching job to be my loyal assistant. She tracked all the bills, the good bills in green and the bad bills in

red. She would say, "You better check on this bill, the red's moving along the line here." She was a great help up there.

When we went to Sacramento in 1967 we had no children, and all of a sudden seven years later we had two children and our eldest was about to enter school. My wife put it very bluntly: "Is he going to go to kindergarten in Sacramento or Pima?"

Timothy Reardon: *[Laughing]* An easy decision, on that issue anyway.

Carl Anderson: So I went back to my boss, who was now Lowell Jensen, who had succeeded Frank Coakley. We found a replacement and I sort of retired from that job. And he promised me that because I had spent so much time in Sacramento away from trial that he would just let me try cases back to back; he would let me do that for a year. I had more fun for the three months that he kept his promise, until he imposed administrative responsibilities. I still got to try cases—but that was so much fun, trying cases.

Timothy Reardon: That was the best time in the office.

Carl Anderson: No administrative responsibilities. You don't have to worry about anybody else showing up or trying to . . . just go and do it yourself, just you and your investigator. That was fun.

Timothy Reardon: Well, so, it was quite a bit of time you spent there in Sacramento then. I know that in 1975 you actually were appointed to the Alameda Superior Court. What caused you to apply for a trial court position at that time?

(00:14:54)

Carl Anderson: Well, Tim, I never aspired to be a judge. And some of the motivation for the things I did in Sacramento, especially 1538.5, was trying to rectify what judges, in my opinion . . . errors they were committing. So I didn't really aspire to be a judge. But on the Friday before Governor Reagan was leaving office, at about 1:30 in the afternoon, I got a call from his office, and they had a vacancy on the superior court in Alameda County and they wanted me to fill that vacancy.

They had asked me to submit my application—Ed Meese had, who was then the executive secretary to the Governor—for the municipal court, which after a lot of . . . I did, I did that. So I was prepared mentally for the municipal, but I explained to the Governor, I said, "I didn't apply for the superior court, I didn't aspire to be a judge." And I really had some reservations about it. So I said I was pretty young. I said, "Why don't I . . . put me on the municipal court. Judge Jackie Taber is down there. She's a good judge; move her up to the superior court judge and we'll just be fine. I'll do it that way." He said, "No, no. We don't have time to make any deals with Brown Sr. appointees. So we

want you to take it." *[laughing]* I said, "Well, one promise: that if I don't like it I don't have to stay," because I didn't think I would like being a judge. He said, "Okay, we just want to leave office with no vacancies." I said, "Okay, fine."

So I ran up to Sacramento, got the commission, signed in. Saturday I was sworn in by the duty judge, Harrold Hove, and Monday I showed up for work and the presiding judge gave me a letter and said, "You're not a real judge, your time is expired. This is Monday. We have a new Governor, there is a new vacancy in this office, and I'm not going to assign you any work."

Timothy Reardon: This would be Judge Phillips.

Carl Anderson: This was Judge George Phillips, yeah, nice guy, nice guy.

Timothy Reardon: Well, this is a very interesting story too because there was some controversy, naturally, over the appointment—not in terms of qualifications, but timing, as you have indicated.

Carl Anderson: Well, yes, and that's because Bud Staats, whose chair this was, had decided he wasn't going to run again for election. He wasn't going to give the appointment to Ronald Reagan and retire, but he just wasn't going to run again. So he was going to serve out his term. And of course you have to announce your intentions to run in March and then the election is in June, was in June, at those times. So Lou Sherman, who had been a senator in Sacramento I'd worked with on many, many bills he carried for us, had been appointed to the municipal court by Ronald Reagan.

In June he ran for the open seat that Bud Staats was vacating and won. Nobody ran against him and he won. So that meant that he was going to be taking over as superior court judge, the first Monday after the 1st of January of the next year. Unfortunately, he no sooner found out that he had won the election and then a couple of weeks later was diagnosed with cancer. That was a real blow. So Bud Staats resigned his position early in September so that Governor Reagan could appoint Lou Sherman to the superior court before January, because there was some question about whether he'd even make it to be sworn in in January.

So he was appointed in September, and then unfortunately in November he died. So in January there was this vacancy, and that's the vacancy I was asked to fill. The Attorney General had advised Ed Meese in August orally that yes, the Governor can fill this if anything happens to Lou Sherman before he's sworn in. The Governor will have the opportunity to fill that position, and that judge will stay in office for a couple of years, until the next election.

But then on Christmas Eve I guess the Governor's Office asked for it in writing, and Evelle Younger, the Attorney General, gave an opinion in writing that said just the opposite. He said that you can only appoint, fill, this position for the weekend and then there is a vacancy; if the new Governor wants to appoint your appointee certainly he is free to do so, but you're bound to the new Governor. As we found out later, he had no desire to appoint me in that position.

So what happened was that George Phillips gave me this letter with the Attorney General's opinion attached to it saying that "you're not a judge and I'm not going to assign you any work." He said, "Now, Carl, you can take this to your lawyer and sue me." And I said, "George, why don't *you* sue *me* then. I can get the county counsel to represent me." "No, no, no, this is the way we're going to do it."

(00:20:01)

So I went back to Lowell Jensen and he made an appointment with Ed Heafy; and I was down to see Ed Heafy at Crosby, Heafy Roach & May. I was going down there to see if Ed would take my case. When I arrived at noon on Tuesday he had a room full of lawyers, was assigning out different parts of the brief to every one of them. Told me to go to Sacramento and check the secretary of state's books. Had a brief filed—printed in those days; this was before computers. This brief was printed and in the Supreme Court by Friday of that week asking for a writ of mandate from the California Supreme Court.

No sooner was that filed when the new Governor, Jerry Brown, intervened against me with the Attorney General Evelle Younger. This is the first collaboration between the Republican Attorney General and the Democratic Governor, filing their amicus briefs against me. I didn't think it was so amicus, but anyway, they did. And then the Democratic Lawyers Club of Alameda County filed a brief in support of their position and against our position.

So things were looking pretty gloomy. Of course I wasn't getting paid. But George down in Department One was assigning cases out to me. He would tell the lawyers . . . They would stipulate "sure"—they'd been waiting for the trial—"oh, sure, we'll stipulate Judge Anderson being a pro tem judge for our case." And so I was kept very busy those three months. Then all of a sudden on St. Patrick's Day, the Supreme Court came down with their decision 6-1 in my favor. And then I thought I would get paid, but I didn't get paid. *[laughing]*

So my wife had learned a good lesson. This was really good. This was the first time we really had to be frugal in our lives. But we were getting a little hungry and we had two kids that

we were concerned about. I mean, we weren't on the streets, no question about that.

So I called the Attorney General, and I called the controller and asked him, "Could I get paid now?' He said, "No, no, the Attorney General has told us not to pay you." So I called Evelle Younger; I was going to ask him what's going on. Evelle Younger didn't return my call, but Wiley Manual did. Wiley Manual, I'd known Wiley Manual for years. He was the head of the civil department in the Attorney General's office—just a great, great guy. Wiley told me that the Attorney General was going to be asking for a rehearing for the Supreme Court and gave me the official line that I wasn't going to get paid a day early. I said, "Wiley, what's going on? This was a 6-1 decision. The only negative vote was Justice Mosk, and he had to do that because Evelle Younger cited an opinion that he wrote when he was Attorney General. So come on." He said, "No, no. That's what the Attorney General is doing." Well, three days later I got paid.

Timothy Reardon: Excellent. *[laughing]*

Carl Anderson: *[Laughing]* So Wiley obviously was able to influence the Attorney General to lay off.

Timothy Reardon: He was a wonderful guy.

Carl Anderson: And that whole issue was about whether or not the Governor can fill a vacancy in the superior court until the next general election when that person would have to stand election, or whether there was a fixed term. There was a difference between municipal court judges and superior court judges; muni court judges had a fixed term. But this case holds forever that when there's a vacancy in the office of the superior court, the Governor fills that vacancy and that person then is subject to election at the next general election. *Anderson v. Phillips*.

Timothy Reardon: I was going to say *Anderson v. Phillips*.

Carl Anderson: 13 Cal.3d. What, 1033 or 1133?

Timothy Reardon: So our viewers not only have the title, they have the citation. So they'll look it up for all the details. Well, that's an amazing aspect of your judicial career.

Carl Anderson: After all that negative business, everybody's filing suits against me, amicus briefs. I decided there must be something more to this job than I thought of or was seeing immediately. So I decided I kind of liked it. So then I thought, if all those people want it, I'm going to stick this thing through. It was incredible, but the next election there was nobody who ran against me.

So I expected fully to have an opponent with all the Democratic lawyers coming to Alameda County being so active. And later on, actually after I retired, I met the fellow who wrote that brief for the Democratic Lawyers Club. He apologized profusely. He said, "I know it was wrong, and at the time I filed it it was wrong, and you turned out to be a good judge. I apologize." I said, "If you hadn't written the brief, I might not have stuck it out." *[laughing]*

(00:25:00)

Timothy Reardon: *[Laughing]* So there was a happy ending.

Carl Anderson: Yeah, it really was.

Timothy Reardon: Carl, you served approximately 10 years on the trial court, and I assume during that time you had a variety of assignments. Was there one assignment that you enjoyed more than another, or did just, they were all pretty interesting and challenging?

Carl Anderson: Yeah, I liked them all. But my first assignment was the juvenile court. And I just loved being in juvenile court because in juvenile court, it brought back some of the contacts I had had lobbying for the DAs in Sacramento. In juvenile court you're not just a juvenile court judge. You've got the police department. You've got the public defender, the district attorney, the departments of social services. You're dealing with all of the different agencies that deal with children. Everybody is doing their own thing, protecting their own turf.

So we were able to bring representatives, all those different agencies who were involved with children to the table once a month to talk about our different agencies and how we interact and get to know each other better. We got everyone at that table except the school system. The superintendent of schools didn't want anything to do with law enforcement, didn't want anything to do with the police department. She was going to do her own thing—even though kids in her school were on probation and maybe the teacher would like to know what's going on or certainly probation would like to know what's going on in school; we might be able to help their demeanor in school. She said nothing.

That was a failure on our part to bring in the school system. But for two and a half years I stayed there, and I think I would still be there but for the fact that Alameda County opened up a branch office in Hayward. And we had eight departments out in Hayward, and M. O. Sabraw, Justice M. O. Sabraw, who was on our division later on in life, was a supervising judge of that new branch office. And he asked me to come out and do the really heavy criminal stuff and trials; he promised me that he would introduce me to the civil law. And that was an experience. I

hadn't tried a civil case in my life, since moot court back in law school. And he did that.

I tried a really heavy murder case where we had people going through the metal detectors and everything, and then he slipped me a medical malpractice case. So the attorneys came in; I remember this to the day. The attorneys came in about 4:00, when my jury went out in the murder case. And they were talking about their case and I asked them for their trial briefs. They looked at each other, they looked at me; they looked back at each other. They said, "Judge, this is a simple little medical malpractice case." I said, "Simple for you folks. I've never tried a simple case in my life." *[laughing]*

Next morning at 9:00 we selected the jury, and they had their trial briefs then. They were good attorneys, though. And I really enjoyed the civil law.

Timothy Reardon: So you really did a variety of work on the trial court, obviously; it sounds like just . . . juvenile sounds like that was very—

Carl Anderson: Juvenile was fun, but then later on I got into civil juries, and that was a lot of fun. And then I had the experience of Huey Newton in my courtroom. *[laughing]* And all the protesters out there: "Free Huey Newton." And it's the only time that I really wanted a lot of press in my room; this was getting press all over the world. So I would tell all the Black Panthers that were lined up to come to the courtroom every morning, "Well, we've got to save seats for the press." So we saved half of the courtroom for the press, the other half for the Black Panthers.

Timothy Reardon: A little balance there.

Carl Anderson: Yeah, a little balance. Then I remember during the course of deliberations the jury asked for some read-back. So we got the jury back in and I took the bench, and all of a sudden I got a note from the bailiff. And he said, "Judge, somebody slipped in through the metal detector and we think they're armed and they're in the second seat. We've got an eye on them. Do you want to clear the courtroom or do you want to just go ahead?" I said, "No, just keep an eye on him." *[laughing]* Clear the courtroom—I didn't want to see the headlines on that.

(00:30:00)

Timothy Reardon: Well, Carl, eventually—this is after 10 years on the trial court—you did apply for the First District Court of Appeal. And what was your thinking at that time? Was there some motivation? I know you enjoyed the trial court, but was this just, like, the next logical step, or were there some other reasons involved?

Carl Anderson: No, I had no aspirations to go to the Court of Appeal. I thought it was just a bookie group of people who were overruling hard-

fought convictions. But Rose Bird when she became Chief Justice started this program of inviting trial court judges over to the Court of Appeal for two months to sit on temporary assignment. And she thought that would be good for the trial judges to see what was going on at the appellate level and what appellate judges were looking for, and that appellate judges were real people and they were concerned about justice as well.

So Betty Barry-Deal, who had just been appointed to our court, was across the hall from me and assigned to Hayward; she was doing family law, which was certainly her forte. She was assigned shortly after she was appointed to the superior court, to go on the superior court. In her exit interview with Chief Justice Bird, she asked the Chief Justice, "Well, why did you select me to come over here? I just got appointed to the superior court. There were a lot more experienced trial judges that really ought to be over here and get this opportunity." And the Chief justice said, "Who?" She said, "Well M. O. Sabraw and Carl Anderson."

So the next Monday the Chief Justice called M. O. Sabraw for two weeks, and then she called me for two weeks. And I spent two weeks in Division Four actually taking over from Tom Caldecott, who was on vacation. And this was during the election of Ronald Reagan, so a lot of exciting things were going on. And I just thoroughly, thoroughly enjoyed my time at the appellate court.

So when George Deukmejian asked me if I was interested I said yes, I would be interested in going to the Court of Appeal. That was a great two months experience. But I never would have done it if Chief Justice Bird hadn't invited me up for those couple of weeks; I never would have been invited had not Justice Betty Barry-Deal put the bee in her bonnet.

Timothy Reardon: When you interviewed Betty Barry-Deal I hope you reminisced a little bit on that story.

Carl Anderson: We did, yeah.

Timothy Reardon: Good. So, Carl, you actually became an associate justice here at the First District in 1984. And refresh my recollection. Did you come immediately to Division Four as an associate justice?

Carl Anderson: No, I was assigned to Division Three.

Timothy Reardon: That's what I thought.

Carl Anderson: At this time there were retirements in Division Four. There had been retirements. Joe Rattigan had retired and Tom Caldecott, the PJ, was going to retire. Marc Poche was in the division. Winslow Christian had retired; Marc Poche was the only justice

in the division. I was appointed to Division Three to replace Sid Feinberg, who retired. And Clint White was the PJ of the division; and Jim Scott and Betty Barry-Deal, my old friend. And Clint White, of course, wrote the opinion that reversed me in holding Huey Newton in contempt when he refused to answer about his travels down to Cuba, because he said I was supposed to write down what happened in the court; rather than me write down what happened in the court I attached a transcript to it and certified that that's what happened. But that wasn't the letter of the law, so his contempt was reversed. But Clint and I got along just fine.

Timothy Reardon: Yeah, well, I know.

Carl Anderson: But then I was there for about seven or eight months. And then there was some question about whether the Governor was going to even fill the three vacancies in Division Four, because Justice Poche was being used in the other divisions because they weren't bringing two people, wouldn't bring two pro tems up to work with him. So he was helping out the other divisions. Division Four was stagnant. So I was appointed PJ, had my confirmation hearing in December, and in January Justice Sabraw and Justice Channell from Contra Costa County were appointed to fill the vacancies. So we had a full division at that time. And Ed Panelli had been appointed to the division, but I guess he was on the Supreme Court then. He had been actually appointed and affirmed to the Supreme Court. That's what left Justice Poche with just three vacant seats.

(00:35:00)

Timothy Reardon: Well, he was a good justice. I'm sure if legally permitted he could have done it by himself. *[laughing]*

Carl Anderson: *[Laughing]* Of course it's tough to write a dissent, though, when you're by yourself.

Timothy Reardon: Okay. Now, so you then served on Division Four as the presiding judge. And was it difficult to make the transition from trial court to appellate court, or was that something that was kind of comfortable doing?

Carl Anderson: Well, my wife said that when I got appointed to the appellate court I no longer chewed my teeth at night, ground my teeth. So it must have been easier and more fun. I thoroughly enjoyed it; we had a good group of justices. And we would try to get together for lunch. So we were collegial; we would all stop by the front door at the entrance and just grab whoever is there to go to lunch. And we had a lot of fun. The work was really fun and enlightening and people were very dedicated. So I guess I thoroughly enjoyed the time on the Court of Appeal, no question about that.

Timothy Reardon: I think I joined Division Four in 1990, but before that time or right around that time, I guess, everyone, all the justices, were in one general area in this building where the interviews were taking place.

Carl Anderson: Right, yeah. We were all scattered around on the fourth floor and the third floor. Division Three was on the third floor and all the other judges had different offices. You got the better office based upon seniority, and your secretary got the better office based upon seniority. The secretary may be down the hall or over here; that was sort of haphazard. It wasn't organized like it is now, and we didn't have the space you folks have now. We didn't have the money that you folks have now. But we made it.

Timothy Reardon: It wasn't broken up into divisions; it was just—

Carl Anderson: No, it wasn't.

Timothy Reardon: Carl, some point . . . I don't know if I've got . . . Well, I guess it was in March of 1986; this is now a couple of years after you're presiding justice of Division Four. You're appointed administrative presiding justice, which is the head justice for the Court of Appeal. I know you faced some challenges when you took over as a PJ and had to address those challenges. And at least one of them, as I recall—although I didn't, again, come until 1990—was the backlog that the court had in the mid or late 1980s. Was that one of the challenges you faced when you became APJ?

Carl Anderson: Yes, but there were other challenges. The first challenge was one of organization. My predecessor had assigned one justice, the chairmanship, and every important committee in this court. So he ran the court, basically, and it was his court. I thought it would be better and fair to parcel out the chairmanships of all the committees in the court and only have one person serve as chair of only one committee, not a bunch of committees. I thought the Personnel Committee . . . which is the most important committee on the court, because you deal with a lot of problems in personnel; we've got quite a staff, 120 people at the time I was there.

So we devised a plan for the Personnel Committee to have each division select their representative on the Personnel Committee and then have the Personnel Committee select its chair. So it was truly a representative court of the court, and it's not something imposed by the APJ. Because as APJ, I served at the pleasure of the Chief Justice, and sometimes there are at least confrontations seen appearing by my colleagues that maybe I'm too much on the Chief Justice's side, not defending the court enough. Of course the Chief Justice thought otherwise, that I was defending our court too much, as we try to develop

personnel procedures or whatever amongst the APJs, but that's another story.

But there were organizational problems, I think, that had to be dealt with, and we dealt with those. But then we had to address the backlog problem. The cases were becoming fully briefed and sitting on the shelves for two and three years.

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The really big cases a lot longer, because people were taking the cases that had the smallest briefs and getting those out, and the smallest records. We had one justice . . . Before I got in the court there was a meeting of the court; they recognized that there was this problem. They had a meeting at Fort Mason, just the court and staff. At the end of that meeting they went around to see what everyone's thoughts were, and one presiding justice of this court is reputed to have said, "When I got here, we were going to do four opinions per month, and when I leave, we're going to be doing four opinions per month." Of course, that's notwithstanding the fact that 7 to 10 opinions per month are becoming fully briefed.

So it doesn't take a rocket scientist to figure out in order to stay current you've got to do as many opinions as cases are becoming fully briefed. And the court ultimately bought into this. I mean, it wasn't at first that they bought into this concept, but we nudged them here and there and they bought into the concept that it wasn't acceptable to have this delay. Then we were selected by the American Bar Association as a pilot court with four other courts, a pilot appellate court, to try to implement a delay reduction program. They had selected Wisconsin; Connecticut; Virginia; the First District, I guess, in Louisiana; and the First District in California.

So five different courts, all very different; three had statewide jurisdiction. Louisiana and California had just district geographical jurisdiction. Some of those courts had complete jurisdiction over the appeals, some didn't, some had limited jurisdiction. So we're all different, but we all worked together, each in our own way trying to resolve the delay reduction program. And they had a grant, the AVA did, for this, and we had a very savvy lawyer: Ms. Novak, who was from the Attorney General's Office of Illinois. And she was the project director and she helped us out quite a bit.

So we had this program going for about probably five years, I would say, and it involved all three facets of the appellate process: record preparation, briefing, and decision making, opinion writing. Of course, the court was blaming the court reporters, court clerks for not getting the records up in time. They were blaming the lawyers for not getting the briefs in in time. The lawyers blamed the court reporters and the clerks;

they couldn't do their briefs until their record had been perfected. Of course, we couldn't do our opinions until the briefs had been in. And then lawyers said, "What do you need our briefs for so quickly? You've got two and half years of work to do; why don't you get that done first?" So everybody was pointing their finger by the time . . .

So we put together a conference up in Rohnert Park and we brought together representatives of the appellate bar, the presiding justices of some of the major courts in our division, their clerks, court reporters; we had everybody who was involved in the system who were well respected by their colleagues. And we met on October 19, 1989, (*sic*) which you'll recall was the day of the big earthquake. So that didn't happen until after our meeting and certainly not because of it. *[laughing]* But we were able, by bringing everybody together . . . because the trial courts really had no interest in getting the record prepared quickly.

So we had a team from here, our clerk Ron Barrow, and I would go out to the trial court and we'd meet with the presiding justice and the clerks of those courts and explain what we're trying to do. When we first went to Contra Costa County we went in there and they were lined up on one side and we were supposed to sit here; we had three or four of us from our court. The presiding judge came in and he was in his robe. He came in off the bench and stood there like this and I said, "Ted, what's the problem?" He said, "I'm here to protect my people."

I said, "We're not here to attack your people; we're here to see if we can't find out what your problems are and we can understand what those problems are and maybe we can do things a little differently." I mean, one thing that happened was we found out the clerks were not even beginning to prepare their transcripts until the court reporters had theirs done, when there's absolutely no reason . . . When you get a notice of appeal, the reporter knows they're going to have to prepare their transcript; the clerk knows he or she is going to have to prepare the court's transcript. That should be done simultaneously. That cut several weeks off the record preparation process.

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Then, of course, as we encouraged reporters to get into real time . . . and we didn't really have computerized reporting at that time. And so now of course you can get instantaneous records, so that really ought not to be a problem today.

But we introduced that whole concept of real time for the first time at a Council of Chief Judges meeting in Aspen. So it was collaborative sense. California has a rule of court that allows—I think it may be a statute--the attorneys on their briefs to

stipulate between themselves to additional continuances of 60, 30 days, whatever, without the approval of the court; they don't have to show good cause. So everybody does it. I mean, this is the only state in the union that allows the attorneys to stipulate and decide when they're going to get their briefs in without a showing of good cause.

So we decided that wasn't a good idea; we're going to attack that. Asnd we got a lot of press, as you got some of it here, from the appellate lawyers; and so we got their attention and brought them on board. We backed off of this eliminating the stipulation because they promised us they would use it only judiciously, and I think they have. And then they came on board to help us with the delay reduction program, and we couldn't have done it without them. I'm talking about the California Academy of Appellate Lawyers basically. But also we had help from appellate lawyers in San Francisco who weren't members of the academy, and from Alameda County. So we were able to get everybody together working for a common goal and then, of course, to get the judges on key to get their opinions, to eliminate the backlog and to get the opinions out in a timely manner. Those were the major factors of getting this delay reduction program accomplished.

Timothy Reardon: You have to be very pleased and proud of the accomplishments that you've had in this area—which are lasting, I might add. I came with the court in 1990, and I've seen the changes that were made and done at last till today. And I think, although I don't have all the statistics with me, I think it's fair to say that the First District now with the improvements that you made in it . . . They were difficult to implement in the sense that each division of the court kind of operates on its own; each justice of each division wants to make sure they do their own thing. So it took some great leadership—and I say that very sincerely—on your part to accomplish these things. Again, there are lasting accomplishments, because the First District, I think, is very current today.

Carl Anderson: I'm delighted to hear that. *[laughing]*

Timothy Reardon: That's a tribute to you and your efforts, clearly.

Carl, besides being associate justice, a presiding justice, an administrative presiding justice, you also filed a lot of opinions keeping with your philosophy. I'm not going to ask you to go through all of them by any means, but according to my statistics, I believe you filed approximately 260 published opinions during the course of your service with the court. Are there a few that stick out in your mind now as you kind of reflect on it? I know some justices respond to that question that—and I'm sure you would agree—that the opinion issued is really a collaborative effort by all members of the panel, with some occasional dissent; but there are a few that I'm sure with

that qualification you might have in mind that you'd like to talk about. Maybe not; I don't know.

Carl Anderson: Well, you're absolutely right. I mean, just because I was the author of the opinion, it's not my opinion; it's the opinion of the court. It's important to realize that. Somebody has to take the responsibility and sign off, and that just happens to be the way we assign these cases. But I guess if I had to look back . . . And I didn't go through those 260 opinions, but I think the one opinion that I remember most vividly is the one opinion that I authored and was published and is no longer on the books; you can't read it. It's an opinion that deals with separation of powers. The Legislature . . . I forget when it was, but the early turn of the decade, in the early '90s, the counties were running out of money.

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So the Legislature thought they're going to help out the counties. And so they passed a law that said if the county develops a memorandum of understanding with the county employees . . . that they can develop a memorandum of understanding with county employees to allow for a furlough day—they call it a furlough day, which is one day a month when everything would be dark and the county employees would be off and they wouldn't be paid for. And this would help the county's fiscal situation.

Well, they passed the legislation, and the County of Mendocino struck a deal with the bargaining factors of Mendocino County workers and got their furlough day and shut down the courts on Friday, the last Friday of every month. Well, the superior court judges said, 'Wait a minute, you can't have a labor negotiation strike down the courts. The courts are going to be open, the lights are going to be on, and we're going to be available to the public." And so the superior court sued the County of Mendocino, and other judges were brought in, other trial judges brought in. The superior court judges were firm. They were absolutely right; this was a violation of separation of powers.

So the Legislature, to develop a mechanism to tell the courts when they're going to be operating . . . We can operate on Saturday and Sunday if we want to; we're an independent branch of government. So that came to our division, and I wrote the opinion, and 2-1 we affirmed, and on the grounds of separation of powers.

When I was a legislative advocate up in Sacramento for seven years, one of the busiest times of the year was July and August—all the bills are going to hearing. So the Legislature would always be in session on July 4th, and I always thought this is pretty phony, because I knew what their schedule was. And they left town after breakfast on Thursday and they got

back maybe before lunch on Monday; that was their schedule all during the year. But they were going to work on the 4th of July. All of these school kids and kids were in there going through the Capitol, and here the Legislature is in session. What a hardworking Legislature this is! Could I as a judge say, "You will observe the birthday of this country like every other civilized branch of government is, and you'll not be in session on the 4th"? Of course I couldn't do that; that would be a violation of separation of powers because . . .

The Legislature is doing it to us, telling us when we're going to be open, when we're not going to be open. I said, "Are these equal branches? Come on." Well, it just happened the opinion was published on the first day of a CJA conference in which we for the first time were inviting senior legislators to meet with us, senior members of the Senate and the Assembly, so we felt that we should get a little closer with these folks and let them know what the district is really doing.

Well, the Legislature did not appreciate my opinion. Although I do recall Bill Vickrey, the Director of the AOC, when he saw the opinion, he said, "Oh, that is just so good; we are an equal branch of government." *[laughing]* Well, there was a lot of animosity in the Legislature, and I think our colleague, Marc Poche, who dissented in this case, saw that coming. I thought it made sense to me; but nevertheless, the Supreme Court took the case and the Chief Justice reversed and wrote an opinion saying, "The Legislature can do that."

And shortly thereafter the judicial budget was approved and judges got a raise for the first time. I'm not saying that I'm responsible for judges getting a raise; but yeah, it happened pretty close in time. *[laughing]*

Timothy Reardon: *[Laughing]* Who concurred with you on that opinion, if you remember?

Carl Anderson: I can't; it might have been you. *[laughing]*

Timothy Reardon: *[Laughing]* We concurred many times together, I know that; and the case sounds very familiar, but I can't recall at this moment either. But it sounds like a very wise, well thought-out opinion.

Carl Anderson: Well, I'm sorry it's not around to look at it. I heard through the grapevine that Felix Stumpf, who was at the judicial college in Reno—who was teaching this subject of judges' separation of powers as part of one of his courses—cited that case as the best case in the nation with regard to that issue. It's hard to find that issue anywhere.

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A lot of that research goes back to the development of the Constitution, because there aren't a lot of case law on separation of powers with regard to the judiciary vis-à-vis the Legislature, something like this—and perhaps because the Legislature hadn't dared interfere before.

Timothy Reardon: I'm sure you've got a copy of the opinion somewhere, Carl. *[laughing]*

Carl Anderson: *[Laughing]* I don't have one. I'd love to find one.

Timothy Reardon: Well, maybe we can see what we can do about that.

Carl, one other interesting aspect of your career as a judge is—I'm sure you found it interesting—was the time you spent at the University of Virginia getting your LLM degree. That took two years, as I remember, because I was here by then. You had to write a thesis. I think delay reduction may have been the subject or topic of the thesis you wrote. Did you find that experience rewarding and interesting?

Carl Anderson: Yeah, yeah, Tim, it was the quintessential educational experience. If you can just figure that 30 judges are selected throughout the country—all of us appellate judges except for one superior court judge—and they're selected because they're not only intelligent enough to take the course, but they really have the interest in learning. The idea was to teach us what's happened since law school. A lot of new concepts have come in—educational theories, law and economics—something that we never had exposure to. So contemporary criminal practice . . . a lot of new ideas, UN treaties, and even studying Communist Germany's constitution at one point; that got off the agenda pretty quickly when the wall came down.

But there were concepts in jurisprudence that since law school . . . but all in a very academic situation. But you've got 30 students who have come because they really want to learn, and then you've got the professors who were selected, and it was an honor for them to be selected to teach us. They were selected because they want to teach. So you've got a classroom of people that want to learn and a bunch of professors that want to teach, and you don't have to get a grade in this course or get a certificate to earn your livelihood. You're just there because you want to learn.

Although we did have blue books, and we did have the honor system, and we did have finals, and we had six weeks of intensive study for two summers, and then we had to do a thesis. You're right, I did my thesis on . . . actually, one of the concepts of delay reduction was should we have time standards—in other words, a standard. The ABA had floated and actually adopted a standard for appellate practice that said,

"Every appellate court in every jurisdiction should decide every appeal within 280 days."

Well, it's nonsense; it doesn't make sense, because our intermediate appellate courts throughout the country are very, very different. They're not like in California, a general jurisdiction with everything except capital cases. Some don't have jurisdiction over certain felonies, serious felonies. Some have jurisdiction over sentencing, which is something that we don't get too involved in. Some appellate courts, like Iowa, everything is appealed to the Iowa Supreme Court, and they decide what they're going to have the intermediate appellate court do. It's called the deflection system; it goes back down from the Supreme Court, whereas ours is going up, percolating up from the trial to the appellate to the Supreme Court.

In some states intermediate appellate courts are statewide jurisdiction; some are geographical like California is, Louisiana. So everybody was so different that it doesn't make sense to set the same standard for all these different courts. And it also doesn't make . . . As you well know, every appeal is different. Some appeals should be decided within 100 days. Other appeals that are long and complex, like the technical equities case that you were on that . . . and we had records coming up from Santa Clara County on CDs. We were just learning how to work CDs then, and whether to erase or not to erase.

Timothy Reardon: That was really a—

Carl Anderson: That was a big case. That case, if you did that in 280 days, you would not be doing your duty, because you would not have read the record; and we can't do that. So that's interesting, because about that time when we were having our delay reduction project, the ABA was revising and revisiting all of its standards of judicial administration.

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They appointed a commission to do that. They spent two years redoing the trial court standards and then they got to the appellate court, intermediate appellate court, and the Supreme Court. They looked around and realized they had a couple of Supreme Court justices, but they didn't have one intermediate appellate justice on that commission. Now, how they got through the trial court standards without an intermediate appellate justice on that commission who reviews the trial court's rulings, I don't know, but they did.

So somehow they appointed me. And that was a very unhappy experience because I came in in the middle of . . . These people had bonded, and when I suggested to them that their 280-day standard for disposing of all appeals in all intermediate appellate courts should be . . . I had suggested that that was

ludicrous. I was outvoted eventually. So I said, "Well, I've got to appeal this. I've got to take this to the Judicial Division, because I think the reasoning, you can't support the reasoning for that kind of an absolute standard."

So I took it to the Judicial Division; that had never been done before. But of course I lobbied each one of the representatives—and I learned that in Sacramento a few years ago—talked to them about it.

Yeah, the Judicial Division is composed of representatives of different conferences. The appellate judges conference is one of six. They have specialized appellate judges; specialized judges; traffic judges, that sort of thing; superior court judges; federal court judges. And then there is the appellate judges conference; it includes the intermediate appellate judges and Supreme Court judges. So there are six different conferences that make up that division.

So I lobbied each one of them individually and convinced them, answered any questions they had, convinced them that this didn't make sense. Of course the lobbying aspect is something I learned from Sacramento—that you don't go in a committee cold; you talk to people and find answers to the questions before they go in to vote, and you give them that opportunity. And they may vote for you or they may not, but at least you've given them the opportunity to ask a question. So I did that here; I didn't just go cold.

And the Judicial Division refused to adopt the 280 standard. They adopted my replacement, which was that each court should be encouraged to develop its own time standard, based upon its own jurisdiction and its own caseload. And so that is what the appellate judge . . . the ABA now, American Bar Association Judicial Division standards for appellate courts, that is the standard.

Timothy Reardon: So it was a very significant victory, I would say.

Carl Anderson: My thesis at UVA was why . . . because there was some concern that they would adopt this in California. So my thesis was why the 280-day standard was not appropriate for California. So we didn't want appellate judges being judged by some ridiculous standard that had no relationship to the workload or the complexity of the cases, then being, the press saying, well the First Appellate District doesn't meet the standard. This arbitrary standard, we're not meeting it. It doesn't look good and it's not fair. So that was the basis of my thesis, which was ultimately published by USF.

Timothy Reardon: I am aware of that. But that was a significant, I would say, personal victory for you, to overcome this artificial standard

that they were working on—and incorrect in my opinion, as is yours.

This is a question that opens up a lot of areas; but let me just say, over the many years you have served as a trial judge and a justice of the appellate court, what changes, if any, do you consider the most significant? I know that is a very broad question, but maybe there are a few things that you have experienced over the course of your judicial career that you consider significant developments, either for the better or for the worse.

Carl Anderson: The first change that comes to mind is just greeting you this morning from afar and walking in these spacious hallways, spacious offices, and remembering that we were in about one-tenth of this space when I was first appointed back in 1984—sort of an afterthought over in what was then the new part of the building. So I would say you've done very well. *[laughing]*

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[Laughing] As I understand, your budget's not a problem; you're not taking furloughs, nonpaid furloughs. You seem to be well staffed, and they have money even for interviews like this. This is something, a luxury that we never had when I was on the court. I think you look back at the changes . . . obviously I think when I came on the court the AOC has changed dramatically, the Administrative Office of the Courts. When I came on the court, we had a Director of the AOC and a few other people, and maybe 20 employees—maybe a few more, I don't recall. They basically spent their time in helping us, the appellate courts. They weren't involved with the trial court at all; trial court was a different fiefdom. And maybe that was good or bad. But you talk to trial judges and they now claim that their administration is governed by the AOC, their budgets are governed by the AOC. Their facilities are now owned by the State of California, governed by the AOC. And if you look at the AOC and their bureaucracy, they have a department for all of these different things; they have grown dramatically.

So I suppose you could say that the bureaucratization of the judiciary in recent years is something that many of us are concerned about with regard to its effect upon the independence of the judiciary. It may be more efficient. So I think we have to be careful about how far we go and how much power we give to one centralized authority over the judiciary. Judges are independent people. People expect that they're going to have their independent thinking. They're not going to have a format on how to decide unlawful detainer cases that comes from on high. We're supposed to figure this out ourselves. We're intelligent; we're supposed to do that.

That's the way judges worked in the former Soviet Union. I'm not saying that that's coming; I'm just saying I fear for that.

The other thing for the better—education for sitting judges has really improved; no question about that. The Judicial College coming into prominence. The State of California being involved in the judicial college in Reno; our judges going there. When I was first appointed, California judges were not allowed to go out of state. All the knowledge that we needed to be a good judge resided in California. Then I recall Harry Low, who was the PJ of Division Five, who was my assistant APJ, got me involved in the Council of Chief Judges of the intermediate appellate court, a nationwide organization of intermediate appellate judges, chiefs. And we have a seminar every year, and the purpose of that seminar is to teach us how to be chiefs.

Well, there is nothing in California that teaches how to be a chief judge. And these are things you don't learn in the law school. You don't learn how to motivate colleagues. You don't learn how to lead judges; someone said it's like leading cats. *[laughing]* You don't learn that in law school. You don't learn that anywhere in California. You'll learn that in these seminars that we're having with the chief judges. Learning budgets, administrative problems, personnel problems, how to deal with personnel—personnel that you're hiring, your staff.

All of these things are subjects that are discussed formally with professors and practitioners who are brought into seminars, and amongst ourselves as chiefs. So I learned more in that organization about being a chief judge and an APJ than I learned anywhere else. And I'm here to say that all the knowledge about how to be a good judge doesn't exist in the state of California. I'm glad to see that California has recognized that there are these other organizations that are going to assist you for specific things. And that Council of Chief Judges is. I certainly recommend that every PJ be a member of that. And they were affiliated with the ABA; they're now operating out of the office of state courts.

Timothy Reardon: It's still going; it's still going strong, as you know. Okay.

Carl Anderson: Yes, yes.

Timothy Reardon: Well, Carl, you had retired, unfortunately for the courts and personally for me, in 1997. What have you been doing in retirement since 1997?

(01:10:00)

Carl Anderson: Well, I've been doing what some people refer to as private judging. I have been a full-time neutral, mediating and arbitrating, affiliated with the American Arbitration Association, keeping busy full time, enjoying it. The day that I don't want to

do this is the day that I won't do it. I don't have to do it. Fortunately, we have a nice retirement, and I can live on that. But I like keeping busy. I know some of our colleagues have retired and they say never want to read another law book. You've spent all your life, from law school on, trying to be a lawyer and a practitioner and then a judge, and I just don't feel like losing all that. And I can't play golf and bridge all week long and feel satisfied.

So this is what I'm doing. And the practice has become in arbitration that so many complex cases are now going to arbitration, civil complex cases, that they're involving three arbitrators instead of just one. Arbitration is supposed to be efficient and inexpensive. They're imposing a litigator's mode of discovery on it, and you've got to be careful about that because it's getting expensive. But it's expensive to have three, especially three retired judges, sitting as arbitrators on cases. But boy, we get much better opinions, much better, much better opinions, and it's just like being back in the Court of Appeal; it's really fun. You've got somebody to kick ideas off of and ideas come from different places; and you write much better opinions and you make much better decisions. But it's expensive, there's no question about it.

So that's what I've been doing. And I love the three-judge panels. It seems like the last couple of years that's all I've been on now, and probably chair of most of them. So sometimes it's a little difficult when you get some of your former colleagues in the Court of Appeal sitting there, and chairing, trying to lead them again. But it's a challenge.

Timothy Reardon: Well, it sounds like it is. But it sounds like you're enjoying it. This is kind of an Oprah Winfrey question, but I'll ask it anyway. How would you like to be remembered in terms of your obviously long and distinguished judicial career? You have been an excellent trial judge, an outstanding appellate court justice; you've been an outstanding leader for this court for many years. You haven't lost any of your energy. And I speak personally on this, as you were my PJ in here, Division Four, a pleasure to have worked with you. But is there any terse, brief comment that you could make with respect to how you'd like to be remembered?

Carl Anderson: Well, in one word I would say "fair." "He was a fair judge. He listened to everything that litigants had to say and rendered a reasoned opinion based upon fairness, completely impartial." That I was a fair administrator—fair to all the employees that we worked with, fair to my colleagues. Honest and candid. But it all is sort of summed up in the word "fair." I think that's what . . . as a judge I don't think there could be any higher accolade; and that's certainly what we strive for, is to be fair.

Timothy Reardon: I would certainly from personal experience concur on that characterization. I still think back many years, Carl, when it was August of 1990 and I got a call from you just after from the Governors Office welcoming me to Division Four, when I got appointed. You've been a longtime good friend, and I appreciated your guidance when I first joined the court. In keeping with the delay reduction, I remember you telling me there was a certain expectation in terms of how many cases should be filed. I think that served me very well. You were a great tutor, a teacher, and a good friend. So I want to conclude the interview on that note and certainly thank you again for your participation, not only as a subject of an interview, but as an interviewer yourself.

Carl Anderson: Well, Tim, I thoroughly enjoyed my time with you, and it was an honor to serve you. And walking back through these halls has just been pleasant memories. *[laughing]*

Timothy Reardon: *[Laughing]* We had some good times.

Carl Anderson: We have been very fortunate to have stewardship from the State of California and the citizens.

Timothy Reardon: Well, thanks very much, Carl.

Carl Anderson: Thank you.

Duration: 75 minutes
May 9, 2007