Paul Turner: . . . the best part.

Elizabeth Baron: I'm Elizabeth Baron. I was an Associate Justice on the California Court of Appeal in Los Angeles in Division Four of the Second Appellate District.

David Knight: And Justice Turner?

Paul Turner: My name is Paul Turner. I'm a Presiding Justice of the California Court of Appeal in the Second Appellate District in Division Five, which is in Los Angeles.

David Knight: Wonderful. To set the stage as to why we're here and what we're doing today.

Elizabeth Baron: I'm . . . . Are we . . . . Is this part of it now? We're already going?

David Knight: Yeah, we're ready to start.

Paul Turner: This is June 21st, 2010. We're in Atascadero, California. This is in northern San Luis Obispo County. "Atascadero," in Spanish, I believe means "mudhole." But it is an extraordinarily beautiful place, and we're here with Associate Justice Elizabeth Baron, who previously has served on the California Court of Appeal in Los Angeles in Division Four, as well as a . . . previously been a municipal court judge and a superior court judges. And we're going to talk about all that today. Is that all right, Elizabeth?

Elizabeth Baron: Sure. That's fine.

Paul Turner: All right. You're retired, and how long have you been retired?

Elizabeth Baron: Ten years.

Paul Turner: What do you do now that you're retired?

Elizabeth Baron: Ten years? Twelve years!

Paul Turner: Well, what do you do now that you've been retired for 12 years?

Elizabeth Baron: I write books, I write horses, and I go to prison.

Paul Turner: We're going to get to each of those later on. Where were you born?

Elizabeth Baron: New York City – Manhattan.

Paul Turner: Manhattan. All right. And where were you raised?

Elizabeth Baron: Everywhere. 1:32

Paul Turner: Everywhere. And . . . .

Elizabeth Baron: Mostly New York, New Jersey, Texas, and California.

Paul Turner: All right. And where'd you go to high school?

Elizabeth Baron: Redondo High School and Santa Monica High School and Handley High School in Texas.

Paul Turner: Where did you get your diploma from? SAMO High?

Elizabeth Baron: SAMO High. Yeah, SAMO High.

Paul Turner: It's called SAMO High, am I right?

Elizabeth Baron: SAMO High.

Paul Turner: Still called SAMO High. And what'd you do when you got out of high school?

Elizabeth Baron: Well, I was working. I had been modeling since I was about 15, so I continued to do that.

Paul Turner: Who did you model for?

Elizabeth Baron: Originally it was just photography modeling for a photographer in L.A., and I did that . . . well, I did that for quite a long time. Catalog . . . Penny's catalog stuff. So I would do that once or twice a week. And I started doing that when I was 15. And then I went to the Pasadena Playhouse. While I was there, then I wasn't doing any modeling.

Paul Turner: Now, when did you go to the Pasadena Playhouse?

Elizabeth Baron: 1959.

Paul Turner: What is the . . . or what *was* the Pasadena Playhouse?

Elizabeth Baron: It was considered the most prestigious drama school on the West Coast. Actors Studio was in New York; Pasadena Playhouse was in California. Different techniques of teaching, very much in competition, but it was really an extraordinary experience to do that. So I didn't go back to modeling until after that, and after my daughter was four. And then I went back to modeling, and I was with the Mary Webb Davis Agency.

Paul Turner: Now, tell us what was the teaching technique, if you remember it . . .

Elizabeth Baron: They taught . . . .

Paul Turner: . . . at Pasadena Playhouse. 3:17

Elizabeth Baron: Well, they taught technique . . .

Paul Turner: All right. What were . . . .

Elizabeth Baron: . . . whereas . . . . At the Actors Studio, they taught the Method. It was called Method acting, and so you got way deep into the character and you would have to, like, be a tree. So you would pretend to be a tree – act out what that was like. Pasadena Playhouse didn't do that. They taught you how to project your voice, how to use your diaphragm. They taught you speech so that you didn't say "mountn," you said "mountain." They taught dance, they taught fencing – like we girls were going to be fencing. Who knew that someday Catherine Zeta-Jones would be fencing? They taught you how to fall down if you got shot; you had to learn how to fall down so that you wouldn't hurt yourself but it would look like you were really fall . . . . Now, the Actors Studio didn't teach that. That's why Marlon Brando mumbled. It was just totally different, and I think Pasadena Playhouse really was aimed at live theater, and Actors Studio – the people that went there, they just turned out to be wonderful on screen.

Paul Turner: You . . . . I trust when you got out of high school you wanted to be an actor. Is that correct?

Elizabeth Baron: Oh, I wanted to be an actress my whole life.

Paul Turner: And at some point you decided, "I'm not going to be an actor." Do you . . . . Or at least you realized you had to go back and model or something. Could you kind of give us a sense of what that's all about? If you know the time frames, too; we're . . . this is a long time ago.

Elizabeth Baron: Well, when I was . . . . You know, it . . . . Life is so funny. When I was in high school, along with modeling I also had a clerk/typist job. And it was for a wholesale grocery company. And the wholesale grocery company sold groceries to Twentieth Century Fox Studios. And so my boss asked me if I would like to go to the studio. Ah, of course I wanted to go to the studio. And when I was at the studio for lunch, they . . . the man who ran the cafeteria . . . my boss told him I wanted to be an actress and I was in the drama classes at my high school, and he said . . . and I told him that, you know, I was going to audition for the Pasadena Playhouse, and he said, "Well, if you make it and you've been there a year, give me a call and I'll get you introduced to the man who runs New Talent at our studio." So, sure enough, I auditioned, I got in, a year went by, and so I called up the manager of the Twentieth Century Fox restaurant and said, "I don't know whether you remember me, but you promised to introduce me to Ben Bard." He was the head of New Talent. And he said, "I remember you, and of course, come on over." So he got me a pass and I got to 6:18

go on the lot, and he took me over to meet Ben Bard, and then I had to audition for him. I auditioned for him and got accepted in the New Talent Program. The audition was wonderful. I can remember the first line I had to say.

Paul Turner: What was it?

Elizabeth Baron: I had to memorize this thing.

Paul Turner: What was the line?

Elizabeth Baron: It was, "In cogitating your esoteric something-or-other . . . ." Well, I didn't even know what those words meant, so I had, you know, to . . . . Anyway. So you asked me . . . . What did you ask me in the first place?

Paul Turner: Well, you say, how long were you . . . . Well, tell me this: how long were you . . .

Elizabeth Baron: Okay, I was at . . .

Paul Turner: . . . at the Twentieth Century Fox?

Elizabeth Baron: Well, I was at . . . I was there . . . . It was a six-week New Talent program, then I was signed for a contract. And then I got pregnant, so that stopped that. I had a baby instead of becoming an actress. After she was born, then I went back, but I decided it wasn't for me. They had casting couches in those days.

Paul Turner: So there was a lot of sexual harassment, as we look at it now . . .

Elizabeth Baron: Now.

Paul Turner: . . . in 2010 . . .

Elizabeth Baron: Yeah.

Paul Turner: . . . there was a lot of sexual harassment . . .

Elizabeth Baron: Yeah.

Paul Turner: . . . going on.

Elizabeth Baron: Yeah, yeah, yeah.

Paul Turner: And so there was a lot of what would be called, in the law right now, *quid pro quo?*

Elizabeth Baron: That's right. 7:37

Paul Turner: And so, anyway, at some point you decided, "This is not for me." Do you remember how old you were when you said, "This is not for me"?

Elizabeth Baron: 19.

Paul Turner: All right. And so you returned to modeling.

Elizabeth Baron: Right.

Paul Turner: And you said you were with an agency.

Elizabeth Baron: Yes.

Paul Turner: What was the name of the agency?

Elizabeth Baron: Mary Webb Davis.

Paul Turner: What is an agency?

Elizabeth Baron: They get you your jobs. They send you on your interviews and take 10 percent of your salary for doing it.

Paul Turner: And . . . .

Elizabeth Baron: You can't work without them. I mean, they are incredibly important. The bad thing, though, is I was scared to death of my agent. And they have people who work in the office, and every day – every morning – you call in to your agency and you're told where you're going to go, where you're going to interview. And if my agent answered the phone I'd hang up! She was a terrifying lady. And then I'd wait five minutes, call back, hoping that I'd get one of the secretaries, and I never told anybody I did that. And then finally I told one of my best friends, and she said, "Oh, no, that's what I do, too!"

Paul Turner: Don't worry, this will only be on the Internet for several years.

Elizabeth Baron: Well, she's gone.

Paul Turner: Now, where . . . . Now, when you were originally a model, you were a model in Los Angeles.

Elizabeth Baron: Right.

Paul Turner: Now, where . . . what would be . . . if you went on a . . . where would a typical interview took . . . take place?

Elizabeth Baron: At the department stores. Most of it was runway modeling, so the department stores would hire you to spend a day in the store, 11 to 4, walking around wearing all their clothes. Or you're going to a designer. All of us who were at the top of our game, we all had our own designer; that person that liked 9:24

us, we represented their look. And my designer was a woman named Helen Rose, and she was an incredible designer. She had won Academy Awards with MGM when she was with that studio. She had done five out of seven of Elizabeth Taylor's wedding dresses. She did the wedding dress for Grace Kelly when she married the Prince of Monaco. I mean, her clothes were absolutely extraordinary.

Paul Turner: Where . . . .

Elizabeth Baron: And she chose me.

Paul Turner: Where did she prepare her clothes? In Los Angeles?

Elizabeth Baron: Yeah, in the garment district down on 7th Street, L.A.

Paul Turner: Where would be . . . .

Elizabeth Baron: Just down the way from the Court of Appeal.

Paul Turner: Where would you . . . . What stores? Can you name some of the stores that you would model in?

Elizabeth Baron: You know, the sad thing about it is most of them are gone now with the recession. But Bullocks . . . .

Paul Turner: Bullocks. Did you do Bullocks Wilshire?

Elizabeth Baron: Bullocks Wilshire . . . .

Paul Turner: Which is where South . . . .

Elizabeth Baron: Bullocks Westwood . . . . Where Southwestern is now, yeah.

Paul Turner: Southwestern Law School is now. So you did Bullocks Wilshire and . . .

Elizabeth Baron: And I. Magnin's, which was just a block or two away. Saks Fifth Avenue in Beverly Hills. There was a store called Joseph Magnin's – wonderful store. And then I worked in stores all across the United States.

Paul Turner: When did you . . . . Did you start out in Los Angeles and then go to the United States? Could you tell us how that developed?

Elizabeth Baron: Well, you're going on interviews and you're being hired by department stores. You're being hired by designers to show their clothes. And then, if you're lucky, a designer finds you really represent their look. Helen liked me; she thought that I was as close to the Grace Kelly type. That's what she liked. And so I became her "house model," is what it's called. And when she would go on the road with what they called "trunk shows," because the whole line, you'd have 100, 102 11:26

pieces in a line, it's all packed in a trunk, and off you go. And you go to, you know, maybe Scottsdale and then on to Dallas and Houston and Palm Beach, Florida; Memphis, Tennessee; Omaha; New York. You just travel this whole circuit when you're on . . . doing the trunk shows. And it takes about six weeks to do that. And then you also do Market Week in New York, so you go back and you spend two weeks in New York and all you do is put clothes on and take them off, put the next one on. And you'd do that starting, you know, early in the morning like 9:00. But you really got busy in the afternoons, because all the buyers from all the stores around the United States would go to Seventh Avenue. That's where the garment district is in New York. And they'd go to Seventh Avenue all morning long, and then they'd come to the hotels to see the designers that came from Los Angeles. I don't know that there were any designers anywhere else but L.A. And then you would also go on interviews when the Parisian designers came over and did their big shows. So I was lucky; I showed for probably every single major designer in the world for . . . between the ages of 19 and 33 when I decided to go to law school.

Paul Turner: A person listening to this or watching this would say that sounds glamorous. Do you agree or disagree or . . . ?

Elizabeth Baron: Well, sometimes it was glamorous, but when you're doing trunk shows, guess who has to iron all those clothes that come out of the trunk? You don't think Helen Rose was going to iron those clothes! The first time that happened to me, and she told me to get going with the ironing, and we had just gotten off a red-eye flight, and it's like, "What?? I'm supposed to . . . ." And these were delicate chiffons and . . . with gorgeous beading on them and very slinky jerseys. I mean, she made these very elegant evening gowns that would sell for like $10,000, and here I'm supposed to iron *[inaudible]*? You know, baby clothes I could iron, but . . . . Anyway, so that wouldn't be too glamorous. And then you wouldn't get invited out to dinner when you were in these cities. The presidents of the stores would invite *her* out, but I'd be left back in the hotel room. So that was good and that was bad, because during those times when I educated myself – because during this period of time I couldn't go to college; I mean I was on the road half the time, so . . . .

Paul Turner: You are an assiduous reader.

Elizabeth Baron: Yes.

Paul Turner: Did . . . Where did you develop the reading passion?

Elizabeth Baron: When I was three years old in New York City.

Paul Turner: Did you find . . . 14:23

Elizabeth Baron: By the way, by the time I was seven years old I had read every single children's book in the New York City Public Library. How about that? By the time I was seven.

Paul Turner: The Nancy . . . . Did you read the Nancy Drew . . . .

Elizabeth Baron: Oh, yeah, but Nancy Drew is a little bit older than seven. You read Nancy Drew when you were around 11.

Paul Turner: And how about the Hardy Boys?

Elizabeth Baron: You read them about the same age.

Paul Turner: This day . . . . To this day, do you feel you have a . . . still have a passion for reading?

Elizabeth Baron: Oh, of course. Yeah.

Paul Turner: And . . . .

Elizabeth Baron: And writing.

Paul Turner: So anyway, you were a model, then, from age 19 . . . .

Elizabeth Baron: No, 15.

Paul Turner: Fifteen. But you worked . . . . After your daughter was born, you worked as a model from what age? Nineteen to . . . .

Elizabeth Baron: You know, I had some time in there where I was working for a couple of public relations companies. I worked for a company called Hill & Knowlton, which was the largest public relations company in the world. They represented clients like Coca-Cola and the oil and gas industry and the aviation industry and the Nassau Bahamas, Sun Valley . . . . So I worked for them for about a year and a half as a receptionist, but I also did all the modeling for them when there were . . . .

Paul Turner: Where was that, in Los Angeles?

Elizabeth Baron: That was in L.A., yeah. On Wilshire Boulevard. And I begged to let them . . . let me write press releases.

Paul Turner: Did they let you?

Elizabeth Baron: They did! They did. And so I got to . . . . I mean, I wrote things like "The Trade Deficit between America and Great Britain and China" for P&O-Orient lines. And I wrote, you know, the new product that Gillette had made called Foamy. And I got to think up ways to get free publicity on them. Like for the Gillette Foamy, there was a big tie-up, a big strike, at the airlines and all, and I said, "We've got to get 16:14

somebody to go down there and stand in line with the Foamy stuff and do the shaving!" They loved it; it got on the nightly news. I mean, it was a fun job.

Paul Turner: You mean that someone would shave . . .

Elizabeth Baron: Yes.

Paul Turner: . . . while the TV . . . .

Elizabeth Baron: Yeah. Well, they sent a camera down there, but they'd just be waiting at the airport in line and took out the Gillette can and did the Foamy stuff and put it all over with shaving. I mean, it was really neat.

Paul Turner: And so at some point you decided you wanted to go to law school.

Elizabeth Baron: Yeah.

Paul Turner: When was that?

Elizabeth Baron: 1973. '72, '73. Yeah, right . . . .

Paul Turner: And . . . .

Elizabeth Baron: Yeah, '73.

Paul Turner: Where did you go to law school?

Elizabeth Baron: I went to San Fernando Valley College of Law.

Paul Turner: Is that in the San Fernando Valley?

Elizabeth Baron: No, I was in Manhattan, New York *[laughs]*.

Paul Turner: Now, when you . . . .

Elizabeth Baron: I looked it up in a law . . . in the Yellow Pages.

Paul Turner: How did you find out about San . . . .

Elizabeth Baron: Yeah, I looked it up in the Yellow Pages! A friend and I were having lunch in Beverly Hills, and we were talking about Watergate and how awful it was, and it was all lawyers that were doing all these terrible things.

Paul Turner: Well, no, no, Bob Haldeman was a public relations guy.

Elizabeth Baron: Well, Dean and all the other ones . . . .

Paul Turner: All the rest were lawyers. 17:36

Elizabeth Baron: Yeah, they were. I mean, look at the Attorney General, Mitchell. And so all these bad things were happening, and lawyers were doing it. And my friend and I had had maybe a glass or two too much wine over lunch, and we decided that the best way to counteract this awful thing that was going on is that one of us should become a lawyer. And he said he wanted to be a CPA, and he said, "So, you should go to law school, Liz." And I said, "Okay." And I went home and I looked up law schools in the Yellow Pages and picked the one closest to my house and went down and applied and they told me I had to take the LSAT. Well, I hadn't the slightest idea what that was. And . . . .

Paul Turner: You didn't even know how to spell it, did you?

Elizabeth Baron: Yeah, I can spell LSAT, Paul, yeah. And . . . . But I don't think I knew what it meant, you know. I didn't know what the acronym was. So they said, "Here's the number you call." Well, it turns out that I'd, like, just got under the deadline for applying to Princeton for the LSAT. And then I forgot all about it – went on with life, busy. And I get this notice in the mail that the exam is scheduled over at Cal State Northridge, and I had to appear in such-and-such a time. So I went to take the exam, and it was unbelievable. I mean, I couldn't believe what was on this exam! We walked out and this guy said to me, "You didn't like that exam, did you?" and I said, "No, but how do you know?" and he said, "Because every time you turned the page, you said 'oh, shit'!" Guess we shouldn't say that for posterity. But I got through it, and then I had to interview at the law school. And they said, "What makes you think you can be a law student?" And I thought that was crazy! What made them think I couldn't? Of course, I didn't know 'til I got into law school. But as it turned out, it was right for me.

Paul Turner: How many years did you take to go . . . complete law school?

Elizabeth Baron: Four. Four at night.

Paul Turner: And did you have to take the Baby Bar?

Elizabeth Baron: I had to take the Baby Bar.

Paul Turner: What is the Baby Bar? Tell us what it is.

Elizabeth Baron: Contracts, torts, and criminal law. And if you don't pass it, you don't get to continue in law school.

Paul Turner: And . . . .

Elizabeth Baron: And most . . . . I was a special student, see, because I . . . . You don't have to take the Baby Bar because you go to a state-accredited law school. Mine was an ABA; it was state-accredited. You only have to take the Baby Bar if you 20:03

don't have an undergraduate education, and since I didn't . . . . They let you in, they take your life experiences into consideration, to determine whether they're going to let you in to law school. Although I think that they would have let me in anyway, just because I could write a check. I don't know.

Paul Turner: Now, the Baby Bar, compare it to the other Bar, the one that . . . .

Elizabeth Baron: Well, it's exactly the same, only they're just testing you in three subjects. You go in, you sit down, you have the questions, and you have to answer the questions just like you do on the Bar.

Paul Turner: Do you remember where the Baby Bar exam that you took was taken or offered?

Elizabeth Baron: I think it was at the Palladium in Hollywood. Just the perfect place for me, right? Felt right at home! You know that my best friend from the Pasadena Playhouse married a Hardy Boy, and his . . . .

Paul Turner: Married who?

Elizabeth Baron: A Hardy Boy: Tim Considine. And he was one of the Hardy Boys.

Paul Turner: It was on . . . . I think it was on Disney, was that . . . .?

Elizabeth Baron: On the Disney thing, yeah. And he was a Pantages, and the Pantageses owned the theater, and so – the Palladium, they had owned. And so, you know, everything goes around.

Paul Turner: When you . . . . You passed the Baby Bar, obviously.

Elizabeth Baron: I passed the Baby Bar, and I passed it with an A, and nobody had ever done that before. Not from my law school, anyway.

Paul Turner: Now, at your law school, there were some very, very important people – besides you, were there not?

Elizabeth Baron: There were?

Paul Turner: Did you . . . . Who were some of the other people you went to law school with?

Elizabeth Baron: I can't remember; it's too far back. I know that – she's on the court now – Frances . . . . What's Frances' . . . ?

Paul Turner: Frances Rothschild.

Elizabeth Baron: Yeah, Frances Rothschild. She was there, but she was before me, and she became a judge. I was so impressed that 22:06

somebody from my law school became a judge. I couldn't believe that anybody . . . .

Paul Turner: Were you the first one from San Fernando Valley to become a Court of Appeal justice?

Elizabeth Baron: Yes. I was the first one to get hired as a deputy attorney general. I was the first one . . . . Well, I . . . . You know, nobody got into a first-rate law firm because we went to a second-rate law school, so . . . .

Paul Turner: Tell us about law school. What were . . . what are your recollections now about it?

Elizabeth Baron: It was wonderful.

Paul Turner: You enjoyed law school.

Elizabeth Baron: I loved every minute of it. And if there was a class I didn't like, then I just didn't go to it, and the night before the exam I'd just study Gilbert's Outline, go in and take the exam.

Paul Turner: Thirty years from now, someone watching this or listening to it will want to know who Gilbert is. What was Gilbert's Outlines? What . . . . Describe them and how they're used, I think, even to this day by students.

Elizabeth Baron: They're just outlines of the law. They're all the rules of law. They don't have any issues; they're just black-and-white law. And if you memorize it, then you've got all the law down, and then you just go take your exam and you read the facts, apply the issues that you see to that rule of law. It was much faster than . . . . Like wills and trusts, I mean, really – that just was so boring. I tried. I got through most of wills, but trusts I lasted two weeks. It was like, I'm not going to sit here every night – or, you know, one night a week – with that particular course.

Paul Turner: Did you go at . . . did you go to school at night?

Elizabeth Baron: Yeah. It was all night school.

Paul Turner: And did you . . . .

Elizabeth Baron: Seven to ten, three nights a week.

Paul Turner: And the campus was located where when you went to it?

Elizabeth Baron: In a converted store in Pacoima.

Paul Turner: And what were you doing during the day? 24:05

Elizabeth Baron: Working. I couldn't . . . . I had to quit modeling after about four months because my agent – the one that scared me half to death – you know, she didn't understand that I could no longer travel. I could only do local work. And she got upset with me and, you know, she didn't get it. So I got a job with an accountant doing tax returns – checking tax returns for him. So I did that all day long in Beverly Hills and then drove over Beverly Glen and out to Pacoima, would eat at Galpin Ford, and then go to class.

Paul Turner: Four years, right?

Elizabeth Baron: Four years of it.

Paul Turner: You get done. Now you've got to take the Bar, right? When did you sit for the Bar?

Elizabeth Baron: I started law school in February, January or February, so I took a February Bar in 197 . . . February of '77. I . . . . 'Cause I graduated mid-year, December of '76, so I took a February '77 Bar.

Paul Turner: And when you took the Bar, why don't you describe how you prepared for the Bar exam?

Elizabeth Baron: Oh, I . . . . Like everybody else, I took a Bar review course.

Paul Turner: Would you remember the name of the Bar review course?

Elizabeth Baron: Named after a guy . . . . Do you remember who that was? It was a BRC?

Paul Turner: BRC?

Elizabeth Baron: Yeah. And it was some guy who was really a good teacher. Herman? Does that ring a bell with you?

Paul Turner: No.

Elizabeth Baron: He was good.

Paul Turner: So you took . . . .

Elizabeth Baron: And I studied nonstop. But I did that in law school, anyway. I mean, I just studied nonstop. That's all I did. I just studied.

Paul Turner: How much time did you have between when you graduated from law school and when you got . . . when you took the Bar? Do you remember how much time you had?

Elizabeth Baron: Well, I graduated in December and took a February Bar.

Paul Turner: Did you graduate in '76? 26:10

Elizabeth Baron: Yeah.

Paul Turner: I'm going to ask you a hard question. Who was the valedictorian of your law school class?

Elizabeth Baron: Oh, yeah.

Paul Turner: You've got to answer that. You've got to tell us. You've got to tell us the truth, too. We're going to . . . . You've got to give us the whole story here. Who was the valedictorian of your law school class?

Elizabeth Baron: Okay, I was the valedictorian but I didn't go. So I never got to give the speech.

Paul Turner: You didn't go to the . . . .

Elizabeth Baron: I was working!

Paul Turner: You didn't go to the graduation.

Elizabeth Baron: Right. Well, see, by the time you graduated, they put the December class with the following June class. And so by the following June I was working.

Paul Turner: So you found out you passed the Bar. Tell us about that. How did you find out?

Elizabeth Baron: I think I went some . . . oh, I think I just went to the Bar office, and they had a list, and so I went over there and, you know, with great trepidation looked down the list and saw my name.

Paul Turner: What did you do when you saw it?

Elizabeth Baron: Oh, I probably screamed and yelled and carried on. You know what was more important to me? Well, I didn't think I was going to pass the Bar. You know how that was. None of us thought we were going to get through it. But when I got the job at the Attorney General's Office, that to me was . . . that was just like the most wonderful thing that had ever happened to me – that I was going to be a deputy attorney general. Paul, you just can't imagine how proud I was of that.

Paul Turner: Let's back up. You're in law school. When did . . . . Did you interview for – while you were in law school – for the position at the A.G.'s Office?

Elizabeth Baron: No, no. I clerked for the Public Defender's Office one summer. The next . . . . Then the next year, I graduated in December and I got a clerkship with the D.A.'s Office. And somewhere in there I clerked for an insurance defense firm, where I 28:08

met the woman that I became partners with after I left the Attorney General's Office.

Paul Turner: And that would be Gail Solo.

Elizabeth Baron: Yeah.

Paul Turner: Now, when you . . . .

Elizabeth Baron: You've done your homework if you know who Gail is. Good for you!

Paul Turner: When did you . . . . How did you find out about the position at the state Department of Justice?

Elizabeth Baron: I went to one of those lawyers' . . . Lawyers Club, I think it was called. And they met at the civil courthouse for lunch once a month. And there was a freeze on in the D.A.'s Office, so the only job I could have – yeah, like there is now – the only job I could have gotten was in the Child Support Unit. And they said if you take the job in the Child Support Unit, then they will not switch you over to the Criminal Division. And I wanted to be a prosecutor in the D.A.'s Office, obviously in the Criminal Division. So, anyway, I went to this meeting and heard a couple of other people talking that the A.G.'s Office was interviewing, so I thought, oh, I'll try. So I went over to the State Building, put in my application, and . . . .

Paul Turner: Who interviewed you?

Elizabeth Baron: Curt Livesay, who is with the D.A.'s Office still.

Paul Turner: Who interviewed you at the Attorney General's Office?

Elizabeth Baron: That's what . . . But he . . . . It was civil service first.

Paul Turner: Right.

Elizabeth Baron: Clark . . . S. Clark Moore.

Paul Turner: Okay.

Elizabeth Baron: And . . . .

Paul Turner: He was the . . . .

Elizabeth Baron: And someone from the Civil Service Department, an African-American woman. So I had to get through that first, and then you get through that, then you go to your interview with the A.G.'s Office if in fact you get past the civil service. So when I got to the A.G.'s interview, it was with S. Clark Moore – he was the head of the Criminal Department – and a deputy A.G. named Robert Katz. And Ted . . . . Oh, gosh, I can't 30:16

remember Ted's name, but he was the . . . Clark Moore's assistant.

Paul Turner: Would that be Ted Fogel?

Elizabeth Baron: Ted Fogel, yeah! Good for you!

Paul Turner: So you . . . . What did they ask you during the interview?

Elizabeth Baron: Clark wanted to know where I learned to write, and since I hadn't gone to college, that was a hard one. I . . . . And my answer was my mother spoke good English and so I didn't massacre the English language. And I read so much that I knew how to put a sentence together. But I had no formal training in it.

Paul Turner: So when did you begin work at the state Department of Justice?

Elizabeth Baron: 1977. October of '77.

Paul Turner: And you worked in . . . . Well, what is . . . what did they call the section of the Department of Justice that you worked in?

Elizabeth Baron: The Criminal Division.

Paul Turner: And . . . .

Elizabeth Baron: And you know that, because you opposed us all the time.

Paul Turner: And . . . . We'll get to that later.

Elizabeth Baron: Okay.

Paul Turner: We'll get to . . . we'll get the good stuff later.

Elizabeth Baron: Okay. Yeah, right.

Paul Turner: But now, tell us what your assignments would be as a member of Criminal Writs and Appeals?

Elizabeth Baron: Just read all the briefs. The appellants would file their briefs, you read them, you respond, you do all the research and writing the respondent's briefs. And that's for the appeals. Same thing for the writs. And then you appear in front of the Court of Appeal to argue your case unless the defense waives argument. They . . . . If you were on a trial team, which I was, then you also got to go to court and try cases. Usually those were when the District Attorney's Office had to disqualify itself because a member of their department had gotten in trouble or was the victim of a crime. 32:06

Paul Turner: So most of the time you appeared in a Court of Appeal. Is that correct?

Elizabeth Baron: Yes.

Paul Turner: Did you . . . . What . . . . Tell us about your Supreme Court case? Do you remember that?

Elizabeth Baron: Mm hmm.

Paul Turner: Tell us about it.

Elizabeth Baron: *In re Rojas.* *Rojas* had to do with presentencing credits. And three cases came down in the space of two weeks and . . . on the same issue, that . . . . Two cases said . . . our office lost. They said, "No, the guy does get to have pretrial credits."

Paul Turner: Even though they . . . the accused . . . .

Elizabeth Baron: He was in prison. The inmate was in prison, or under the jurisdiction of the Department of Corrections, picks up a new case, and the issue was should he get good time/work time credit for the time he was in county jail waiting for the new case. And two Courts of Appeal said yes he got those credits. And I just thought that was outrageous. You're already in prison, why should you get credits – good time/work time credits – when you weren't going anywhere anyway? And Division Five, before your time, agreed with my position, and so my case got taken up by the Supreme Court. And those were in the Rose Bird days, when the A.G.'s Office didn't win any cases. So they take up mine and they don't take up the other two cases; it was definitely . . . . I was going to lose. And I didn't. So that was pretty much a highlight.

Paul Turner: And is that in 17 Cal.3d 152? *[ed.'s note: 23 Cal.3d 152]*

Elizabeth Baron: Beats me!

Paul Turner: Say yes!

Elizabeth Baron: Okay, yeah.

Paul Turner: That's correct! Now, tell us how you prepare – we're talking now back in the late '70s – how do you prepare for an oral argument at the California Supreme Court?

Elizabeth Baron: Just do your homework! You just know your facts, you know the law, and when you're in front of them, you pretend that you're Jane Fonda arguing in front of them and you're not you. Because she would do a great job, right? It's sort of an out-of-body experience. 34:12

Paul Turner: And wouldn't you agree that most people thought you were going to lose that case?

Elizabeth Baron: Everybody thought I was going to lose the case.

Paul Turner: And so how did you find out you won?

Elizabeth Baron: The opinion came down!

Paul Turner: How did you . . . . Where did you find out you won? Where . . . . What were you doing?

Elizabeth Baron: You know, I think Ted Fogel called me. I think that's what happened. I think I was just slogging away through some other case, and I think Ted called. And I thought he was jiving me, you know. I really thought he was teasing me, 'cause he had a good sense of humor. And it was like, "This isn't funny, Ted!" But, yeah, I think . . . . Oh, I was the heroine around the office there for probably 30 minutes, and then we all went back to work.

Paul Turner: Now, you said you worked also on . . . as part of a trial team. Is that correct?

Elizabeth Baron: Mm hmm.

Paul Turner: Tell me about that.

Elizabeth Baron: What's to tell?

Paul Turner: Well, I mean, who was your boss?

Elizabeth Baron: Oh! Roger Boren!

Paul Turner: Is that the same Roger Boren who is the Presiding Justice, Division Two?

Elizabeth Baron: Yes.

Paul Turner: And is the Administrative Presiding Justice of the Second Appellate District?

Elizabeth Baron: Yes.

Paul Turner: The same one.

Elizabeth Baron: Yes.

Paul Turner: All right.

Elizabeth Baron: My mentor. 35:22

Paul Turner: And tell us about some of the cases that you handled. I believe you indicated that these cases were cases where there was a conflict of interest . . .

Elizabeth Baron: Right.

Paul Turner: . . . with the Public . . . with the District Attorney.

Elizabeth Baron: Well, the two biggest cases I was on, one became famous. But the first one was a deputy district attorney . . . . It was incredible. There was a rapist. He had raped eight women in the San Fernando Valley in the Toluca Lake area.

Paul Turner: What did he . . . . Do you recall what he did for a living?

Elizabeth Baron: Yeah. He was a bailiff in the courts. He was a deputy sheriff. He was a bailiff in the courts; he was a bailiff in the dependency court. And . . . . But I don't want to get ahead of myself on this story.

Paul Turner: Okay.

Elizabeth Baron: There was a deputy district attorney named Nancy Sperber, and she was on probation; she was brand new.

Paul Turner: By "on probation," she . . . her employment status.

Elizabeth Baron: Yeah. Probation status. I think she'd been with the office three months, if that. She had just gone through the training program and she got assigned to a courthouse. And her head deputy was Steve Cooley, who is now the District Attorney of Los Angeles.

Paul Turner: And is he also not the Republican nominee for Attorney General?

Elizabeth Baron: Oh, right. Absolutely. Let's hope he's going to win it, too.

Paul Turner: I'm neutral.

Elizabeth Baron: Oh, yeah. You have to be, right?

Paul Turner: Yes.

Elizabeth Baron: Yeah. Anyway, Nancy Sperber is getting acquainted with Steve, and they're just doing the ordinary chitchat – you know, where do you live. Well, Steve said he lived in Toluca Lake, and she said, "Oh, my . . . I live out in the Marina but my boyfriend lives in Toluca Lake." And they started sharing restaurants that they went to and all, and Steve said to her, "You better be careful, you know, when you're over there, because there's a rapist." And I think seven women had been raped by then. And Steve's wife had been one of the 37:31

victims. She hadn't been raped; she's the only one that managed to get away from the rapist. Steve was at a retirement dinner for another D.A., and Jana was home alone with their son; Michael was, you know, I think he was only eight or nine months old at the time. And she was in bed reading and all of a sudden this man was on top of her. And she managed to fight him off – run out of the house screaming to a neighbor. And the guy disappeared. So because this happened to Jana, Steve was more interested than normal in the investigation. Ordinarily, you know, he wouldn't know anything about it until a case came to him.

Paul Turner: Was he . . . . Do you remember, at that time, whether Mr. Cooley was a . . . still a reserve Los Angeles police officer?

Elizabeth Baron: You know, if he was, I didn't know that. But anyway, so Steve is telling Nancy to be careful, and he knows certain facts about the rapist. The man wore a ski mask so nobody could identify him. So it was a *modus operandi*.

Paul Turner: By the way, we know who he is, right?

Elizabeth Baron: Yeah, we know who he is, yeah.

Paul Turner: What's his name?

Elizabeth Baron: Paul Monty, Jr.

Paul Turner: Okay, so Paul Monty, Jr. . . . .

Elizabeth Baron: Oh . . . . Paul Monty, Jr.

Paul Turner: He is . . . . This is Deputy Sheriff . . . Los Angeles County Deputy Sheriff Paul Monty, Jr.

Elizabeth Baron: Paul Monty, Jr.

Paul Turner: And he wears a ski mask when he commits these sexual assaults.

Elizabeth Baron: He does. So Steve is saying to Nancy what he knows about him. And he says, "The guy wears a ski mask." And she says, "Huh. My boyfriend has a lot of ski masks. He's been painting his house, so he wears ski masks while he's painting his house." And Steve says, "And he . . . and all the victims say he smells like baby powder." And she says, "Huh. Oh, that's nothing; my boyfriend uses baby powder." And Steve says, "Well, some of them saw that he had kind of light-brown hair." And she said, "Well, that could be anybody. My boyfriend has light-brown hair." Well, at this point, Steve is no fool, and he says, "Young lady, you are going to follow me out to North Hollywood, to the detectives." So they get out there, and one of the detectives recognizes her, and he recognizes her 39:54

because he had arrested a robber who they always thought was a rapist as well, but they only had him on robbery. And she had been the guy's girlfriend. And that kind of convinced them that hey, maybe there's a pattern here, and they decided to put their surveillance unit on her boyfriend. So they put him under surveillance, and unfortunately he managed to rape one more woman before he was caught. He was caught coming out of her house. He had eluded them during the surveillance, and they think he knew that he was under surveillance, because he would drive on streets where there were trees covering the street so the helicopter couldn't see him. And what he had done, he had gone to one street, gotten out, gone through a yard and over a wall, and raped a women on the far street. So by the time the surveillance officers got around, he was coming out of her house. And they went up to the . . . knocked on the window and said, "Are you okay, ma'am?" and she said, "No, I've just been raped." And so they took him down in an intersection not far away.

So that was my first case. And because she was a deputy district attorney, the District Attorney's Office had to recuse itself and the A.G.'s Office came in. And Roger asked me to be on it because there were so . . . . You know, I mean, all the victims were women. So I handled all of the, you know, the investigation with the women and prepping them and handled their testimony during two preliminary hearings. The guy . . . . Eventually, he pleaded guilty. And so he went to Atascadero State Hospital.

Elizabeth Baron: Is he still there?

Elizabeth Baron: No, but he did longer there than any inmate had ever done because they found that he was cured, and that had never happened before. Everybody was always getting out in 18 months', two years' time, but this guy stayed in much longer and they said he was cured. And because he was cured, he couldn't go out on outpatient treatment under the jurisdiction of the hospital with somebody watching him. But what happens when you get cured is you have to finish your prison sentence which you would have done. And so he ended up doing, I think . . . . And you don't get good time/work time. Back to that old good time/work time. You don't get good time/work time when you're in a mental hospital because you're not in prison.

Paul Turner: And that would be the time that's calculated under Penal Code section 2933, more or less.

Elizabeth Baron: Yeah.

Paul Turner: We're talking government work here.

Elizabeth Baron: Yeah, right. 42:46

Paul Turner: It's close enough for government work.

Elizabeth Baron: Somewhere in there.

Paul Turner: Right.

Elizabeth Baron: But anyway, so . . . . Oh, and here is a big coincidence on this case. I'm now on the bench by the time it's time for him . . . . He gets out of the hospital and he's going to be sentenced. And I'm on the bench as a superior court commissioner, and I'm doing the night court program. It was a trial program to try to eliminate the crowding in the jail. So they had one judge that would come in, 7:00 in the morning, and do cases 'til like two. And then I would come in at 2:30 and do cases 'til 10:00 at night. I think you did that, too, Paul, didn't you?

Paul Turner: Yes, I did.

Elizabeth Baron: Yeah, I remember.

Paul Turner: As I recall, I may have been the first judge ever to do that.

Elizabeth Baron: I think you were.

Paul Turner: In fact, I was covered live by CNN.

Elizabeth Baron: Were you?

Paul Turner: It shows you that it was a slow news day.

Elizabeth Baron: Wow.

Paul Turner: Anyway . . . .

Elizabeth Baron: Hey listen . . . .

Paul Turner: So you're in . . . .

Elizabeth Baron: I was on "48 Minutes." "48 Minutes?" And I had a great case. I had a defendant who was crying, and I ended up on the cutting room floor and they did J. D. Smith flipping pancakes out at his duck-hunting ranch.

Paul Turner: Well, speaking of . . . . We need to identify who J. D. Smith is.

Elizabeth Baron: Oh, he was a police officer who became a superior court judge, and he was a very colorful character.

Paul Turner: Now, going back to you were in night court – and we'll get to night court . . .

Elizabeth Baron: Okay, so I'm in night court. 44:06

Paul Turner: . . . in . . . anon.

Elizabeth Baron: Oh, okay.

Paul Turner: Tell us about what . . . .

Elizabeth Baron: I was talking . . . the coincidence.

Paul Turner: Coincidence.

Elizabeth Baron: Okay. And so he comes up for sentencing, and he's in my courtroom, only he's in front of Bernie Kamins. And so it was really hard not to leave Bernie notes: "Get this guy. Get this guy good!"

Paul Turner: Now, we're talking here about Paul Monty, Jr.

Elizabeth Baron: Yes. Yeah. So I was a good girl. I didn't . . . . Oh, but then they brought in the victims. And so the victims came into the courtroom, and they saw my name. I mean, outside in the hallway it said, "Bernie Kamins and Elizabeth Baron." So the victims would come in, and of course I'd bonded with all of these victims. Some of them stayed friends for years; I still get Christmas cards from a couple of them. And so of course they'd hang around to come in to chambers, and Bernie didn't know what was going on, and nobody could tell Bernie what was going on. But anyway, he gave him the max.

Paul Turner: Now, that was the first trial case that you worked on.

Elizabeth Baron: No, I had other . . . I had some other . . . .

Paul Turner: But the first big one.

Elizabeth Baron: Yeah. The first big one.

Paul Turner: What was the second big one?

Elizabeth Baron: The Hillside Strangler case.

Paul Turner: Okay. Tell us, first of all, who were the Hillside Stranglers?

Elizabeth Baron: There was Angelo Buono and . . . .

Paul Turner: We would call him, today, the late Angelo Buono.

Elizabeth Baron: Yes, the late Angelo Buono. And his cousin Kenneth Bianchi. Ten women had been raped and murdered and their bodies thrown onto the hillside. And that's how it got the name the Hillside Strangler.

Paul Turner: What part of the county did this occur in? 45:42

Elizabeth Baron: Mostly between Hollywood and Glendale. And the bodies were found in an area between Hollywood and Glendale, and the victims were found . . . were picked up in the Hollywood Boulevard area and in the Glendale area, like around the shopping mall and . . . .

Paul Turner: Why did the Attorney General handle that case?

Elizabeth Baron: Well . . . .

Paul Turner: First of all, who was the Attorney General when this happened?

Elizabeth Baron: George Deukmejian.

Paul Turner: All right. And why did the Attorney General handle this case, as distinguished from the other case, where there was a conflict of interest between . . .

Elizabeth Baron: Right.

Paul Turner: . . . involving the District Attorney's Office because a deputy district attorney was a witness?

Elizabeth Baron: The District Attorney's Office didn't feel that they could get a conviction. They felt . . . Because Kenneth Bianchi. Kenneth Bianchi ended up pleading guilty.

Paul Turner: Who was the lawyer for Kenneth Bianchi, do you remember?

Elizabeth Baron: Wilbur Littlefield.

Paul Turner: And Wilbur Littlefield was . . .

Elizabeth Baron: Was the Public Defender. And . . . . Wait a minute. Who else? There was somebody else I knew really well that . . . .

Paul Turner: We're talking, now, about Bianchi's lawyer.

Elizabeth Baron: Bianchi's lawyer, yeah.

Paul Turner: Now, who's the lawyer . . . who are the lawyers for Mr. Buono?

Elizabeth Baron: Jerry Chaleff and Katherine Mader. And here's the interesting thing. Jerry's the only one that didn't become a judge. Even Kathy Mader, representing the defendant, became a judge.

Paul Turner: And she's a Los Angeles Superior Court judge right now.

Elizabeth Baron: She certainly is.

Paul Turner: And this is the same Gerald Chaleff who is the counsel to the Los Angeles Police Department . . . 47:17

Elizabeth Baron: Exactly.

Paul Turner: And has essentially the same rank as a deputy chief. Is that correct?

Elizabeth Baron: Right.

Paul Turner: All right. So everybody . . . Now you . . . . Who were the lawyers that you were involved with from the Attorney General's Office?

Elizabeth Baron: Roger Boren was the head of the trial team, and his second chair was Mike Nash.

Paul Turner: Now, Mike . . . . Tell us who Michael Nash is now.

Elizabeth Baron: He's the presiding judge of the juvenile court.

Paul Turner: In what county?

Elizabeth Baron: Has been for . . . . In Los Angeles County. Has been for many, many years. And I was only put on the case for special issues. And I handled the pretrial issues involving hypnosis and the mental health of Kenneth Bianchi. Remember I told you I had clerked for the Public Defender's Office? Well, I clerked for the Public Defender's Office because when I got hired they asked you where you wanted to go, and I told them I wanted to go to the mental health court because a dear friend of mine, Jay Sebring, had been murdered by the Manson Family, along with Sharon Tate, a very famous movie actress at the time. And Jay was a very close friend. And when that happened . . . I had been a supporter of the death penalty. When this happened, I no longer was a supporter, because I thought we ought to keep people like the . . . Charlie Manson and the Manson Family under a microscope. Evaluate them. How could they be so evil? And so if we executed them, then we would never know what made people like that evil. Then I became a criminal lawyer for quite a while and realized that evil walks the face of the earth, and no psychiatrist that I knew of and . . . could really tell you why people commit the crimes that they do – the Ted Bundys of the world, the Kenneth Bianchis, the Angelo Buonos of the world.

But anyway, back to the Hillside Strangler case. Kenneth Bianchi left L.A., went to Bellingham, Washington, and killed two coeds up there. But he didn't have Angelo helping him, and he got caught real quick. And his public defender up there, looking for a defense for him, decided that he had mental problems, and Kenneth went right along with that. He had a multiple personality, he said, and it wasn't really him, it was his personality Steve that committed these crimes. And nobody knew – I found it out – that they had shown the movie *Sybil* in a Canadian TV station that they got picked up in the jail. 50:13

So he saw this whole story – this whole movie made about multiple personalities. And then the public defender got this psychiatrist from the University of Montana who was an expert on multiple personalities.

Paul Turner: Just so we can interrupt here, this is the public . . . which public defender?

Elizabeth Baron: Public defender in Bellingham, Washington. He gets this psychiatrist from the University of Montana who comes to interview Kenneth Bianchi in the jail up in Bellingham and is convinced that Kenneth Bianchi has a multiple personality. And the first I know about any of this – about . . . . I mean, I knew about the case, and because Kenneth Bianchi had these mental problems and he was a multiple personality, the District Attorney didn't think that they could prove the case. And the District Attorney then was John Van De Kamp, who later became the Attorney General when George Deukmejian became the Governor. But back then, there had been a prelim and the District Attorney went in front of the judge and said that they were moving to dismiss the case. And, yes, the judge was Ron George, who's . . .

Paul Turner: Now what's he do now?

Elizabeth Baron: . . . now the, oh, Chief Justice of the State of California. And so he said, "No, I'm not dismissing this case. I've heard the prelim," or had read the preliminary hearing transcript, I guess, because he was a superior court judge, so he didn't do the prelim. And he ordered the case over to the Attorney General's Office and . . . .

Paul Turner: So if I can interrupt you, when Ronald M. George was a lawyer, as I understand, he was a deputy attorney . . . .

Elizabeth Baron: He was a deputy A.G., yeah. So he sent it over to the A.G.'s Office to take a look at it. So George Deukmejian and his assistant, Robert Philibosian

Paul Turner: If I could . . . .

Elizabeth Baron: – who became a district attorney, too . . . .

Paul Turner: Okay, if I could ask you this . . . .

Elizabeth Baron: Oh, God, it's a small world. What a little tight clique everybody is.

Paul Turner: Well, I'll tell you what would be helpful. If you . . . . As best you remember, tell us how that decision was made. In other words, at some point Attorney General Deukmejian had to make a decision, with the assistance of the Senior Assistant Attorney General, Robert Philibosian: "We are going to 52:33

take this case and we're going to tell Judge George – Superior Court Judge Ron George – that we are . . . we don't believe this case can be won."

Elizabeth Baron: They gave it to Roger Boren, who we mentioned earlier is now PJ of Division Two of the Second Appellate. Roger . . . . All the files were moved over to a storeroom in the A.G.'s Office.

Paul Turner: Do you remember how big the storeroom was?

Elizabeth Baron: Oh, it . . . . You know, probably the size of my office here. It wasn't that big, but it was stacked floor to ceiling with cartons. And Roger went through every single piece of evidence in that case.

Paul Turner: Did he go . . . . Did he do it alone, or did he have someone else help him?

Elizabeth Baron: You know, I don't remember that, that he had anybody helping him. I got the feeling . . .

Paul Turner: Do you remember when . . . .

Elizabeth Baron: . . . he really did it alone.

Paul Turner: Do you remember who . . . . Did he have a detective or an agent work with . . . .

Elizabeth Baron: Oh, yeah, he did!

Paul Turner: Who was that?

Elizabeth Baron: Help me.

Paul Turner: Would it be Paul Tulleners?

Elizabeth Baron: Yes.

Paul Turner: Okay.

Elizabeth Baron: Yes, it was.

Paul Turner: Tell us about Paul.

Elizabeth Baron: Oh, he was wonderful.

Paul Turner: Well, something more than "he's wonderful."

Elizabeth Baron: Oh, he had . . . he was an honorable man, he had a good sense of humor, he was compassionate, he was a . . . he had a lot of depth of character to him.

Paul Turner: And he was an agent, is that correct? 53:56

Elizabeth Baron: Yeah, he was an investigator for the A.G.'s Office.

Paul Turner: Do you remember what his prior law enforcement background was?

Elizabeth Baron: I think he'd been with, like, the Montebello Police Department.

Paul Turner: Arcadia, maybe?

Elizabeth Baron: Arcadia? Yeah, could have been Arcadia. Yeah, it was, because I went to talk to his daughter's high school class, and it was in Arcadia.

Paul Turner: And that's the daughter who is now a deputy attorney general . . . .

Elizabeth Baron: I didn't know that! Thanks for telling; I didn't know that! That is so neat!

Paul Turner: So, anyway, Roger Boren goes into this room, which is stacked to the ceiling with cartons. What else do you remember about the process? And I realize you may not remember everything.

Elizabeth Baron: You know, I wasn't in on it, Paul. I mean, I was back in my office writing briefs. So I was . . . . I knew that the case was around; I knew that it had been assigned to Roger. Roger, you know, had just finished with our Paul Monty, Jr. case. And really, the first time I paid attention to it, other than as a woman . . . . You know, I was scared to death; we all were scared to death before those guys were arrested. I mean, we started locking our cars in those days. When I was clerking for the D.A.'s Office in their Appellate Division, I was in an old building. I mean, it wasn't in the Criminal Courts Building; it was in some old factory building down around Sixth or Seventh Street. And I'd be there working late at night by myself. And there was this D.A. that came into the library while I was working there about 10:00 at night. And he just spooked me. You know, I thought, "He could be the Hillside Strangler." And so I packed up my stuff and got out. I was all alone in a building with some man that I thought was really spooky. As it turns out, he's the one who retired . . . . Steve Cooley had gone to his retirement dinner when his wife was attacked. Everything is so circular in life. But anyway, when I was in the A.G.'s Office there was this other deputy A.G. that just . . . you know, he just was such a nerdy, creepy little guy. I thought, "Well, maybe *he's* the Hillside Strangler!" I mean, that's the way it was for all women in L.A. then. I mean, we were sure everybody . . . our next-door neighbor was.

But so I had paid attention to the case from the standpoint of being a woman, but I hadn't paid attention to the case 56:24

from the standpoint of being a lawyer because I was too busy, you know, doing my own work.

Paul Turner: Before we go on to that, if I . . . if we could talk just briefly about the issue of forcible sexual assault and our culture's change in terms of its perspective on it, if we could. When I was a lawyer, you and I . . . we met each other when I was a lawyer. And I had always been . . . found that our culture just didn't treat this like it was what it was: this horrible affront to our society. We could . . . . For example, when I was a lawyer, if a person is charged with rape, they could get probation!

Elizabeth Baron: Well, there was even a jury instruction . . .

Paul Turner: What did the jury instruction say?

Elizabeth Baron: . . . that said, "Rape is a charge that's . . . is easy to bring and difficult to defend against" – words like that – "so you should view the testimony of a rape victim with caution."

Paul Turner: Now, when I was . . . .

Elizabeth Baron: It was terrible!

Paul Turner: When I was a lawyer, I just . . . . You know I represented rapists, and I represented murderers and child molesters and robbers and dope traffickers and whatnot. And later you . . . I think you did some criminal defense, didn't you?

Elizabeth Baron: Yeah.

Paul Turner: The Constitution requires that that occur, and it is . . . our culture and our society is unsafe unless . . . .

Elizabeth Baron: What does our . . . .

Paul Turner: Well, that we have to have lawyers to represent . . . .

Elizabeth Baron: Oh, yeah. Oh, okay.

Paul Turner: But what stunned me once . . . . I was talking to you, and for once I . . . . And I think you were a deputy attorney, I know you were a deputy attorney general, and you were . . . . It struck me that here is somebody who understands this is evil. And the rest of our culture, with the minimal sentences and jury instructions and the like, didn't feel that way. If I'm correct in that assessment, tell me how you think our culture has changed. Or maybe it hasn't changed.

Elizabeth Baron: Well, I think it started changing with Armand Arabian, because Armand Arabian went out on a limb and refused to give that jury instruction in a rape case – which was reversible 58:29

error because the Supreme Court had approved that jury instruction. And, you know, Armand . . . .

Paul Turner: Is this the same . . . .

Elizabeth Baron: Here you were between your conscience and the rule of law, and Armand's conscience won out, and he refused to give the instruction. And so that went all the way up to the Supreme Court and the Supreme Court said, "Armand, you're wrong, but the instruction shouldn't be given."

Paul Turner: So that we're clear, that's the same Armand Arabian who later became a member of the California Supreme Court.

Elizabeth Baron: Right. Went to the Court of Appeal, and . . . . Was he in my division? No. Whose division was he in? Division Three. Your secretary worked for him.

Paul Turner: That's correct.

Elizabeth Baron: Right.

Paul Turner: Now . . . .

David Knight: I'm sorry; I'm going to ask you to pause for a moment while I change tape. And we are ready to pick it up again.

Paul Turner: Now, we were talking about . . . we're talking here about . . . .

Elizabeth Baron: The change in people's attitudes toward rape. The . . . .

Paul Turner: Right. Why don't you continue, You were . . . discussed what happened with Justice Arabian. Why don't you continue on?

Elizabeth Baron: Well, I think that he . . . his courage inspired us that something had to be done. And I was very active in the women's movement, and of course rape was high on the agenda of the women's movement. I mean . . . .

Paul Turner: I got the impression that that was . . . At the beginning of the '70s, one would characterize that as a women's issue but not an issue that men seemed to care about.

Elizabeth Baron: Right. I don't . . . didn't remember *any* man caring about it until Armand. But we had marches. We had "Take Back the Night" marches across the United States. We had 10,000 women marching down Hollywood Boulevard to protest the way women were treated as rape victims: women were asking for it; women who got raped wanted it; there was no such thing as rape. There were rape jokes: "Oh, well, just, if it happens, lay back and enjoy it." I mean, there . . . women wouldn't report it because police officers would make jokes with them or treat them . . . . I mean, the police officers were as bad as 1:01:02 .

. . . The culture of the police department was just terrible toward women who claimed that they had been raped. And as I said, here's a law that says that you should look at the testimony of a rape victim with caution. If you had been robbed at knifepoint or . . . and somebody took your Rolex watch, well, hey, that's pretty easy to say and then go collect the insurance for it. But nobody said, "Well, you should look at a robbery victim's testimony with caution."

George Deukmejian and probably Bob Philibosian had an awful lot to do with changing those attitudes. First, I mean, I had been in the office under Evelle Younger, so when he retired and George Deukmejian came in, he brought Bob Philibosian. And we were all surprised, because in our little mail slots we would get these little messages, like . . . . Bill Pounders, who is, I think, just retiring from the superior court, he had one to please go investigate some kind of gun laws. Well, that was his specialty. And you . . . Bob's been in the office about a month, and he knows that Bill Pounders has a specialty on guns. And so people were always getting these little messages.

Well, I got one about a case in which a woman had been abducted off the street by three gang-bangers who did everything to her except use their penis. But she was penetrated by their fingers and objects in the car. This woman was traumatized. And they got probation because it was battery; it wasn't a sexual offense. So I get this little note from Mr. Philibosian to check into this, respond to this woman's letter, and see what we can do about it. And so I responded to her letter. I explained what the law was but that we wouldn't let it rest there – that nobody should go what . . . through what she went through and have those guys walking the street in six months' time.

So I drafted the legislation for sexual battery, which would carry the same penalties as rape. And by now we had been working really hard to get those penalties for rape up to . . . I think we got them up to two, four, six in state prison and then gradually we got them up to six, eight, ten, and then I think we got them up to . . . . I sentenced a guy to over 50 years for raping one woman when I calculated in all the things he did to her. So things changed. People changed, too. The attitudes of men began to change. I think one of the things the women's movement did was to make men understand that attitudes had to change. I mean, we changed language: we changed "Miss" and "Mrs." to "Ms"; we changed "chairman" to "chair" or "chairperson." We had . . . . But the biggest change was in the area of rape and rape laws. And, I mean, I have a book here that I wrote a chapter on a book on rape protocol on how to treat the adult victim of rape. But anyway, we . . . I wrote this legislation and George Deukmejian found a legislator to carry it. (He had been in the California Legislature before he 1:04:49

became the A.G.) He got somebody to carry it for us and it became the law and it was a good thing. He was a good A.G.

Paul Turner: Now, let's go back to . . . .

Elizabeth Baron: A good Governor, too.

Paul Turner: We'll get to that shortly.

Elizabeth Baron: Especially who he picked to go on the bench.

Paul Turner: So now the decision has to be made: do . . . does the Attorney General take the case against Mr. Buono?

Elizabeth Baron: Well, Roger recommended it to Philibosian, Philibosian recommended it to Deukmejian, Deukmejian said, "Okay, you guys go for it." I mean, and he was putting his career on the line, too, I think. You know, John Van De Kamp was a good District Attorney, and the two deputy D.A.s that evaluated that case were very experienced prosecutors. And I think that the decision that they made was not unreasonable given Kenneth Bianchi, who was such a terrible liar and was complaining about his multiple personality that committed the crimes. But Roger had a different take on it, and so did Philibosian.

And, you know, here's how I first really learned about the case. My phone rings, and it's Roger, and he says, "Liz, come on down to my office; I want to show you something." So I trot on down to the office and he's got a video machine going and he pops this tape in. And we've got Kenneth Bianchi sitting behind a little table, and we've got the shrink from Montana. And the shrink is asking Kenneth about who committed the crime, and Kenneth is saying, "Oh, Steve did it – Steve." And so the psychiatrist says, "Well, come out, Steve." And Kenneth just looked at him. And he says, "Part. Come out, Part. Come out, Steve." And nothing happens. And so he gets down on his hands and knees in front of this guy, and he says, "Part! I know you're in there. Come out, Part." And you could see the light dawning in Bianchi's . . . . "Oh!" And then he just changed his persona and he became this real mean, gruff guy and he held his cigarette differently and he changed the tenor of his voice and he became Steve. And at that point he told about all the crimes. He told about Buono, he told about what they did to all these women down in Los Angeles, he told about the two coeds in Washington. And that's how it all came out. Well, in a court, you know, when you have a man who's mentally ill and a multiple personality who says he committed these crimes, how reliable is his testimony going to be against Angelo Buono?

Paul Turner: Let me ask you this: did you . . . do you think he really had multiple personalities? 1:07:53

Elizabeth Baron: I proved he didn't. So no, I didn't. That was my job: to prove that he wasn't a multiple personality. And I . . . . The reason why they gave this to me is because I had clerked . . . . Going back to the Manson Family, when I became a clerk for the Public Defender's Office, I asked to go to Mental Health because I wanted to learn about the psychiatry and how the mental health system worked, which is what convinced me that psychiatrists don't know any better than you and I what causes evil in this world. But because I had spent three months in the Public Defender's Mental Health Unit, when I got to be an A.G. they assigned me all the mental health cases. So . . . . And it was very cutting–edge in those days. And that's why Roger selected me to do this portion of the trial, on the hypnosis and the mental health issues, is because I had been doing those cases for the office.

Paul Turner: Now, did you participate in the trial, or did you do the work that they used?

Elizabeth Baron: No, I . . . . Mike Nash and I did the pretrial. And then when the pretrial was over, then Mike Nash became second chair to Roger and my time was done. And shortly after that, I left the A.G.'s Office and went into private practice.

Paul Turner: Now, tell us about private practice.

Elizabeth Baron: I wanted to be like Jerry Chaleff. I mean, he just took control of the courtroom. I mean, we . . . . I would be examining witnesses that were harming his case, and he'd just get up from counsel table and go over and pick up the bailiff's phone and – those . . . these are the days before cell phones – and he'd, you know, make telephone calls while I'm doing this crucial examination. And it was like, "Oh, he is so cool." Of course, Ron George stopped that after a while, but . . . .

Paul Turner: And how long were you . . . . So tell us what kind of law . . . . What . . . . You did criminal defense, you did civil. Or tell us what you did when you were in private practice.

Elizabeth Baron: Well, I went into private practice to do civil work. I wanted to do plaintiff's personal injury. But I never got any cases. And I had bought all this furniture; you're looking at some of it here from back in 1982. Still have it. Cost a fortune. Got an office in Century City. No clients came my way. So I went down and got myself on the criminal defense panel, picked up cases, and . . . on the dependency panel, to handle dependency, represent kids and parents in the dependency court. And I did that for two years. And I really liked doing the dependency work, Paul. I just thought it was one of the most important things I'd ever done. But I didn't like being a criminal defense lawyer. I just didn't like it. I got cases dismissed, and I was a good lawyer, and I didn't like using my talents to see guys walking out that I knew had committed the crimes. I also didn't like 1:11:18

going up . . . going in the lockups. They stank. I'd have to take my clothes and hang 'em out when I got home at night, you know, outside because they'd smell so bad from being in the jail.

Paul Turner: At some point you began working for the superior court. Do you remember how that happened? You started working as a . . . . You were a referee, right?

Elizabeth Baron: Oh, right. Right.

Paul Turner: Now, how . . . .

Elizabeth Baron: I was thinking juvenile court, of course, and juvenile court's part of the superior court.

Paul Turner: Tell us how that happened.

Elizabeth Baron: Well, I was irritated at some of the judges I appeared before – one in particular, who will be nameless. He was done by noon, and he was playing golf at one, and I . . . . It just offended me. These cases were so important and he was just *[snaps fingers three times]* whizzing through that calendar. And he wasn't trying cases. There was another judge who you couldn't get him to try a case. All he would do is take you back in chambers and talk and talk and talk about the cases. These cases need to be resolved. These were little kids who were out of their homes. These were parents without their children, children without their parents. Who knew if the allegations were true or not yet? And they needed to be adjudicated. And so here's this judge that . . . . I think he was afraid to try cases. There were a couple of others that . . . one that I thought was very abusive to counsel. I mean, these cases are tension-filled cases. And I thought that this particular judge was very abusive to the lawyers that were there, so I didn't like that. So I thought I could do a better job. So I went and applied to the PJ to be a referee.

Paul Turner: Now, who was the PJ?

Elizabeth Baron: Randolph Moore.

Paul Turner: And so you were hired as a referee?

Elizabeth Baron: I was hired as a referee. There was a defense lawyer, Chuck Lindner, who was standing at the elevator in the Criminal Courts Building when I was looking at a very old notice on the bulletin board that they were looking for referees. And, oh, the notice had to have been up there for over a year. And I had known Chuck from the Criminal Courts Bar Association. I said to him, "I'm going to apply for that, Chuck," and he said, "Oh, Randy Moore makes those decisions. Come on, I'll take you." And so he takes me up to Randy Moore's, and he says, 1:13:56

"She's really good. You should put her on as a referee." And Randy said, "Okay." So I became a referee.

Paul Turner: What kind of cases were you handling?

Elizabeth Baron: They were dependency cases.

Paul Turner: And were you handling the arraignments, were you handling the trials, were you handling the dispositions, the adjudications, or what?

Elizabeth Baron: The adjudications. Yeah. The Hillside . . . not the Hillside Strangler, the McMartin Preschool allegations had occurred. That was a nursery school in which everybody – all the teachers and the owners of the school – were accused of molesting all the children in the school. It was . . . went on for a couple of years in L.A. And because of that case, allegations of child molestation came out of the closet, and the court system was being overwhelmed. And so a referee who would normally handle very subordinate issues – you know, arraignments, that kind of thing – were needed, and so I was put into a regular trial court to handle a full trial calendar.

Paul Turner: And was Judge Moore the presiding judge all the time that you were sitting as a referee?

Elizabeth Baron: I don't think so.

Paul Turner: Was Judge Boland . . . .

Elizabeth Baron: You know, Judge Boland, I don't think was the presiding judge of the . . . all the juvenile court then. He was the presiding judge of the dependency division, and I think he may have become PJ of Juvenile after that. He was *not* one of the judges that I had any complaints about. Oh, you thanked your lucky stars when you found yourself in Paul Boland's court. I mean, that man was . . . . I mean, he was the consummate judge. Knew the law, was compassionate. He was an incredible man. Great loss to all of us.

Paul Turner: He was a true-blue Bruin. At some point, though, you have a chance to become a judge. Could you tell us about that?

Elizabeth Baron: Well, okay, I'm a referee and a friend of mine told me . . . . She was a D.A., later became a judge – Judy Abrams. But she was a D.A., and she and I would be on opposite sides of counsel table, and she told me she was going to apply to be a municipal court commissioner. And I was really impressed; oh my God, somebody I know actually might go on the bench. So I said, "Well, gee, I'd like to try that, too," and so I applied to be a municipal court commissioner and I didn't get past the first nine judges. I mean, I didn't get a call back. I mean, clearly I was . . . . And here I was a referee, and so I'd . . . 1:16:53

already was on the bench, but I was definitely not qualified to be a municipal court commissioner. And I was really upset about it. And I . . . .

Paul Turner: So what happened?

Elizabeth Baron: Well, I was down in the parking garage getting into my car and Nancy Brown, who was a municipal court judge at that time, was supposed to be on that panel, and she used to appoint me on cases. And she was on the far end of the parking garage, and she yelled at me across the whole garage, "Elizabeth Baron, don't you let those municipal judges get in your way. You apply to be a superior court commissioner!" It was like, "Oh, okay."

Paul Turner: Now, what . . . . Where . . . . You're in a parking lot.

Elizabeth Baron: Yeah, I'm in the parking garage in the bottom of the Criminal Court Building. And she yells that in front of everybody. There were people getting out of, you know, their cars and going . . . .

Paul Turner: Were some of the ones getting out municipal court judges? Getting out of their cars?

Elizabeth Baron: You know, no, everybody's going home for the day when this happened. But I suppose. I mean, I was just so stunned that Nancy had . . . . I mean, first of all, I didn't want everybody to know that I couldn't even get past a municipal court judge interview. And now I'm going to be real catty.

Paul Turner: Oh, go ahead.

Elizabeth Baron: Okay. Not a single one of those municipal court judges that were on that interview panel ever got elevated to the superior court. But maybe through unification. Maybe through unification. But George Deukmejian didn't appoint a one of 'em. Nor did Pete Wilson.

Paul Turner: Now . . . .

Elizabeth Baron: Jerry Brown might have, since they were all Jerry Brown appointees . . .

Paul Turner: Now, so it . . . .

Elizabeth Baron: . . . who may be our Governor again.

Paul Turner: Now what . . . . So you apply to be a superior court commissioner.

Elizabeth Baron: So I applied to be a superior court commissioner and . . . 1:18:39

Paul Turner: You couldn't cut it as a municipal court commissioner.

Elizabeth Baron: Right.

Paul Turner: Clearly, clearly unqualified!

Elizabeth Baron: And you know what? They put us through a bar exam!

Paul Turner: Right.

Elizabeth Baron: If we got past . . . . What did . . . . Did we have an oral interview first? And then if we passed that, then we had to go take this bar exam. There were four questions and we got to pick three out of the four, and we had to write an essay on them! And I remember the first one I looked at; I didn't know what in God's name it was about. To this day I don't know what area of law it falls into within the court's jurisdiction. But they had a dependency case, they had a divorce case. I had never done dissolutions; I was disillusioned by dissolutions. And one other area of law – I can't remember it now. But the dependency . . . . Oh, a criminal case. The dependency case I could answer, obviously. The criminal case I could answer. But the divorce cases . . . . So how I wrote that exam is, "I have never done a divorce. I have *been* divorced, but I've never done a divorce. And so if I was appointed to sit . . . or assigned to be a commissioner in family law court, I would have a lot of work to do. I would have to really do a lot of research." I wrote this out. I said, "For example, in this question, this is an issue. And I don't know what the answer to that issue is, but I will know how to find the answer to that issue." And so each one of those . . . . I mean, some you could kind of figure out what it was going to be. And so Paul Boland, who . . . . I guess he was . . . . I guess he may have been . . . . Well, he was at least on the committee. He told me that I had gotten the highest grade on the written exam, but that I came in fourth on the list because I had no family law background or civil background. But anyway, I got to be a superior court commissioner.

Paul Turner: And that was in May of 1986.

Elizabeth Baron: If you say so.

Paul Turner: And what were your assignments when you were a superior court commissioner?

Elizabeth Baron: I was sent to Compton, and I handled major felonies in Compton for, what, two or three years?

Paul Turner: Did you do the trials, do the arraignments?

Elizabeth Baron: Oh, no, the trials. Trials. 1:20:59

Paul Turner: And at some point you wanted to become a municipal court judge.

Elizabeth Baron: Well, I really didn't; I wanted to be a superior court judge. But that was the way you had to get there, was to be a municipal court judge. And . . . .

Paul Turner: So did you . . . . You applied, obviously.

Elizabeth Baron: I applied and I was sent over to the JNE Commission and I had an interview and I did very well and nothing happened. And now you go into that big, dark deep hole. Marvin Baxter, who's a justice on the Court of Appeal now, was . . . .

Paul Turner: You mean the Supreme Court?

Elizabeth Baron: No, I . . . . Well, he had gone to the Court of Appeal. And now he's on the Supreme Court.

Paul Turner: Oh, so at this time he . . . Marvin is . . . .

Elizabeth Baron: No, actually he was the Governor's appointments secretary.

Paul Turner: Okay.

Elizabeth Baron: And very conservative. And I had a reputation for being liberal – only because of my activities in the women's liberation movement. And so I didn't go anywhere. And I figured I knew why. And I understood. But then Marvin got appointed to the Court of Appeal, and a man named Terry Flanigan became the Governor's appointments secretary. And I had a friend who was a public defender who had worked with Terry in Sacramento; they had both been in the Legislature. Aides – legislative aides. And she said, "You should write to him, because he's different." And I thought, "Oh, it's the Governor who makes these decisions." And she said, "But, yeah, he screens them; you should write to him." So I sat down and I typed up a letter that said, "Dear Mr. Flanigan, I have an application in for appointment to the municipal court, and my friend Jill Lansing said that you're different from Marvin Baxter. And so would you please take a look at my PDQ and see if I'm the kind of person that Governor Deukmejian might ever appoint to the bench?"

Paul Turner: And what is a PDQ?

Elizabeth Baron: Your Personal Data Questionnaire with all the information you file with the Governor when you're seeking an appointment.

Paul Turner: So you send this letter to Terry. What happens? 1:23:15

Elizabeth Baron: And I . . . . Two weeks later I get an interview, and as it turns out, Terry's mother had been a fashion model for the John Powers Agency, which was one of the big . . . . John Robert Powers, one of the biggest modeling agencies in New York. And so Terry did not have any adverse feelings about people who were models who never went to college, who, you know, went to law school, because he thought his mother was the smartest woman he'd ever met. So he invited me up for an interview . . . .

Paul Turner: Now, when you say invited you up, where did you go for the . . . .

Elizabeth Baron: Oh, actually, he came down. He was in L.A., so he invited me over for an interview.

Paul Turner: Okay.

Elizabeth Baron: And . . . .

Paul Turner: Was this . . . . Where did the interview occur?

Elizabeth Baron: Some state office. It wasn't the State Building. It was somewhere down around Chateau Place, MacArthur Park, somewhere around that area. Some . . . . Do you know what I'm talking about?

Paul Turner: Sure do. I think it was . . . it's called the Governor's Office.

Elizabeth Baron: That's where the Governor had his office?

Paul Turner: That's . . . . The Governor had his office there.

Elizabeth Baron: Why'd he have his office there instead of in the State Building?

Paul Turner: 'Cause the place he had it was much nicer.

Elizabeth Baron: It was a nice office building.

Paul Turner: There was a shortage of office space.

Elizabeth Baron: Oh.

Paul Turner: But back to you. So you go down to mid-Wilshire . . . .

Elizabeth Baron: And so, well . . . .

Paul Turner: You go down to . . . drive . . . .

Elizabeth Baron: I go see Terry Flanigan. And I'm Irish. And you can get into my family's Irish history if you want, 'cause it's quite fascinating, but one of the first questions Terry asked me is, "Why should Governor Deukmejian appoint a 1:24:53

Democrat?" And I said, "The real question, Mr. Flanigan, is how did a nice Irish boy like you become a Republican?" Well, then my interview became him telling me all about how he became a Republican! That he had worked for Pete Wilson in San Diego. And so we just got along, you know, with this kind of a repartee. And two weeks later, after that interview, I got appointed to the municipal court.

And so what I did is I went down to the Post Office and I got a change of registration and . . . . Oh, and by the way, my family had been Republicans, too, and that goes back to the family history with Woodrow Wilson and why they became Republicans. But, so I had asked . . . . One of the things I had said to him after he told me all this about being a Republican, I said, "Well, didn't you ever want to rebel?" And it was, like, he hadn't even though of that. And I told him since my family was Republican, I rebelled and I became a Democrat. And so I went . . . after the appointment I went down to the Post Office and I got the Change of Voter and I changed my voter registration to Republican and then photocopied it, and I sent it to Terry and said, "Okay, I'll quit rebelling."

Well, then when I went for superior court the next – and he's on the Court of Appeal now, too – the next appointments secretary, Chuck Poochigian . . . .

Paul Turner: Well, first of all, tell us where you were assigned as a municipal court judge.

Elizabeth Baron: Well, I went to traffic court for about three weeks.

Paul Turner: That's 1945 South Hill Street?

Elizabeth Baron: Yeah.

Paul Turner: It's 1944 Olive Street?

Elizabeth Baron: No. I don't know. Yeah, I guess. Oh, Paul, I can't remember all that stuff. That's unimportant, you know? You find your way to it, you know, and you get there! And you memorize the way. Now you have GPS that can get you there, but back then you had your . . . .

Paul Turner: So you're assigned to the Traffic Courts Building. What do you do at the Traffic Courts Building?

Elizabeth Baron: Three weeks I was there, and then I was sent to Central Arraignments, I think.

Paul Turner: So you did arraignments, then, in the . . . .

Elizabeth Baron: In muni court somewhere. But . . . . Over in the jail. 'Cause I was over on Bauchet Street in the jail . . . . And I was 1:27:26

there for about two weeks, learned whatever it is I had to learn, and then I was getting a new assignment and a brand-new judge named Tom Willhite came. Because he was brand-new, he got sent over there. So I taught him everything I had learned in two weeks, and . . . .

Paul Turner: And this is doing arraignments in . . . on Bauchet Street in the courtrooms which are attached . . .

Elizabeth Baron: To the jail.

Paul Turner: . . . to the Los Angeles County Jail.

Elizabeth Baron: To the jail.

Paul Turner: Where is . . . . What is Tom . . . .

Elizabeth Baron: And Tom is now in my division of the Court of Appeal.

Paul Turner: That's right. Now, what happened after you were used to arraignments?

Elizabeth Baron: Okay, so, I think they sent me to West L.A. . . . . West L.A. . . . . ? Oh, they sent me to a trailer in West L.A.! Oh, God, yeah, I was in this trailer, and when it rained, all you could hear was this cacophony of sound. And my chambers was in another trailer that was behind . . . . The front part of it was a courtroom, and the back part was my little chambers. But my courtroom was in the chambers . . . . It was in . . . . My court was in a trailer next to that. When I was in chambers I could hear the judge, Judy Champagne. I could hear everything she said; her voice would come right through the walls. And I had no computers, no books. And I didn't know anything about misdemeanors. My whole world had been felonies. And so I had to learn how to use the computer and learn how to do legal research on a computer. But in the meantime, when it rained I had to get from my trailer to the trailer next door where my cases were. And it was great. There was a great big post – it held up the roof of the trailer – right smack in front of me. So I had this little jury box over here, and I had lawyers that would stand over there, and there was no sidebar. And of course I couldn't see anybody straight down the middle 'cause I had a post in my way. But then the first sidebar, they . . . I said, "Okay, approach," and they got up there and there was no place to be, except the door to go outside. So I opened the door and said, "Okay, I guess we'll step outside," so we stepped outside, the door closed, and we were all locked out of the court. It was really embarrassing, you know. It was very embarrassing.

And then another time I got locked out, and this bag lady walked by and said to me, "Young lady, that's a very attractive coat you're wearing!" 1:29:59

I mean, anyway, I did a year in West L.A. It was a good experience, Paul. A lot of homeless people sent there, a lot of mental health issues, and that was the area I was always interested in.

And then I got sent to San Pedro. And the courtroom that I was assigned to there, the other judges said everybody who sits in that courtroom has been a woman. And everyone who's been in that courtroom has gotten elevated to the superior court. So I got the lucky seat.

Paul Turner: Now, what kind of cases did you handle there?

Elizabeth Baron: Oh, the typical misdemeanor cases: drunk driving, assault and battery. Every Saturday night the Slavic community – the Serbs and the Croats – the kids would get into it. So every Monday morning I would have the kids that got picked up for beating each other up. And that's in the days before the Serb-Croatian war; I guess they were . . . had their own in San Pedro.

Paul Turner: Now, at some point did you apply to be elevated?

Elizabeth Baron: Yeah.

Paul Turner: And how did you do that? How do you . . . . How did you apply to be a superior court judge, when you already are a municipal court judge?

Elizabeth Baron: I think it's pretty much the same thing. You get a Personal Data Questionnaire, you fill it out, you send it to the Governor's Office with a cover letter of "I would like to be considered for elevation to the superior court."

Paul Turner: And would . . . . And I trust that also your name eventually would be sent to the Commission on Judicial Nominee Evaluations.

Elizabeth Baron: Right.

Paul Turner: Which is . . . .

Elizabeth Baron: And then if you get through that, then you get to meet the Appointments Secretary.

Paul Turner: Now, you . . . . So at some point . . . . Do you remember when you applied?

Elizabeth Baron: Uh uh. I was a muni court judge for two years, so somewhere in there. Probably . . . .

Paul Turner: '91? 1:32:01

Elizabeth Baron: Probably when I got locked out of the trailer!

Paul Turner: Now, so you . . . . When you were appointed . . . . So you applied. Were you interviewed, before you were appointed, by the appointments secretary?

Elizabeth Baron: Yeah. This time I got to go to Sacramento and was interviewed by Chuck Deukmejian.

Paul Turner: Chuck who?

Elizabeth Baron: Chuck Poochigian. And the first question he said is, "Did Terry Flanigan make you become a Republican?" And I said, "You're damned right he did!"

Paul Turner: Do you know how long you all talked?

Elizabeth Baron: Oh, we talked for . . . we probably talked a couple of hours.

Paul Turner: And . . . .

Elizabeth Baron: Maybe not that long.

Paul Turner: And when you . . . . Let me ask you this. When you got appointed by Governor Deukmejian, how did you find out you'd been appointed? Did the appointments secretary call you?

Elizabeth Baron: Well, yeah. The first . . . . Terry called me the first time. And he had called me once before, in between my appointment to . . . . He was calling to ask me about somebody else. And when I heard his voice on the phone, it was like *[prolonged intake of breath]*. And then he was talking to me about somebody else, and it was like, "Terry, don't you ever call me again," you know. "I practically had a heart attack hearing your voice on the other end of the phone." And I said, "Unless you're getting me an appointment."

Okay, so the next time, was that Chuck? Yeah. I never spoke to a Governor. I never . . . . I mean, I knew Governor Deukmejian because I was in his office, but I was also very shy, believe it or not, so I had never even gone up to him and shaken his hand at any of their little company parties. I never met Pete Wilson, so . . . . I never met the Governors. I think Chuck called.

Paul Turner: Tell us about where you served as a superior court judge.

Elizabeth Baron: Back to Compton. Spent my whole time in Compton.

Paul Turner: How about night court?

Elizabeth Baron: No, I did night court as a commissioner. 1:34:00

Paul Turner: Okay. And so you're assigned to Compton. What do . . . . Tell us what your assignments are in Compton.

Elizabeth Baron: Same thing. Felony trials: murder, rape, robbery, and guys who drop little rocks of cocaine. Special circumstances cases. Death penalty.

Paul Turner: Now, you became the supervising judge there; is that correct?

Elizabeth Baron: Nobody else wanted it, so I . . . .

Paul Turner: Was does a supervising judge in Los Angeles Superior Court do?

Elizabeth Baron: Well, in Compton you ran the master calendar. You did all the law and motion. You did civil cases. If, you know, you didn't have any open, *you* did the civil cases. When anybody got sick, you ran up to their courtroom and you handled their calendar for them. You didn't do much assignment of cases, necessarily; we were a direct calendar, so everybody had their own calendars. But when it was a last-day case, then you had to find a home for it, so you worked between other courthouses. I worked mostly with Steve O'Neil. He was the supervising judge in Torrance, and so he and I would be on the phone every day trading cases back and forth. Unfortunately, he passed away, too: another great jurist who died a few years ago.

Paul Turner: And his spouse, when he passed away, was . . . .

Elizabeth Baron: Was Patti Kitching, who is on the Court of Appeal.

Paul Turner: Now, at some point you decided you wanted to be on the Court of Appeal. Do you remember when that was?

Elizabeth Baron: I wanted to be downtown L.A., Paul. My friends were downtown. Downtown is where things were happening. I was trying major felony cases – death penalty cases in Compton. But I was all alone out there. Nobody wanted to talk about law in Compton. I mean, I'd get real excited; I'd have some wonderful issue, and at lunchtime we'd all . . . . You couldn't go out to lunch, because you'd get shot in Compton. I mean, bullets came through your courtroom windows in Compton. So we had lunch in a second-floor room that had . . . was all boarded up. And so we'd go to lunch and, I mean, I'd have some incredibly interesting issue that I would want to talk about with my colleagues, and they wanted to talk about who won the Lakers game, or the 'SC/UCLA rivalry, or . . . . And it was lonely. It was very lonely. So I wanted to be back downtown where I knew the judges, we'd been in the A.G.'s Office together, or I'd been down there as a commissioner. You were down there. Good friends were down there. Lawyers that I liked were down there. And I tried to get Bob 1:36:46

Mallano, who is now on the Court of Appeal, and he was the Presiding Judge of the Superior Court. I just begged and pleaded with him: "Put me down in CCB." That's all I ever wanted is to be a superior court judge in the Criminal Courts Building.

Paul Turner: In defense of Judge Mallano, he has made it clear to me, on a number of occasions, he absolutely, categorically needed you in Compton.

Elizabeth Baron: Yeah, that's what he said.

Paul Turner: Well . . . .

Elizabeth Baron: I guess if they could get nobody . . . .

Paul Turner: He swears it's true.

Elizabeth Baron: Yeah, right.

Paul Turner: Okay.

Elizabeth Baron: And so since I couldn't get downtown to CCB, I decided that, well, I'll apply for the Court of Appeal because that's downtown. And I also had been assigned to your court – your Court of Appeal – and did a case for you there.

Paul Turner: Who was Joe Hunt?

Elizabeth Baron: Joe Hunt was the defendant in the Billionaire Boys Club case, which is the appeal that I did for you.

Paul Turner: And tell us about how you sit . . . . You sat by assignment, is that correct?

Elizabeth Baron: Yeah.

Paul Turner: And, did you sit on any other cases by assignment?

Elizabeth Baron: I don't think so. I think I was up there just for that one case.

Paul Turner: And . . . .

Elizabeth Baron: I can't recall anything else.

Paul Turner: What . . . . Just give us your assessment of the Joe Hunt case or the . . . whether it would be the facts, or whether it would be the legal issues, or . . .

Elizabeth Baron: Oh, my God.

Paul Turner: . . . whatever. 1:38:01

Elizabeth Baron: First, there were 1,800 pages of briefs. I think that's why you disqualified yourself, Paul Turner. You're no fool. There were so many transcripts that I had to put them on the floor of the chambers. I had to lay them out on the floor so I could get to the transcripts. I mean, you can imagine – if there's 1,800 pages of briefs in the appeal and the writ – how many pages of transcripts and clerk's transcripts there were. I think there were over 30,000 pages. And I was writing this thing, so I had to read all of that stuff.

So that was the first thing. The second thing is Joe Hunt . . . . The body – the man he killed, Mr. Levin – his body had never been found. So it was a totally circumstantial, no-body case that came up on appeal.

Third, the judge. Judge Laurence Rittenband, who is now deceased, had to have been . . . . Well, I did hear one lawyer say something good about him once. She said she knew exactly where she stood in his court: that she was going to lose. And so that was clear, and so there were never any problems. This man did things in his courtroom that were so shocking that I would . . . and every one of the issues was brought up. Comments to the jury. Berating the defense lawyer. I mean, taking over questioning. Just unbelievable things. And so every issue I would deal with, it was like, "Oh, my God; this is just terrible what this judge did!" But the bottom line is that the evidence of his guilt was so strong that did the judge's behavior outweigh the facts of the case and the strength of the evidence against Joe Hunt? But I could have turned it on its head at any one of the issues, and I think there had to have been 30 issues or something in the case – each one having to do with the judge's conduct. And so what I would do is I would write up an issue, and I would take it to the other two justices. And I would say . . . .

Paul Turner: Who were the other two justices?

Elizabeth Baron: Orville Armstrong – Jack Armstrong – and Ramona Godoy Perez, who passed away a few years ago. So I would take it to them and I would say, "Okay, read this; read this one. And if you want me to switch it, I flip it, and this case gets reversed." And they would come back and they would say, "No, no, it's fine, Liz, it's fine, Liz," and at that time I didn't realize that the overwhelming caseload that you all were dealing with . . . . 'Cause they really didn't have time to pay attention to really what was going on. And . . . . But then there was one after another after another, and it was very, very difficult except that Joe Hunt was very, very guilty and had killed this man.

And so . . . . But I . . . . Honestly, Paul, I could have reversed it and he would have gotten a new trial in which he would have represented himself, because he had two other murders that he represented himself after he was convicted of this one, 1:42:01

and was acquitted. He was a far better lawyer than most lawyers. He was a very, very smart young man. He had . . . was involved in commodities trading and was scamming people and that's how he ended up killing this one particular man.

But . . . . So I waited for oral argument, because that was going to be the key. And I really expected to have the appellate lawyer come in and talk about justice, to talk about what fairness is, and what are we all doing in a system in which a judge can behave like that. And what I got was a lawyer who came in and just repeated the facts of the case that I had already read. It made . . . .

Paul Turner: Facts in a case where there was overwhelming proof of guilt.

Elizabeth Baron: Yeah. He could have argued otherwise.

Paul Turner: That's my . . . yeah.

Elizabeth Baron: And he did in his briefs. And he came in and he repeated all of that – everything that was in his briefs he repeated to me. And what I really wanted to hear was an impassioned argument about the meaning of justice in our courts. And if he had given us that – if Jack had heard it, if Ramona had heard it – I may have given that man a new trial. As it was, I granted an evidentiary hearing on many of the issues that were raised in the writ and made a request – I think through you – that it not go back in front of Rittenband. That it get . . . . Just go to the master calendar and get sent out under a normal rotation. 'Cause, you know, you can also affect the outcome by what judge handles the case, 'cause you kind of get to know their particular, you know, ways of handling a court. And so you could send it one judge and you know they'd just roll over for it. And you could send it to another judge that's really going to analyze it and not be afraid to make a decision and reverse a conviction, if it had to be. It ended up with Steve Czuleger, who later became the presiding judge of the superior court.

Paul Turner: Before we get back to your application for appointment to the Court of Appeal, let's talk about Bernard Witkin. First of all, who is Bernard Witkin?

Elizabeth Baron: Okay. Let's take a break and then we'll talk about Bernard Witkin.

Paul Turner: Sure.

Elizabeth Baron: Okay.

David Knight: And any time you'd like to continue.

Paul Turner: All right. Now, we were going to talk about Bernard Witkin . . . 1:45:00

Elizabeth Baron: Oh, yeah.

Paul Turner: . . . before we get back to your application to the Court of Appeal. And I wonder if you'd tell us, who is Bernard Witkin?

Elizabeth Baron: Bernard Witkin wrote California law.

Paul Turner: And tell us about that.

Elizabeth Baron: When Bernie was a law student – I think he went to Hastings, didn't he? He didn't go to Hastings. Boalt Hall, of course. Boalt Hall, because that's in . . . that's where the judges' college is now. He wrote all these outlines, like those Gilbert's Outlines I was talking about. He wrote all these outlines for himself while he was in law school, and some of his classmates saw them, and he ended up selling his notes – his outlines – on his classes. And instead of becoming . . . well, he became a lawyer; he became a research attorney on the Supreme Court. But he began these books on California law called *Summary of California Law, Summary of California Procedure, Evidence, Criminal Law, Criminal Procedure*. There wasn't any area of California law that this man didn't write the treatise on. And it became the definitive source for finding California law.

For example, when I became a muni court judge and I had to do small claims cases, I didn't know any civil law. I had been a criminal prosecutor. I didn't know anything about all the various kinds of cases that would come up before a small claims judge. And I had Witkin in my chambers. And so there wasn't a question that arose that I couldn't find the answer in Bernie Witkin's books. Amazing genius of a man.

Paul Turner: Now, at one point you and Arthur Gilbert interviewed him; is that correct?

Elizabeth Baron: Yes, we did.

Paul Turner: Now, tell us about that interview.

Elizabeth Baron: Well, first, the Executive Director of the California Judges Association . . . which, I wanted to do this for CJA. I was the chair of the annual meeting or involved in some way. I wanted to do an interview with Bernie Witkin for the judges. And I was told by everybody who knew Bernie that he does not do interviews. But I called him anyway, introduced myself, and said that I wanted to do a videotaped interview with him for the California Judges Association. And he said, "You only want to . . . . " He was 89 years old at the time. And he said, "You only want to do that 'cause you think I'm going to die." And I said, "I *know* you're going to die, and we've got to get you on tape before you die. You're 89 years old. How much longer are we going to wait to do this?" I mean, I don't know 1:47:47

whether I could have said it to his face, but on the telephone it was easy. And he said, "Well, all right. That's very persuasive." So he said, "Do I get to choose the interviewers?" And I said, "Yes, there'll be three, and you can choose two, because I'm going to be one of them. I wouldn't miss this for the world." So Art Gilbert and I and I can't remember the name of the other justice – do you?

Paul Turner: No.

Elizabeth Baron: I was a superior court judge at the time, and . . . . But anyway, we met over dinner and discussed the various questions. And Bernie wanted the questions in advance. So we said okay. I mean, he's . . . .

Paul Turner: The Ayatollah Khomeini . . .

Elizabeth Baron: He's the guru!

Paul Turner: . . . *and* Bernard Witkin both wanted the questions in advance.

Elizabeth Baron: Yes. Well, he . . . we devised our questions and we sent them up to Bernie. And when we came to shoot the interview, we each had our questions that . . . broken up, that we were going to ask. And . . . what are you doing?

Paul Turner: Getting a picture of me and the videographer.

Elizabeth Baron: Good! So then we start . . . the tape starts rolling. But before that happens, he's telling every standup comic joke that you can believe and has everybody in hysterics except me because I'm a nervous wreck; I had put this thing together, and I want them to stop laughing and telling jokes! I want to do this interview. So we start off, and I'm the first one who asks a question, and I ask my first question, and he says to me, "That's *not* the first question, young lady! The first question . . . ."

Paul Turner: Did he call you "young lady"?

Elizabeth Baron: Of course. And the first question is . . . . And he has a stack of answers this thick, you know, and never once did he look at it. It sat on his lap, and he went through three hours of interviews, and I now know what that's like after sitting here with you for an hour and a half. It's not easy. He was incredible, that man. We boiled it down to a 35-minute tape.

Paul Turner: There's a tape that was made that's 35 minutes.

Elizabeth Baron: Yeah, yeah.

Paul Turner: And no doubt it's available now on DVD. 1:50:10

Elizabeth Baron: I think it's still on VHS.

Paul Turner: All right. But could be turned into DVD.

Elizabeth Baron: Right. We could give it . . . . we could give a copy to David, and David will take it back to the AOC and the AOC will make it into a DVD, right, David? He's nodding his head yes.

Paul Turner: But the problem is that there was . . . the 35-minute tape is not the interview. There is another interview . . .

Elizabeth Baron: There is . . . .

Paul Turner: . . . which is the things that ended up, as they say in show business . . .

Elizabeth Baron: On the cutting room . . . .

Paul Turner: . . . on the cutting room floor.

Elizabeth Baron: Yeah. And I did the editing. There was a box, a carton, filled with tapes – about three hours' worth of tapes of Bernie. And I had that in . . . I had it in my attic, I had it in my closet, I had that box traveling around with me for all these years. And I finally delivered the box to Stan Bissey, who is the Executive Director of CJA. So it should be in their hands. I have, of course, a couple of copies of the 35-minute . . . .

Paul Turner: Do you think there's things that are . . . that you did not include in the 35 minutes that perhaps people who want to look at the life of Bernard Witkin would probably want to see?

Elizabeth Baron: Oh, I think everything he had to say was very, very important.

Paul Turner: Okay.

Elizabeth Baron: I mean, I think it's an incredible interview, just . . . . I mean, the man was a genius. And he was funny; he'd tell these jokes. But here's what I loved about him: When I went to his house, of course he had all these books. Oh, oh, and the way . . . oh, the way he organized things. But on his bookshelf was the complete *Oz* series. Everybody's only heard of the *Wizard of Oz* except me; when I was kid, I read every one of 'em. I think there's 13, 14 books in the *Wizard of Oz* series. And he had every one of them. And it was like, "I'm going to love this man." But he still has these things; he's 89 years old and he's got the *Oz* books. But you should have seen how he organized. He didn't use a computer; he used a Royal typewriter that was already 50 years old. Anybody looking at this . . . . Probably people now don't even know what a Royal typewriter is. But he used a Royal typewriter and he used shoeboxes, and he had shelves in his office, and all of his materials were in shoeboxes, and each one was labeled for what area of the law it 1:52:35

was. And as the cases came down from the Courts of Appeal and the Supreme Court, he would gather them and they would go into their little slots. And then when he was ready to sit down writing, everything was organized. Incredible.

Paul Turner: Okay, now, we're still on . . . .

Elizabeth Baron: He had a nice wife, too. Very, very smart wife. I wrote a profile of her. Look it up in one of the CJA journals. Neat lady.

Paul Turner: And what . . . and also very rich people because of the financial success . . .

Elizabeth Baron: Ah, yes.

Paul Turner: . . . that was richly deserved for the work he's done.

Elizabeth Baron: And they gave it away. Alba Witkin – that's Bernie's wife – she took charge of giving the money away. When I went up to interview her a few years later, I mean, I . . . she showed me the lists of all the groups that they gave money to. I mean, incredibly generous. Incredibly wonderful people.

Paul Turner: All right, let's go back from Bernard Witkin, back to Compton. You decide . . .

Elizabeth Baron: Oh, that's a big jump.

Paul Turner: . . . you want to be on the Court of Appeal, right?

Elizabeth Baron: No, I want to be in downtown L.A.

Paul Turner: Oh, you want to be in downtown L.A.

Elizabeth Baron: So I put in for the . . . .

Paul Turner: So you figure the only way to get there is to get on the Court of Appeals.

Elizabeth Baron: Well, and Donald Gates . . . . I read in the *Daily Journal* – our local legal newspaper – that Donald Gates was retiring. And Donald Gates was in the same division with Roger Boren. And as I've said, I tried cases with Roger Boren and I just thought the sun rose and set with the man. And it was like, "Oh, I'll put in, and maybe, just maybe, I could get appointed and serve with Roger again." That would have been the *pièce de résistance* for me, is to serve with Roger again. And somebody got it ahead of me – Zelinsky, maybe?

Paul Turner: Zebrowski?

Elizabeth Baron: Zebrowski, that's a good name. Zelinsky is a horse trader I'm trying to reach. 1:54:36

Paul Turner: But you're . . . .

Elizabeth Baron: But so I ended up in Division Four, with . . . .

Paul Turner: You applied . . . . Now, tell us about the . . . how one applied to get on the California Court of Appeal.

Elizabeth Baron: Same way. Exactly the same way. You fill out that Personal Data Questionnaire and you mail it off with a cover letter saying that you would like to be considered for elevation to the Court of Appeal.

Paul Turner: And . . . .

Elizabeth Baron: And you go through that same JNE process. I mean, has . . . have other people explained that JNE process?

Paul Turner: Yes, but why don't you tell us what . . . . Give us your assessment of it.

Elizabeth Baron: I think that . . . . I don't know whether they do it in other states, and I understand that they have elections in other states, where people campaign like they're, you know, running for the Senate or the presidency or their state legislators. The State Bar has a committee across the state of people who serve to evaluate anybody who puts their name in to be a judge in the state of California. And they do a thorough examination of you. They look into your background, your history. You're required to put down 10 cases that you think are the most important cases, and put down your opposing counsel. Well, right there, just imagine: if you . . . your most important case, that you didn't get along with opposing counsel, opposing counsel is going to hear from the State Bar and want to know about you. So you better have been professional and gotten along with your opposing counsel. They're going to ask you to give them the names of, what, 75 people? A lot of people. You have to give them the names and addresses and phone numbers, and they're going to send questionnaires to all of those people. They're going to send out questionnaires at random to the judges in your county. They're going to send out questionnaires at random to lawyers who practice in your field, so if you're a criminal lawyer, then public defenders and D.A.s, they're all going to get a copy of the questionnaire. And the questionnaire is going to ask about your work habits and your temperament, your legal skills, your writing abilities, your biases and prejudices. That questionnaire is going to cover in detail your life. And whether you're applying for the municipal court, the superior court, or the Court of Appeal, or the Supreme Court, that's the process. And so for you to get through that process and get appointed, you have been thoroughly screened. And 1:57:30

Paul Turner: So you applied, your name was sent to the JNE Commission.

Elizabeth Baron: Right.

Paul Turner: And then what happened? You had your . . . .

Elizabeth Baron: You get your interview.

Paul Turner: Okay. And do you remember who your commissioners were?

Elizabeth Baron: Uh uh. You'd think you'd remember. Do you know who they were?

Paul Turner: No.

Elizabeth Baron: Well, you've done all this research.

Paul Turner: I'll find out.

Elizabeth Baron: Okay.

Paul Turner: I'll get back to you.

Elizabeth Baron: Okay.

Paul Turner: I have your dossier on file.

Elizabeth Baron: Well, you know all I remember from that interview is . . . .

Paul Turner: What?

Elizabeth Baron: The only negative I got was that I had banned the deputy sheriffs, the bailiffs, from using – the bailiffs and the district attorneys from using – the judges' elevators. And so I was an elitist. And that was the negative. So I had to explain that in Compton, the way the courts were set up, there's only two courtrooms on each side of the building, with a judge's elevator between each two courtrooms. And the public defenders would come in through the outside, to the public elevators, through the outside door into the courtroom. The D.A.s were coming up through the judges' elevators. And so they're walking into the courtroom through the very same door that the judge is coming in. And what do you think the people out there in the audience, watching their sons and daughters being tried for crimes, think when they see the district attorney coming out the same door that just a few minutes later the judge walks out? I thought that that gave such an appearance of impropriety that it had to stop. And of course the D.A.s were . . . .

Paul Turner: Well, isn't it just improper that you're giving a special benefit to one side in a criminal litigation – the prosecutor – but you're not giving it to a deputy public defender . . . 1:59:26

Elizabeth Baron: Well, you know . . . .

Paul Turner: . . . on the other side?

Elizabeth Baron: The deputy . . . . If the public defenders had used it, too, that would have been fine. But they didn't. And why they didn't, I don't know. This had been going on for a long time before I came to Compton. And the bailiffs were using the judges' elevators, which was fine, but we're in a courthouse where people are afraid to come and do their jury duty. Lawyers from downtown are afraid to come out to Compton because it's such a violent place. I mean, I drove into the parking lot one morning and there was a dead body laying there and there was blood everywhere. The guy had been shot to death in our own parking lot. I had bullet holes through my jury room, and I was on the 10th floor – high-powered rifle shots that went through my jury room. People were afraid; people got beat up on our elevators. And our bailiffs are using the judges' elevators? I thought they belonged out on the public elevators as added protection to everybody using those elevators. I didn't think they ought to be alone out there. So that's how I explained it to the Court of Appeal, and I think they . . . to the JNE, and I think they bought it, because I made it to the Court of Appeal.

David Knight: I'm going to stop you here and change tape. Now.

Paul Turner: So much for elitism. So you completed your interview, and then what happened?

Elizabeth Baron: Then I sat and waited.

Paul Turner: How long did you wait? Do you remember?

Elizabeth Baron: Nope, I don't.

Paul Turner: Okay, so you're waiting and then what happens?

Elizabeth Baron: I must have gotten a call . . . . Oh, oh, oh, it's a new appointments secretary, John Davies. So I got called up for an interview with him. And he was coming up from San Diego and I was coming from L.A., and we were . . . had a terrible thunderstorm. And so both of our planes were delayed, and I think my appointment was for ten, and I got there at noon, and of course hysterical that, you know, oh, I'm so so delayed, and I didn't have a cell phone to be calling ahead. And you're sitting out on the tarmac forever, not knowing when you're going to get off in this little bucket that you're flying to Sacramento in. But he arrived late, too, so that turned out okay.

But when he flew in, he said, "Oh, it's so late; I'm starving. Do you want to have lunch?" Oh, do I want to have 2:01:40

lunch? With the Governor's . . . . Oh, yeah! Nah, I don't want to go to lunch with him. So we went to lunch, and of course I couldn't eat a thing; I was sure I was going to have spinach salad in my teeth, or, you know, drop bread on my lap or do something, I was so nervous.

Oh, and he wanted to know . . . . Oh God, oh God. He wanted to know if Gary and I – my husband – if we lived together before we got married. That was one of his first questions!

Paul Turner: Well, the Governor lived with his wife before he married her.

Elizabeth Baron: Well, that's what *I* said! I said to him, I said, "Did the Governor live with his wife Gail before . . . ." I mean, I didn't know the answer, Paul, but in this day and age I had to assume. And so I said, "Well, did the Governor live with his wife before he got married?" And he said, "Yes." And I said, "Well, how about you? Did you live with your wife before you got married?" And he said, "Yeah." And I said, "Okay, then I did, too."

You know, if you . . . . I think my success was trying to keep a sense of humor in these interviews and not take myself too seriously. I think that's a problem for judges, is we take ourselves too seriously. We do serious work, but we don't have to take ourselves seriously.

Paul Turner: Did the entire interview . . . . Did the interview occur, where . . . .

Elizabeth Baron: The Hall . . . .

Paul Turner: In the basement of . . .

Elizabeth Baron: No!

Paul Turner: . . . the Capitol, or . . . .

Elizabeth Baron: In that nice restaurant near the Capitol . . .

Paul Turner: The Hyatt?

Elizabeth Baron: . . . where only Republicans are allowed in. That one. The Hyatt.

Paul Turner: The Hyatt. The Hyatt.

Elizabeth Baron: Yeah. Yeah, you're a Republican; you know that.

Paul Turner: No, no, they allow Democrats in there now.

Elizabeth Baron: Do they? 2:03:16

Paul Turner: They try to avoid it.

Elizabeth Baron: Yeah.

Paul Turner: But now, they . . . . So you had lunch there, and did you ever get over to his office, and the Governor's Office?

Elizabeth Baron: Maybe.

Paul Turner: All right.

Elizabeth Baron: Maybe.

Paul Turner: To say goodbye.

Elizabeth Baron: Yeah, yeah. I think my car was somewhere close to there.

Paul Turner: Now . . . .

Elizabeth Baron: My rental car.

Paul Turner: We've used the term "appointments secretary" here.

Elizabeth Baron: Yeah, yeah.

Paul Turner: Is it fair to say that there was a change in the structure of judicial appointments that . . . from when Marvin Baxter was the appointments secretary to when, for example, John Davies was the judicial appointments secretary?

Elizabeth Baron: I don't know.

Paul Turner: Okay.

Elizabeth Baron: I don't know.

Paul Turner: Okay, so you . . . so then you go back to Compton.

Elizabeth Baron: And then I went back to Compton.

Paul Turner: Just waiting.

Elizabeth Baron: Just waiting.

Paul Turner: Did you feel you had gotten the job?

Elizabeth Baron: No. It's like I was sure I failed every exam in law school, I was sure I failed the Bar. Of *course*, I . . . . Who in their right mind would appoint me to the Court of Appeal? I mean, that was . . . that just wasn't in the cards. I really didn't 2:04:18

Paul Turner: Well, what . . . is it that you didn't have an undergraduate degree? You thought that that would ace you out? You had been a model, or something like that?

Elizabeth Baron: Mm hmm. Yeah. All those things.

Paul Turner: Pete Wilson obviously didn't see it that way, did he?

Elizabeth Baron: I never got to ask him about it, but obviously not, since I got . . . .

Paul Turner: Did you ever meet Pete Wilson?

Elizabeth Baron: I met him many years later. There was a dinner for him, and I was one of the speakers at the dinner. And it happened to be my birthday, and I have a picture of us all together – he and his wife, and Gary and I – and it says, "Happy Birthday, Liz."

Paul Turner: Now . . . .

Elizabeth Baron: Gary wanted me to frame it! He said, "Why do you have that card up there? Why isn't that in a frame?" And I said, "Because if you open it, it says 'Happy Birthday from Pete.' You think . . . . If I frame it then I won't be able to see that Pete Wilson wished me a happy birthday."

Paul Turner: You get to the Court of Appeal.

Elizabeth Baron: Mm hmm.

Paul Turner: How many years were on the Court of Appeal?

Elizabeth Baron: Two.

Paul Turner: And you had a disability retirement . . .

Elizabeth Baron: Right.

Paul Turner: . . . because of a bad back.

Elizabeth Baron: Right.

Paul Turner: Do you think you were treated fairly by the Commission on Judicial Performance and by the Judicial Retirement System?

Elizabeth Baron: Absolutely.

Paul Turner: Okay.

Elizabeth Baron: Absolutely. In fact, I had heard such bad things about the Commission on Judicial Performance – everybody is scared to death of them – that I hired a lawyer to hand over my papers. And I wasted a lot of money. I mean, I think I paid 2:05:36

him two or three thousand dollars, and that was such a waste. Such a waste. I mean, all I had to do was put them in an envelope – just like I put my PDQ in to the Governor's Office – put my documents into an envelope and mail it to the CJP, and it would have been the same outcome.

Paul Turner: Regret having to have to leave?

Elizabeth Baron: Oh, I grieved, Paul. I couldn't have grieved more than if a dearest friend had died.

Paul Turner: Now, we began all of this by asking you what you're doing now. And one thing is apparently you go to prison.

Elizabeth Baron: I go to prison.

Paul Turner: Tell us what that . . . .

Elizabeth Baron: Two or three times a month, I go to prison.

Paul Turner: Now, you've been doing that for a long time.

Elizabeth Baron: I've been doing it for 10 years now.

Paul Turner: Tell us what kind of hearings you conduct in prison.

Elizabeth Baron: Mental health hearings, surprise, surprise. Inmates in prison who suffer from mental illnesses who, as a result, become a danger to themselves or a danger to others or gravely disabled – they're so mentally ill that they can't even use the food, shelter, and clothing which we taxpayers happily provide to them while they're incarcerated. They are so sick. But they refuse to take antipsychotic medications to relieve their symptoms. And if that happens, and they harm somebody, or they try to kill themselves, or they are living in such filth, or losing 20, 30 pounds in two months' time, the Department of Corrections files a petition that goes to the Office of Administrative Hearings asking for a hearing to determine whether all those factors are true. Is the inmate mentally ill? If so, is he a danger to himself or others? Or gravely disabled? And if so, is he refusing medication? That's the allegations of the petition. And I serve as an administrative law judge pro tem, and I go out to the prisons, and I preside over the hearings.

Paul Turner: You say you go to the prisons. Could you tell us what prisons you normally . . .

Elizabeth Baron: Well, I go to . . . .

Paul Turner: . . . hang out at? 2:07:44

Elizabeth Baron: Right here in my local community, I go to Atascadero State Hospital and I go to the California Men's Colony in San Luis Obispo. I get . . . go to the Salinas Valley State Prison, which we call Soledad because it's in Soledad. I go to California State Prison in Corcoran, which we call Corcoran because it's in Corcoran. Wasco State Prison, Kern State Prison, North Kern State Prison, Tehachapi State Prison, the women's prison in Chowchilla, the women's prison in Los Angeles, the men's prison – CIM – in L.A., Chino area. I've done San Quentin and Fulton and Vacaville.

Paul Turner: Now, how often do you do this?

Elizabeth Baron: Well, I do it two or three times a month.

Paul Turner: And . . . .

Elizabeth Baron: Down to probably about two times a month now. I'm happy if I can get three a month. But a lot of . . . . I'm the only real judge that does this. Everybody else are lawyers who serve pro tem. And times got hard for lawyers during this recession, so a lot of them put in . . . . So we have more judges than we had before So I cut out the whole northern route; that was really . . . it was really hard on me to make that long drive, and I'd have to stay in hotels. The beds are bad, and my back is still . . . never going to be good. So, anyway, that's what I do in prisons. And my dog Riley, who is my service dog, goes to prison, too. So when I get there, nobody says, "Hi, Judge." They all say, "Hi, Riley." He's known in every prison in California. And here's the really cute thing, is that the guards say every time Riley goes to prison, all the toilets flush, 'cause all the inmates think he's a drug dog. So they dump all their drugs down the toilet! We have had some actual . . . . That's one of the things inmates do, by the way, to express their dissatisfaction with the system is to plug up their toilets, which floods whole tier blocks and whole cell blocks, and . . . .

Paul Turner: And . . . .

Elizabeth Baron: And they're very important hearings. It saves lives. It saves inmates' lives, it saves civilian workers' lives, it saves guards' lives. These people are very, very sick.

Paul Turner: And when you . . . .

Elizabeth Baron: And by the way, Charlie Manson has never been in front of me.

Paul Turner: Now, when you do this . . . .

Elizabeth Baron: He just gets to watch his television. 2:10:08

Paul Turner: Do you . . . . When you have these hearings, you make a decision as to whether the inmate will benefit from antipsychotic drugs, is that right?

Elizabeth Baron: Correct. Whether all those factors are true, and if so, are psychotropic medications the most appropriate way of treating the inmate.

Paul Turner: And sometimes, when you get there, does it look like the answer is "no"? Or is it generally "yes"?

Elizabeth Baron: Most of the time the answer is "yes," but I've denied a lot of the petitions. I mean, sometimes the inmates have just been lying about their mental health system because it knows . . . it gets them out of the cell block – gets them into a hospital. Sometimes they feel they have medical problems that aren't being appropriately treated, so if they say, you know, "I want to kill myself," they're going to go right straight to a hospital bed. We're not going to take any chances with somebody that says, "I want to kill myself." So it may be the truth or it may not. So when I'm evaluating, I'm looking back. Have there ever been any serious attempts? You know, has he cut his wrists, or has she tried to hang herself?

Just last week I did a hearing at CMC in which . . . . A lot of times I'm looking at the inmates. I'm looking at their behavior and the way they speak. And you can tell a lot, because their speech may be racing, their thoughts may be jumbled, their expressions may be very, very depressed, they may be terribly angry – more than the situation calls for. So you're evaluating that, and last week I had a young man that sat there very, very dejected – very depressed. Didn't lift his head up. And he was there on a danger to others, not a danger to himself, although he had a very long serious history of trying to kill himself. But the aggravating factor that got him before me is that he had attacked somebody. And he had a history of mental illness. So I granted the petition and ordered that he could be medicated for a period of 180 days – that's the length of time. And he was taken out by the guards, the next one came in, and the next one came in. We did hearings and then a guard came in and called our testifying psychiatrist out because that young man had just gone and hung himself.

Paul Turner: Now, how long does a typical hearing last?

Elizabeth Baron: Sometimes they submit, and I've read all the documents already and it will take me five minutes to say all the magic words. Sometimes . . . . The average one probably doesn't go longer than 30 minutes.

Paul Turner: What's the longest one that's ever . . . .

Elizabeth Baron: Pro pers. Three hours. Four hours. 2:12:58

Paul Turner: Give us your assessment of the mental health staffing that you've seen in the prison system. And I recognize you've been doing this for such a long period of time, maybe things have changed. Can you just tell us how you come down on all that.

Elizabeth Baron: You know, I was . . . . I had my own personal prejudices about what I was going to say. As I told you, I was not enamored with the ability of psychiatrists to evaluate people's mental problems that cause them to commit such terrible crimes. I didn't think they know. I still don't think that they know anything more than you and I know, Paul. We've seen so much. We really can't evaluate what goes on in a person's life to make them commit crimes unless they're just plain evil, and there's no answer for that. There just is no answer for how people can become like that – total sociopaths. My experience with the two major psychiatrists that testified on behalf of Kenneth Bianchi – that he had a multiple personality – I mean, these men were out to lunch! I mean, they just were charlatans, is what they were.

So I thought that's what I was going to see when I went to the prisons – that who would serve in a prison unless they graduated medical school at the bottom of their class, you know. If they were topnotch doctors they'd be out in Beverly Hills, treating the rich and famous. I was very quickly disabused of that. There are doctors in the prisons that are so dedicated to what they do – are so caring for the inmates. I was amazed at listening to them testifying about their concern for them, about all of the things they tried with them, how much help they're trying to give them. And when they're cross-examined about their knowledge, their experience, their background, their CV, so to speak, they have very, very excellent educations. And so I changed my opinion about them. And I think that as the years have gone by, I'm seeing younger ones. There were some old ones. There . . . . One man . . . . Listen to this. This doctor had been a lawyer for 40 years. He had been a member of the New York bar, the Florida bar, the Connecticut bar, and the Illinois bar. And the California bar. No, no; he hadn't been a member of the California bar. And he retired after 40 years as a lawyer and he got bored and he went to medical school and became a board-certified psychiatrist. And when I met him he was 80 years old, and an absolutely sharp, incredibly caring doctor. Now I see a lot of young ones.

Paul Turner: Do you think . . . . Do they . . . .

Elizabeth Baron: And they're good. And you know why they're there? Because where else are you going to get such fascinating cases where so many mentally ill people of every kind of mental illness you can think of are all congregated in our prisons. So they are getting to do what they love the most. 2:16:34

Paul Turner: So you're . . . . How would you rate the mental health system that's provided . . . that you've seen? Based on what you've seen, how would you rate it for the Department of Corrections?

Elizabeth Baron: I think that they're doing a heck of a good job. Now, the whole medical system of the prisons is in the hands of a receiver by . . . as the result of a federal court judge in San Francisco that says that the inmates aren't getting proper medical care. And I don't see the medical side of it. I go through the hospitals. Some of my hearings are held in the hospitals. I see what's going on. They look like the hospital of any . . . You go down to Good Samaritan and you will see the same kind of activities going on. But there have been lawsuits by inmates . . .

Paul Turner: As I understand it . . . .

Elizabeth Baron: . . . who have not been treated.

Paul Turner: As I understand it, the U.S. Supreme Court on . . . last week, Monday of last week, granted certiorari on the question of the . . .

Elizabeth Baron: Very interesting.

Paul Turner: . . . of the health care system as provided to California prison inmates.

Elizabeth Baron: Well, I'll tell you that since that case was filed, I would go to a prison and I would hear an average of five cases. After the federal judge put the Department of Corrections into receivership, the cases tripled. There were two lawyers for the department that covered the whole state. Now they have half a dozen or more lawyers representing the department. The filings have quadrupled because I guess they're afraid of the federal court case. So they're filing more cases, and filing cases that shouldn't be filed, that are very weak. And I think they're doing it because they want to pass the buck to the judge. But that's what we're here for, you know?

Paul Turner: Okay.

Elizabeth Baron: The buck stops with us, right?

Paul Turner: You . . . .

Elizabeth Baron: I share the same birth date with Harry Truman, so . . . . We were both born on May the 8th.

Paul Turner: Okay.

Elizabeth Baron: For the future, he was a President of the United States. 2:18:43

Paul Turner: That's right. There'll be some people watching this going, "Oh, that guy."

Elizabeth Baron: Yeah, they won't know. Who's that?

Paul Turner: Okay. The second thing you've been doing since you retired is riding.

Elizabeth Baron: Riding horses.

Paul Turner: Horses.

Elizabeth Baron: Yes.

Paul Turner: Tell me about this passion, because it is a . . . truly a passion.

Elizabeth Baron: Well, I'd loved horses since I was a little kid. All those books I read in the New York Public Library, every horse book that was ever written. So by the time I was 11 years old, I think I was an expert on horses. And right about then, we moved to Texas, and my mother was looking for a job, so she gave me a dollar and she dropped me off at a horse rental stable. As it turned out, this stable was not just an old rental stable; it was the home for the professional rodeo riders from Fort Worth. And so I go in to rent a horse and they heard that Yankee accent, and boy, they wanted to have fun with that little Yankee girl. So, yes, they could rent me a horse, and they put me on one of the broncs. Every Sunday was "Rodeo Sunday," and so there were strings of bucking broncs there, and there were the big Brahma bulls in other pens, and . . . . So of course I promptly went flying off the horse and felt very stupid and got back on and got thrown again and got back on and got thrown again and began the history of my back problems. But then they decided that I was okay. They began to feel a little ashamed of themselves. Remember, these are 19-, 20-year-old boys that are rodeo cowboys and I'm an 11-year-old kid.

And so I began my first job there. I started working for them, grooming the horses, exercising them, mucking out stalls. And then I started being the guide and taking other people on trail rides, and taking care of the string of horses. And I got my first horse, and I was in love with them ever since. I had to sell my horses when I was in law school because I was studying.

Paul Turner: And so . . . .

Elizabeth Baron: But then when . . . . my back got so bad. I took a couple of falls, and in the surgery – I had two surgeries – they didn't go well. And I went to the head of neurosurgery at Cedars-Sinai, and he said there was nothing that could be done; no third surgery was going to fix it. He said I couldn't stay 2:21:12

sitting all those hours. And you know how much sitting we do, Paul; I mean, that's all we do, is sit and research and write.

Paul Turner: Now . . . .

Elizabeth Baron: And I said to him, "But does that mean I can never ride horses again?" And it turns out that he was a horseman, and he said, "Go get yourself a gaited horse." And a gaited horse is a horse that doesn't bounce you up and down. A gaited horse is a nice, smooth . . . . So I went out and I bought two Tennessee Walking Horses – one for Gary and one for me. First I got myself exercised a lot that first year. Walked up mountains, fell down mountains because my left leg gives out. Got myself a walking stick, got myself strong again, got the horses. And now I have these horses that you could ride and hold a glass of champagne and not – on a tray – and not spill your champagne. I have done this. Usually it's not on a tray, but we do take along a little wine and snacks with us when we go up into the mountains. And I don't go galloping around the mountains. Those horses just . . . . Get on them and they take, really, they take me to the tops of mountains, around lakes, on the beach – places that I can't get to.

Paul Turner: Now, the horses now are in the backyard.

Elizabeth Baron: Yeah, they're in their pasture. We think of it a little bit more than just a backyard, but yeah, they're right out back. And it is feeding time, so you're going to get to go feed with me when we're done here.

Paul Turner: God help me. Now the last thing . . . .

Elizabeth Baron: Yeah, I heard you're afraid of horses, aren't you, Paul? You . . . .

Paul Turner: No, no, I . . . .

Elizabeth Baron: Yeah, yeah, yeah, yeah, yeah, yeah.

Paul Turner: I'm Mr. Courage.

Elizabeth Baron: You weren't supposed to go home 'till 2:00 tomorrow, and I was going to get you on a horse and take you down the Salinas River.

Paul Turner: No, I . . . .

Elizabeth Baron: But now you're telling me you're leaving on a 6:00 train?

Paul Turner: No, it's a 6:30 train.

Elizabeth Baron: Oh, yeah. Uh huh. 2:23:02

Paul Turner: Now, the last thing you're doing is writing.

Elizabeth Baron: Writing.

Paul Turner: Okay.

Elizabeth Baron: Right.

Paul Turner: Now, you have the book right here. Why don't you just . . . .

Elizabeth Baron: I do.

Paul Turner: Why don't you hold . . . . Can you hold this book up so . . . .

Elizabeth Baron: Okay, this is . . . .

Paul Turner: What's the name of the book?

Elizabeth Baron: This is one of them, but I don't . . . the camera can't see it, but there's a whole batch of them up there: the *California Civil Practice Business Litigation* volumes. So I wrote those for several years. And this book is the *California Civil Jury Instruction Companion Handbook*.

Paul Turner: Now, nobody else in this state, to my knowledge, writes about jury instructions.

Elizabeth Baron: Oh, I'm . . . . he wants me to hold it up.

Paul Turner: Now, as I understand it, nobody else in California writes . . .

Elizabeth Baron: No.

Paul Turner: . . . about jury instructions.

Elizabeth Baron: Right, no.

Paul Turner: I mean, there's books that have, "These are the instructions." But . . . .

Elizabeth Baron: Right. These are the books that have the instructions over here. Oh, you can't see, but there's *BAJI,* which is the . . . what everybody used before we turned our instructions into plain English, and those are the *CACI* – California's Civil . . . .

Paul Turner: Now, how do you . . . . Do you go through each of the instructions? Or tell us how did . . . how you write the book.

Elizabeth Baron: Well, first, I have to find cases that cover interesting issues, and I have to use instructions that were actually given in a court and verdict forms that were actually given.

Paul Turner: Now, how do you find those? 2:24:21

Elizabeth Baron: So I start with the *Metropolitan News*. And every week they have a trials digest. So I look through the trial digest and I see if there's any cases listed in an area that I want. Like I want insurance cases this week.

Paul Turner: This is the *Metropolitan News-Enterprise* in Los Angeles.

Elizabeth Baron: This is true.

Paul Turner: metnews.com

Elizabeth Baron: Yes. Roger and his wife, . . .

Paul Turner: Jo-Ann.

Elizabeth Baron: . . . Jo-Ann Grace, who have done me a great service with that paper. Anyway, I look to find cases in the chapters. Unfortunately, they don't have the names of the cases; they just will have the nature of the case. It'll be insurance and it'll say what court it was in and it will say what the verdict was, defense or the amount of money. So I have to try and find that case online. And there's a section on Westlaw that has California jury instructions that were given in cases. Somebody for Westlaw goes around to all the courthouses and scans cases into the records. And so you'll have motions that were filed; you'll have jury instructions that were proposed, that were refused, that were given. Not all of them are there, but if I search hard enough, I can find them. So I find the cases, and when I find the cases, then I have to see that the actual instructions are given and the verdict form is there. If it isn't, then I get the case number – 'cause that will be in there – and I'll go to the court's website and I will try to download them from the court's website. And frequently I can do that. I have to pay for it, but I'm well paid to do the book; the royalties are good on this book, so . . . . If it's not . . . . And sometimes it's very, very infuriating because somebody hasn't filed the court's jury instructions in the file where they belong.

Last week, when I was down in L.A. and you and I had lunch, I was there to go over to the courthouse and look for a set of instructions in a case that I felt was really important – I really wanted it in the book. They weren't there. I hadn't been able to get them on the website, and I thought, "Okay, well they just didn't get scanned in." They weren't there. How could jury instructions that were given in a case be not part of the court's file? In that case, I really wanted the case in here. So what I did is against West's rules; they don't want me to do this. But, you know, literary license: you have to do it if it's important and you think you're . . . it will aid your readers. Is . . . . I took the lawyer's proposed instructions – I took the winning lawyer's, since the plaintiff won – I took his instructions that he proposed that *were* on the website, and then I 2:27:17

went through them and decided, "Okay, as a trial judge, which ones would I have allowed in, which ones would I have refused, and how would I have rewritten them if I didn't like the way the lawyer had rewritten them . . . had written them?" And so that's what I did. I just took that case, and I just became trial judge of the week for that one. 'Cause it took me a week to do that case. I mean, considering driving to L.A. – that was, what, 225 miles down and another 225 back, and I did it round-trip in one day and still had time to have lunch with you!

But anyway, that's how I do it. I get the instructions. Then I go through them and I analyze them, and what I don't like about 'em I make a little author's note that "This should . . ." you know, "Note this; this should be changed, and this would be better if it was written that way." I have author's opinions, where I think something could have been better said in another way. I point out the flaws in the cases they were given. What I'm trying to do is, just in a boilerplate negligence case, show that even if it comes out of the official instructions, there are ways to make it better in a particular case, and this is how . . . is a sample of how it could be rewritten. So I do that.

I also, on some of these cases, will contact the lawyers who tried the cases. And there's a . . . . Which is another way of getting cases. There is a magazine that comes out called *Super Lawyers of Los Angeles* or *Super Lawyers of California*? Well, I go through that and I find what lawyers are practicing in a particular area, and I write them a letter and tell them I'm, you know, writing this book – do they have any instructions on any of their cases that they would like to submit for the book? You know, Paul, these people deserve being called super lawyers. They are probably the busiest lawyers in California, getting the biggest verdicts. And they're getting $50 million verdicts. And so you would think they'd be too busy to bother with me. They never fail. They call me, they e-mail, they send me instructions, they give me comments on their instructions, their specials, how did they develop them, what was in their mind when they were developing. I mean, people like Dan Petrocelli and Bruce Broillet. Good people. John Girardi. Not his dad. His dad promised but didn't come through. But I'm going to get him one of these days.

Paul Turner: Do you mean his brother?

Elizabeth Baron: I mean his brother. Anyway, that's how I do it. Then I put it all together. I'm close to hitting the "send" button on my manuscript. I get it all . . . .

Paul Turner: Where do you send them?

Elizabeth Baron: To West.

Paul Turner: And do you have an editor there? 2:30:09

Elizabeth Baron: Yeah. Yeah, I do.

Paul Turner: And who's your editor?

Elizabeth Baron: Kevin Duerinck.

Paul Turner: And where is Kevin?

Elizabeth Baron: In Rochester, New York.

Paul Turner: And is Kevin a practicing . . . obviously a practicing lawyer?

Elizabeth Baron: Yeah, yeah.

Paul Turner: All right.

Elizabeth Baron: Yeah. I don't think he's a practicing California lawyer; I mean he has . . . .

Paul Turner: Now, have you ever, like, the two of you met?

Elizabeth Baron: No, but we're friends by e-mail.

Paul Turner: Okay. So you regularly communicate with him, and you kibitz back and forth.

Elizabeth Baron: Absolutely. I know what's the best Belgian beer and best Belgian chocolates, and he knows where's the best place to ride horses in California, and I know when it's snowing in Rochester, and he knows when I'm whining about the rain in California, and his new grandchild, and yeah. I think we've gotten . . . . We very rarely talk about the book. Today we talked this morning because I was trying to figure out how to paginate when the pages are all going to change when they get back to him, because West is going to add all the resources that you can look to besides the actual jury . . . . Well, you know; you write for them so you know what the process is. So how do I put down the page where the case is? And I have already done all the cases and all the pages, where they appear in the whole book, with the exception of one-half of one section of one chapter. And he told me this morning, "Never mind; we tag it. It'll all be done automatically." So all that work is for nothing!

Paul Turner: You talked about how you get the instructions out of state court. How about federal courts?

Elizabeth Baron: Federal court – sometimes when I go on Westlaw there is a hyperlink to the actual court's docket, and so if there is, then I . . . and if they haven't been scanned into Westlaw's database, then I go over to the docket and I go through the docket and see if the instructions are there, and if they are, then I download them. And I download the plaintiff's and 2:32:05

defendant's *proposed* instructions because they're going to contain the authorities. One of the hardest things I have to do is, I'll have special instructions that are given and I have no way of knowing where the authorities came from. So I have to sit down and do the research. And yesterday I found a case that was . . . 1978 Wyoming case is where they got the language that was in an instruction. It's good language, too.

Paul Turner: We've got to get in line with Wyoming.

Elizabeth Baron: And that's . . . . And then if they're not there . . . . The federal courts have a system called the PACER system.

Paul Turner: Tell us about that.

Elizabeth Baron: I don't know, because I'm sure I'm going to have to pay a lot of money to get on it, and so when they ask me to do a book on federal instructions only, I'll join the PACER system and do it. Right now I don't put a lot of federal court cases in the book 'cause this is a CACI book. But what I do is if it's a . . . .

Paul Turner: And by CACI . . . . CACI refers to . . . .

Elizabeth Baron: It refers to the California . . . the Judicial California . . . California Official Jury Instructions. Civil Jury Instructions, because they have a criminal book, too. But a lot of cases can end up being removed to federal court, and I was not a federal court practitioner other than, you know, when there would be writs and I'd have to go into federal court on a writ of habeas corpus. So I didn't even know that they had different instructions. I didn't know that they had juries of six people over there in federal court in civil cases. I don't know anything about it. And so I figured, if I don't know it, then some other practitioner is going to be in court and all of a sudden find his case removed to federal court and he or she won't know what to do over there. So I decided, okay, I'll throw in a few that would use CACI instructions over in the federal side. And I think I ought to do a federal book, too, but West is thinking about it. 'Cause I think if they decide to do it, they're going to have to do it across the circuits, and just one old . . . California district courts are not going to be enough, so I think they're thinking about it. They've been thinking about it for a year.

Paul Turner: Well, since you retired, you've been writing, riding . . .

Elizabeth Baron: Writing, riding, and . . . .

Paul Turner: . . . going to prison.

Elizabeth Baron: And riding in the car to get to prison. Three-hour drives. Sometimes I will walk out of a prison at 9:00 at night.

Paul Turner: All right. Anything else you think we ought to talk about? 2:34:40

Elizabeth Baron: Well, we're not talking about my love life, so that's good.

Paul Turner: Well, who is this guy Gary?

Elizabeth Baron: Yeah, my husband.

Paul Turner: This "Gary" I see around here.

Elizabeth Baron: Yeah, my husband. He's a wonderful man, and he has to put up with all this stuff: me whining and sniveling in here on the desk, me falling off my horse and coming home with bruises and scabs, and feeding the horses when I'm away at prison. And he likes them, you know – he likes them. It's not a passion. He thinks his Harley makes more sense. He doesn't have to feed it; he just goes out and gets on it and goes for a ride and . . . .

Paul Turner: Gary and I have a lot in common. Thanks so very much, Elizabeth.

Elizabeth Baron: Hey, wait. One more thing, though, Paul.

Paul Turner: Yeah!

Elizabeth Baron: There was a most important question you didn't ask me.

Paul Turner: What was that?

Elizabeth Baron: You didn't ask me if I ever lost a case when I was a deputy attorney general.

Paul Turner: Well, did you ever lose a case as a deputy . . . .

Elizabeth Baron: I . . . . You know what, I won them all except for one. And you know who that opposing lawyer was.

Paul Turner: I have no idea.

Elizabeth Baron: You know what? Isn't that funny? We can remember going to court against each other, we can remember that you won that case, but do you remember the name of the case?

Paul Turner: No.

Elizabeth Baron: Or the issues involved?

Paul Turner: Nada.

Elizabeth Baron: And you didn't ask me anything about all those 375 cases I wrote in my two years on the Court of Appeal – to say 2:36:03

nothing about the writs. And I'm glad you didn't, because I don't remember any of them. And will we have an impact on the law? I don't think so. You know, one likes to think it. When we're writing them, they're the most important thing we're doing – that one case that we're working on right now. And 12 years later, looking back . . . . So don't work so hard, my friend. And on that note we can say goodbye.

Paul Turner: Goodbye.

Duration: 157 minutes
June 21, 2010