Arthur G. Scotland: Welcome to the home of Retired Justice Hugh Arthur Evans, who served on the Court of Appeal, Third Appellate District, for almost 16 years, from 1974 to 1990.

I'm Art Scotland, Presiding Justice of the Court of Appeal, Third Appellate District, and I had the pleasure of actually appearing before Justice Evans when I was an appellate lawyer and then serving with him on the court for a while before he retired. Hugh, it's great to see you.

Hugh Arthur Evans: It's nice to be here, Arthur.

Arthur G. Scotland: Thanks. Hugh, as part of the Judicial Council's Appellate Court Legacy Project, we are recording and compiling a historical account of the life and experiences of retired justices—and also going to seek your insights on how the courts ran in those days and changes in the courts. It's going to be kind of like the old TV show *This Is Your Life*, but you're going to have to tell it.

Hugh Arthur Evans: All right.

Arthur G. Scotland: So, shall we get started?

Hugh Arthur Evans: Let's do it.

Arthur G. Scotland: All right.

David Knight: And in all this, in just a sentence if you could give me your name and spell your last name?

Hugh Arthur Evans: Yes, my name is Hugh Arthur Evans. My last name is spelled E-v-a-n-s. I was born on July 5, 1922, in Ogden, Utah. Is that enough?

[Cross-talk 00:01:28 – 00:01:50]

Arthur G. Scotland: Hugh, you're 84 years old and still going strong.

Hugh Arthur Evans: Still doing everything but run.

Arthur G. Scotland: You got a very interesting and full life and we're looking forward to hearing about it. Let's start at the beginning. When and where were you born?

Hugh Arthur Evans: I was born on July 5, 1922. I missed being a firecracker by about an hour and half, according to my mother. I was in Ogden, Utah, born in Dee Hospital, and lived in Utah for about 10 months. And my family decided to move to California with another family and has been there ever since. I came up here after I retired.

Arthur G. Scotland: What did your father do?

Hugh Arthur Evans: My father was in the wholesale grocery business as he became an adult. I guess I should preface this by saying that he was a very devout Mormon at the time and did a three-year overseas tour: went to England, Scotland, and Wales, and was there when World War I started.

So he stayed and finished his tour in the British Isles. Then came back and went into the wholesale grocery business with his father, and that lasted until he married and came to California. In California he bought a grocery store and a meat market in Hermosa Beach and did that until the Depression hit. We lived there; he had started a cash and carry store and there was a factory not too far from his store.

Folks couldn't pay the bills, and when they couldn't pay the bills, he couldn't pay the bills. So he closed the store and went to work for the MJB Company and ultimately was their assistant manager in Los Angeles.

Arthur G. Scotland: Your mom, did she have an occupation?

Hugh Arthur Evans: Yes, my mother was seven years younger than my father and she was a concert pianist. She'd gone . . . I forget which conservatory, and I'm not even sure that it was Utah, but she went to a conservatory and was there as a young girl, and was there for about three or four years and went back to . . .

She was not from Ogden. She was born in Canada and came down through Idaho, and wound up in Ogden and married my father. And how it happened, I really never was told the story; but they did get together. And she played in Southern California for a number of years until we left there. And she concertized and played with two pianos in a quintet. And they would put on afternoon concerts on the weekend, and we had some very close friends that were doing that at that time. She did that for a long time when we moved to Carmel, and she taught as well as having the opportunity to concertize. She was a fine pianist.

(00:05:00)

Arthur G. Scotland: Did she ever teach you to play? Did you—

Hugh Arthur Evans: Yes. I started when I was about five or six, and I guess I took lessons for close to six or seven years. When we moved to Carmel from Los Angeles it was all the excuse I needed, I think, to not practice anymore; and I'm sorry too.

I still played up until a few years ago. I could read music, but I am afflicted with Dupuytren's syndrome in my hands; and when they close up like this, then as an adult I just wouldn't even look at the piano.

Arthur G. Scotland: Your dad unfortunately passed away somewhat early in life.

Hugh Arthur Evans: He was 42; he died in 1937. When he was in the grocery business in Hermosa Beach he went to Southwestern Law School for at least a year and maybe a little more than that, but it just didn't work out for him.

Two of his brothers were attorneys, and they had both gone to Harvard. In fact, I think all the brothers except my father went to Harvard, two of them to Harvard Law School and one of them to Harvard Medical School. One of the other ones became the administrator of the hospital where I was born. It was quite an Evans project.

Arthur G. Scotland: Do you have many memories of living in Hermosa Beach? Or you were too young?

Hugh Arthur Evans: No, I have quite a few memories of living there. It was a very small town in those days, and my father's store was up from the beach about six blocks or more. I have one specific memory; I don't know why. I think I was in the first grade and I'd come home from school and decided to go down to the beach. And I got involved with some other kids doing something on the beach and didn't look at the sun going down or I didn't have a clock. And I guess my dad and mother got kind of worried and they called the chief of police, who was a friend of theirs, and they got him out looking for me—and by that time I was wandering home.

It was getting dark, and as parents would, they both were delighted to see me; but it didn't prevent me from going into the bathroom with my father and getting his razor strap laid across my bottom, just enough to make me think about it. And I never went off and didn't tell anybody again. But I don't have a lot of other memories except going to the beach.

I had a cousin that lived in Pasadena, and he'd come stay with us, and we'd go down. And I have a friend who's still alive, a lady; her husband died a couple of years ago. And she was 10 days younger than I and our families came to California together. And she used to come and stay and we'd go down on the beach. And it was a great beach in those days—not now.

Arthur G. Scotland: In those days a trek from Pasadena to Hermosa Beach was quite a trip, wasn't it?

Hugh Arthur Evans: It was a long trip. So he'd come over and spend a couple of days. And I know when I'd go up to Pasadena from there, I'd plan on staying with my uncle, who was an attorney, and my cousin and two lady cousins; and it was a nice outing for me.

Arthur G. Scotland: What brought you to Carmel?

Hugh Arthur Evans: Probably my father's health. After his business closed he went to work for the MJB Company, then became the assistant manager for Southern California. And about a year before he died he started having strokes and minor heart attacks.

He was born with what was then called Bright's disease. It was a kidney disease, and at that time there wasn't any real known cure for it. But his health deteriorated and my mother had family in Carmel. Most of her aunts and uncles lived there and lots of her cousins were there; and it was a small town and it was a center for the arts. And we thought if my father went there it would be quiet and more peaceful for him. And it didn't work out; he continued to have strokes and heart attacks and died.

Arthur G. Scotland: So what was Carmel like in those days?

Hugh Arthur Evans: Carmel, when we first . . . Well, I first went up and visited when we lived in Southern California and would stay with my mother's Uncle Mike and his family. And some of his daughters were not a great deal younger than my mother. But we would stay and they'd drag me along to go down to the beach and the sandbars would be exposed. The town was tiny, and about half the streets were sand.

(00:10:06)

When I got into high school, I think the population of Carmel was about 800; I used to say 800 if you counted the cats and dogs, but it was really a small town. Very arty, though, and they had . . . the arts were open to everyone who wanted to take them: music and art, photography. Whatever art intrigued you, you could find in Carmel.

Arthur G. Scotland: As I understand, you mentioned you had a lot of family, and some of the family were actually developing in Carmel. Is that correct?

Hugh Arthur Evans: My mother's uncle, Uncle Michael James Murphy—he was known as M.J., a big burly Irishman. And he owned a lumberyard and a construction company; and I think up until about 1940, he built at least two-thirds of all the houses in Carmel.

You know the bridge down the coast over the Little Sur, where they used to shoot the automobile commercials? He built that. That was done with . . . in the old days with the Fresno Scraper and mules, and they had to build a road to get down there. So it took a long, long time. He was a very interesting man, as I think most of my mother's family were. My father's family were the other kind, but they were very interesting too. They were more into the educational aspects and use your mind and not

your body to make a living. I didn't always take their advice, but—

Arthur G. Scotland: The old Murphy Home, is that still there?

Hugh Arthur Evans: The original Murphy house, the first one that was built, somebody researched it. This was back in about maybe 1982 or 1983. They found it and bought it, and they moved it from its site up to a site at about Lincoln and Sixth, I think; and they brought it up to code, fixed it, painted it. It was just the way it was originally. And that was a single-wall construction; the doors were single walled. And they put docents in and they showed it. And the house is still there, as far as I know; I haven't been down there for . . . Oh, I think about '93 or '94 was the last time I went down.

Arthur G. Scotland: Now, as a young boy you were pretty industrious; you had a number of jobs, is that right?

Hugh Arthur Evans: When we got to Carmel I started working; I was about 14, I think. I first got a job sweeping out the wood mill that my uncle owned at the lumberyard, and that was an evening job. Then I worked in a drugstore on the main street of town. I'd go in there in the evening and clean that. And as I progressed I went to work in grocery stores, and then pretty soon I'd come home from school in the afternoon and do the deliveries; they delivered in those days. I had a pickup truck, and you put the boxes and the bags in the back of the pickup. And it was an interesting time. I had to acquaint myself with the people who lived there and where they were, because you didn't have street addresses, and you didn't always have a name; but if you knew where they were, you could find it.

But it was fun. I did that until, I guess, when I came up to Reid on a continual flying project. I was working in Hallett's grocery store and I did all the buying for him when he was out. And I was paid the handsome sum of $32 a month, and that's about what a full-time clerk with a family would get; wages were very low in those days.

Arthur G. Scotland: Now, when you were living in Carmel and you went to high school, you actually had to go somewhere else for high school.

Hugh Arthur Evans: Monterey—we had Monterey Union High School. It was a union district and it took in all the way down to Big Sur; Carmel Valley, wherever anybody lived; the little town out by what is now Fort Ord; and as far over as the border of Castroville. So all of our students came from there, and Carmel.

Arthur G. Scotland: How did you get to school?

Hugh Arthur Evans: I had a Model A Ford, and if I had enough money to buy gas, I'd drive that over and take a bunch of kids with me. And if I

didn't, I'd go uptown to see if anybody else was driving over. And if not we'd take a bus; and if I missed the bus, you'd stick your thumb out and see if somebody wouldn't stop and pick you up and take you to Monterey.

(00:15:05)

Arthur G. Scotland: Were there very many cars in those days?

Hugh Arthur Evans: Not very many; very few, really. There were . . . we had a car. I had a Model A; but we had a car because of my father's employment in Southern California. He had a panel truck that they supplied, and then they bought a car. But in Carmel we were lucky to have that car, because very few people had cars. Now, trucks my Uncle Mike used to haul building supplies around with were hard rubber tire.

Arthur G. Scotland: How did the Depression affect you?

Hugh Arthur Evans: I think it made me appreciate the value of your earnings, made me a little, probably a little more industrious than I might have been. I didn't expect my family to give me anything; I worked for it. And most of my friends were that way. The only problem with that was, it kept me from participating in a lot of sports activities at school. I did play golf, and I did play tennis. But they came at different hours and I could still get back to Carmel to work.

Arthur G. Scotland: After high school you went on to a junior college, is that right?

Hugh Arthur Evans: I went over to Salinas. I at first told my mother that I wanted—this was in 1940—I wanted to go to Cal Poly in San Luis Obispo, because they had a great flying program and a good aeronautical school. And I'd by that time gotten a bug; in fact, I got it very early. My father took me out to Alhambra when I was—oh, I don't know, six, seven, maybe eight years old—and one of his friends owned an airport. And this fellow had been in England and had flown with the RAF, and I got my first ride in an old Jenny with him. And I loved it.

So that lasted a long time, and that's why I wanted to go to San Luis. But she didn't want me to get that far from home, she had . . . My sister was three years younger and my mother just couldn't cope with a lot of things, having lost her husband. So I decided to go to Salinas Junior College, and I went there for the year '40 and '41. And then in 1941 I took a number of courses involved in flying: meteorology, structures, and a lot of math. And then we had a flying course. I got to fly the Piper Cub, and I got my first pilot's license in about November of 1940.

But then the war came along, and instead of going into a secondary program at Salinas Junior College, the president

advised me to go over to Reno and enroll in UNR, because they had the same program here.

And when I came up I only took the courses that were related to the flying courses. I think I'd had enough of the other stuff at the time; I just decided it was more fun to fly. So I flew up here—I came up in January or February of 1942—and I stayed until I finished the secondary course and I got my limited commercial license.

I went back down to Carmel. I probably would have continued flying commercially; I was ferrying airplanes for a Carmelite who was buying them up on the West Coast. And I'd fly one and he'd fly one, and he'd fly them down to the airports that he owned in Tucson and in Fort Worth, which was quite an exciting deal for a young guy who was only 19 years old.

Arthur G. Scotland: I can imagine. And of course in those days the airplanes were not as sophisticated as they are today, right?

Hugh Arthur Evans: The two airplanes that I recall flying were Luscums. It was an all-metal single engine, side-by-side seater. And that was a pretty good little airplane. We didn't have anything sophisticated like today. This was a tail dragger; you didn't have a tricycle gear. And the fellow I went down with . . . his name was Clampett, by the way, and he and his family at one time owned a hotel down on Eighth and San Antonio. Doesn't make any difference what the name is; my memory seems to flit every now and then.

Arthur G. Scotland: Sure seems sharp to me.

Hugh Arthur Evans: But I flew that two or three times. And while I was doing that, and having a great time, we'd always get a compartment to come back on the train on, and he'd start planning another trip and tell me about it.

(00:20:00)

I got a letter in the mail one day that said "Greetings." I no longer had a college exemption; I'd forgotten about it. So I went out to Mather Air Force Base and signed up to go in the aviation cadet program and be a full-fledged pilot. I probably could have been a service pilot, because I had about 350 hours of flying time and a limited commercial license, and that was good enough to become a copilot on one of the C-47s or DC-3s, whatever you wanted to call them. But I didn't want to do that.

Arthur G. Scotland: Let me take you back a moment, back to the junior college in Salinas. You were working at that time, were you not? What type of work were you doing?

Hugh Arthur Evans: When I was in Salinas I was working in a grocery store, and that's when I would work. My classes, I think, were Monday, Wednesday, and Friday, so I had Tuesday and Thursday off and I would use the library in Carmel to study. By that time I had flown B-17s. I'd been through the entire B-17 engineering school, which took a year. So going back to take basic courses was really kind of not interesting to me. So I took my time off and I just worked in a grocery store, made money, and I built up my bank account and I kept flying with Bob Clampett. And I don't know whether he was related by blood to Bobby Clampett the golfer or not; but they were real estate developers in Carmel, and he was a nice guy.

Arthur G. Scotland: So you joined the Army in 1942, and by that time you'd had a lot of flight experience.

Hugh Arthur Evans: I had. When I first went into the aviation cadet program I went down to Santa Ana and did the pre-flight school. Before you started flying they teach you how to march and how to clean pots and pans and clean your room and make your bed and all the stuff that goes with it. It was pretty good to shape up a young guy, and the old Army system over and over and over again worked. Pretty soon you just did it naturally.

So then I was assigned to King City, which wasn't far from Carmel. It's about 45 miles to Salinas and just 25 miles over to Carmel from there, and I thought that was pretty lucky for me. But we were flying open cockpit Orions. It was a low-wing monoplane, and it was less power than what I'd been flying up here in Reno. I flew the Waco YPF; it was a biplane and it had a 225 horsepower Wright Cyclone. And Orion had a 165 horsepower engine, and you had to cheat with it to do a lot of the aerobatics. And you could do that, but you had to fly for a while to figure it out.

So the instructor asked for people with prior time. And he'd been in college and he'd taken CPT, and he had basically the same amount of time I did; I had a little few more hours than he did. So he said, "I'm going to fly with you first." And we flew and I took it off and landed it, and we went out and did a couple of snap rolls and a loop and found out how underpowered it was. And he said, "Okay, I'm going to turn you loose, and I'll fly with you when you have to take a jet ride." So I flew by myself every day.

Arthur G. Scotland: So were you one of those thrill seekers? You like to do those barrel rolls and that sort of stuff?

Hugh Arthur Evans: Every young guy that goes into flying, unless he gets airsick, wants to do that, I can guarantee you. It was fun when we did it out here out of . . . we flew out of what was called the Reno Sky Ranch on Pyramid Boulevard. I was being introduced to the aerobatics part of it, flying. We were sent out over Pyramid

Lake to do it, and there wasn't a soul that lived out there; there wasn't even a smell of an Indian. They own it and run it now. It's a very profitable operation for them—it's a beautiful lake.

A few years ago, maybe, 20, 30 years ago when I came up here, I was thinking, you know, we used to go there and do all this stuff with the airplanes and you're out there by yourself—what if I had to bail out? It was one heck of a long walk back down to where we were. *[laughing]* I think that every young pilot likes that sort of thing, and sometimes even with a B-17 it was a way to spin off some of the tension and the tightness that came from combat.

(00:25:07)

Arthur G. Scotland: Other than in combat, any close calls when you were doing this sort of flying?

Hugh Arthur Evans: When I was out here at the Pyramid Highway Reno Sky Ranch I ran out early one morning. And there were two things. One didn't involve me—except getting a guy out of an airplane—but the other one did. And I pulled the engine through and I got it all set and turned the switches. And I pulled the prop and it started, and asked somebody to come and pull the chocks for me. And I got in and I hadn't strapped my parachute on; and I was in such a hurry to get off, I didn't do my safety belt, my seat belt.

So I taxied out and took off and headed out from Pyramid Lake all by myself. And the first time I rolled it up like this, I felt myself starting to go out. And youngsters can think things just as much as old folks, I'll guarantee you. And I spread my legs, hit the sides of the cockpit, and hung on to the stick, and I rolled that sucker out as fast as I could. I never forgot to put my seat belt on after that. *[laughing]*

Arthur G. Scotland: I can imagine.

Hugh Arthur Evans: The other one there was, we had some Luscums out there and they had a primary program, and they were used in that. And there was a young fellow—as I recall he was from San Francisco and he was younger than I even, and he was taking the primary course. And he went out about as early as I usually got there, and he was pre-flighting the airplane and he forgot to take the aileron wind locks off. You screw them on where it goes over the aileron in the wing; and they make them flat, and it's tightened on, and you usually take those off first.

He forgot to take them off, and he took off with his Luscum. And a little tip of wind went like this and he wouldn't come back. And he had the presence of mind to throttle it back and not let it climb, and finally just turned the switch off and pulled

the throttle clear off and let the wing hit the sagebrush, and he cartwheeled.

We went driving over there, and the two of us, the owner of the flight school and I, were the only other people there that morning—it was really early. And we got him out and he was only bruised, scared stiff. And they took him back and put him in an airplane and took him up dual. And I don't recall what ever happened to him, but I don't think he stayed with flying. *[laughing]*

Arthur G. Scotland: Yeah! I can understand. Now, you actually flew some missions when you were in the service, correct?

Hugh Arthur Evans: Oh, yes! When I finished and graduated and got my wings I'd been flying twin-engine aircraft as well as single-engine and went to Hobbs, New Mexico, for B-17 transition. And I was quite unhappy about that. Like every young guy, I wanted to be a fighter pilot, and I thought I was going to go to P-38s, but I wound up flying B-17s. And while I was in Hobbs I spent four months in ground school and four months in flying, so I knew as much about the airplane as you could possibly know if you weren't some kind of a mathematical genius.

And we had one of those. He figured out you could loop the airplane; mathematically it would take the stresses. And he did it. They almost caught him. When he finally pulled out of it he was so close to the ground that he ran his wheels. They were down, you can put those down to slow the thing down . . . ran it through the top of a bus. Got paint all over the tire. He swore up and down that he wasn't out there and hadn't done it, and they believed him. He was one of my math instructors from Salinas Junior College and he went through the CPT program with me. He was really a brain. The guy was just smart as he could be.

But I'd finished B-17s; and then I trained my crew down in Pilot, Texas, which is just a cross street out in the sand dunes. Railroad went through, and I think there was a post office there. We were there for 12 weeks. Then my crew and I went up to Nebraska, but that wasn't the name of the town; it was where the factory was. We picked up a new airplane and I test flew it with my copilot. Put the crew onboard and then we headed overseas, and I flew it from Nebraska; Bangor, Maine; to Gander, Newfoundland; and then to Nutts Corner island.

(00:30:04)

[laughing] And they took the airplane away from me. "You can fly an old one." That's what happens when you . . . you take these new ones over and the older pilots would get them. When I went over, I had to fly five missions as a copilot for a seasoned pilot so that you could see what it was all about and

see how terrified you were going to be. The first time you see all that flak in the sky it's frightening as hell. And on my first mission the airplane on the right wing of the lead plane that we were flying on the left wing of had one of my classmates flying as the copilot, and I'd just looked over at him a minute ago or a minute before and looked away. I was watching where we were going, and I felt the airplane go up. They took a direct hit and the bomb bay just vaporized. So those kinds of things you had to get used to experiencing and seeing; and luckily, I didn't have any of those happen to me.

Arthur G. Scotland: You actually got a special flying award, did you not?

Hugh Arthur Evans: Yeah, I had a few, and I got the Distinguished Flying Cross in October. The citation says "Extraordinary Achievement," and that's really what it is. It takes a full set of brass ones, I'll tell you, sometimes. And we had been on a mission over near Mersberg, outside of Berlin, and they knocked off two engines on one side. Luckily, we didn't burn, and so I started dropping back as we got off the target, and let down and let them . . . finally flew that sucker all the way back across the channel and landed it at our base. I wasn't sure I was going to make it, but we made it. So I think the survival was the extraordinary achievement.

Arthur G. Scotland: How did you deal with the fear?

Hugh Arthur Evans: Oh, that's what your training is. Some people that were over there never did handle it. I had to fly a copilot; after my copilot, I certified him as a commander. There was one copilot nobody wanted to fly with, and the guy was just hysterical. And if you let him grab the radio, he'd press the button and he would never let go and you couldn't talk to anybody. And I didn't know how bad the poor man was; but I volunteered to fly him his last five lessons, his missions.

And then the first time out, he was doing that and I grabbed the microphone. I reached across him and grabbed it out of his hand and I pointed at one of my engine instruments that measured the oil pressure. I said, "Get down there and watch that thing." And I yelled at him, because you could yell across the cockpit. Grabbed his head and put it down and he stayed inside the cockpit the entire mission.

So I had to fly it. I didn't have a copilot that I could have relieve me and fly the airplane. Those little B-17s, you know, they drove like a truck without electric power steering. They were hard and you had to be young and strong to do it. But that was a marvelous airplane. So he stayed in the cockpit. He put his head down there and just didn't move it and I figured that was a good way to keep him for five missions. And so we did his five and he got to go home.

Arthur G. Scotland: How long were you flying in combat during the war?

Hugh Arthur Evans: About from June until November, 35 missions. Some of the worst ones were the low-level stuff we did. We had to help the troops out in France; and there were three cities where they got bottled up and we'd go in at 10,000 feet. And the B-17's a very slow aircraft, so we'd indicate 150 miles an hour—go plodding along and bomb on a smoke marker. In the meantime, the Germans would just crank their 88 Apache and bang, bang, bang. That would raise a very high pucker factor. *[laughing]*

Arthur G. Scotland: No kidding.

High Arthur Evans: I'd come home with 100, 150 holes in the airplane, sometimes with an engine out. We only had to do that three times, and I was very thankful for that. *[laughing]*

Arthur G. Scotland: Was there ever any sense of hesitation when you recall that—to fly on a mission?

Hugh Arthur Evans: No. It was my turn to go, so we'd go.

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England was a strange place to be flying out of where we were because I've . . . Maybe a year ago I looked at my old forum five and all the missions, and of the 35 takeoffs I made, I think 22 of them were on instruments—zero, zero. There was no, just no, visibility. And we had lights along the room where you could see, so you just set all your navigation needs for the headings you wanted, unset them, and then took off down the runway; and your copilot would watch and make sure you didn't veer. And you watched your headings, and took off and climbed up through the stuff. Because it always broke in England in the afternoon and then would give you a ceiling of maybe 800 to 1,000 feet, and you could come in under it and get home. This is why in those days this was for young people—it wasn't for old people. And I realized that more and more as I got older.

Arthur G. Scotland: I'll bet. So you finally left the Army in 1945; what was your rank?

Hugh Arthur Evans: I was only first lieutenant. We had a West Pointer who was our commander, and he wasn't free with any of the promotions. But I had good duty. I flew as the deputy group leader, which a lot of my classmates and friends didn't get to do. And once I had to take over as the group leader, but it didn't bother me; I wasn't going to make a career out of that. I thought I might at one time. I was glad to get out. And when I came back and went to Hartnell College I joined the Air Force Reserve down there—the Air Corps Reserve—and Hamilton Field would supply us with AT-6's. We'd fly up in an old AT-11 and bring the 6's

back down, and then we'd fly all weekend and just play games with it. We got to fly for nothing. That was the kind of flying I had learned to like.

Arthur G. Scotland: So you came back to the Carmel area and went back to Hartnell College and Salinas?

Hugh Arthur Evans: No, that came a little later. When I first came back, I got part of my education at Salinas. And the aeronautical engineering was engineering—all the math classes. I had a ton of math and I didn't really know how to apply it as a field engineer. But one of our family friends was a civil engineer and I got a job with him, and he taught me how to do it. He said your math was all you needed. So I went to work with him and worked until—well, this was about October and I worked until January—and I took off on a cross-country trip, just driving. I was back visiting my copilot and my sister was getting married—and my mother called me, said, "You'd better come home."

Arthur G. Scotland: What type of work were you doing in the civil engineering field?

Hugh Arthur Evans: Field engineering, surveying. Started off by doing two subdivisions—one in Carmel Valley and one over on Monterey Hill. He was the engineer and I was the instrument man and we hired a brush man. We did it all. But it was interesting. I wasn't going to do that for long, I knew that. I also didn't want to fly for the airlines; that was going from point A to point B and back to point A again. It didn't appeal to me.

Arthur G. Scotland: A major thing happened in your life in 1946. And what was that?

Hugh Arthur Evans: Well, the lady that I had married came back from the Navy. I had known her; we had sung together when we were in high school. She was a year older than I was and I started taking her out, didn't realize that. You know, our ages had neutralized by that time. When I was in high school, I didn't dare ask her to go out; I'd take her sister out. But Joyce and I decided we'd get married. I asked her if she'd marry me and she didn't hesitate; and I thought, boy, you're sure taking a chance. But we got married in June '46, and shortly after that, in mid-July, we went up to Lovelock, Nevada. Being a young groom, I didn't have the good sense to ask my wife if she wanted to do that.

Arthur G. Scotland: Ooh.

Hugh Arthur Evans: And I think she held it against me for a little while. She's still a darn good wife.

Arthur G. Scotland: That's a big change, from the Carmel area to Lovelock, Nevada. What took you to Lovelock?

Hugh Arthur Evans: I went out there . . . a friend of mine was one of the foremen who bought 15,000 acres that were virgin land. It's now called the Nevada Nile. It started off as the Nevada Nile; it was going to be a communal farm.

(00:40:01)

It was 15,000 acres, and people would raise crops and they'd live in a little center. And it was all planned by Eleanor Roosevelt. And it probably would have gone, taken a long time, and it wouldn't have been successful—you know, history tells us that. But unfortunately for her, Harry Truman was running a Senate investigating committee for communist farers and so forth. It was a big scare. He discovered this thing and I guess when he told Franklin about it they just decided to dump it real fast. They closed the office in San Francisco and they put the 15,000 acres on the market. And this friend of mine from Carmel—he was sort of a surrogate father to him—he was also a flyer, but he'd been a primary instructor, so he didn't have a lot of experience. But he and these other three fellows put in a bid for it and bought it for $50 an acre. Had water rights. So it all had to be brushed and cleaned and then leveled and ditched and then drain-ditched. So I did all the field work on it; I had a crew and we had a good contractor out of Las Vegas, Andy Drum. And god, he had 30, 40 pieces of equipment out there for the three years that I was out there.

Arthur G. Scotland: That's tough work, isn't it?

Hugh Arthur Evans: Yeah, it's real tough work. One of my friends, I sent a picture of my son Mathew and me and Joyce and my mother down to her. She knew me when I was young and she called and she said, "I didn't realize you were so skinny then." I'd worked it all off; there was nothing left. *[laughing]* But it was fun.

Then toward the end of it they asked me to come in and run the ranch, because the fellow that was running it just took off one day. He was married to my friend's daughter and this wasn't for him. So he just told her goodbye and he left and they had a little girl. I don't know what ever happened to him; his name was McCollum. So I went out and started running the crews. We were irrigating and farming and the deal was that once we got all the engineering finished, I was supposed to get my choice of a half a section of land and that would be my bonus for completing the project; and it just didn't work out.

Arthur G. Scotland: Well, but something else didn't work out, didn't it, that kind of led you in a new direction in your career. What was that?

Hugh Arthur Evans: It was probably a good thing that the other one didn't work out, because I tried to buy a small ranch up there, but it didn't have water rights that were developed and protected. And so Christmastime was coming up in '47 and we had an attorney that represented the four partners in the ranch and did

everything that had to be done. He was from here in Reno and his name was Bill Sanford, and a real nice guy. He went to Hastings, by the way; I say that since that's where I went.

But he and I were standing by the fireplace in our ranch house; we were drinking hot buttered rums and it was cold outside and we'd been pheasant hunting. Virtually the next thing I knew I was in San Francisco talking to Dean David Snodgrass about going to law school. Bill had convinced me that I should do that. And I don't remember him asking me to go to San Francisco, but I remember being there. *[laughing]* We weren't that sloshed, but we were pretty bad. And Joyce thought that was a pretty good idea too.

Arthur G. Scotland: I guess getting out of Lovelock . . . there was probably not a whole lot to do in Lovelock at the time?

Hugh Arthur Evans: No, we had a theater. She taught school before Mathew was born, and she loved that. The Indian children out there were about as eager pupils as you'll ever find. She said they'd come to class, they would be so prepared and so clean it was just a pleasure to have them. But luckily we had an airplane handy and we could fly in and out to Reno and sometimes we'd just take a joyride and fly up to Lake Tahoe and spend a weekend. That was before Tahoe developed.

Arthur G. Scotland: You have two sons, right?

Hugh Arthur Evans: Two sons.

Arthur G. Scotland: Were they both born in Lovelock?

Hugh Arthur Evans: No. Mathew, the oldest, was born in Lovelock, and Jeffrey was born in Guerneville.

Arthur G. Scotland: So you find yourself at Hastings. And I have to think back—your dad had actually taken some legal courses and you had some relatives, but up until this point had you even thought about the law?

(00:44:55)

Hugh Arthur Evans: Oh, I'd thought about it. Every time I saw Uncle Zed, who lived in Pasadena, he'd talk to me about going to law school and what a wonderful education it would be and you could use it in so many ways. And then my Uncle Joseph in Ogden was the same way. I didn't see him as often, but those two were fine lawyers. That Uncle Zed was like my father. He died rather young; he was in his early 50s. But I'd been told about it. My curiosity was aroused, anyway, and when Bill Sanford said something to me about being a lawyer, I thought, well, it doesn't sound too bad about now.

Arthur G. Scotland: Fatten you up a little bit, huh? *[laughing]*

Hugh Arthur Evans: Just a little. *[laughing]*

Arthur G. Scotland: What are your memories of Hastings?

Hugh Arthur Evans: They're good. My first memory was that I . . . when I left Snodgrass's office, Dean Snodgrass. He told me to go back to school for a year, and he said, "You'll have enough credits there that you won't have anything in a major, but you'll have enough for a degree, and that's enough." So I did, and then I went back and enrolled.

When I enrolled he knew that I was there and he greeted me. Greeted the entire class, but he greeted me separately one day. And he did the usual speech in those days: You look to your right and look to your left and the one before you and the one behind you, and they won't be here necessarily at the end of four years; but most of them won't be here after the first year. And I also had him for my first-year Contracts. He was a great one for quizzing you on what the cases were, and you'd better prepare yourself for classes. And I sat in holy terror of being called on by Dean Dave Snodgrass in Contracts. The entire year he never once called on me, but I went in there, I was prepared every day for that class. *[laughing]* I think he knew what he was doing.

Arthur G. Scotland: That's great. Any other memories of Hastings?

Hugh Arthur Evans: Oh, yeah. We had, as you know, in the '40s and the '50s they had all these old-timers that had retired from different law schools: *[inaudible]* Northwestern, Harvard. They even had them come across from Boalt Hall, and they were good. They were really good, but they didn't want to spend a lot of time repeating themselves.

And that was one thing I'd learned when Gordon Schaber asked me to go out and teach a couple of classes at McGeorge. I just couldn't figure these adults sitting there and listening the entire class and then asking the same questions I'd been telling them the answers to before. Because Professor Fraser, who taught real property, very soft-spoken—and you'd better not ask him a question about what he'd just been telling you, unless it was an offshoot of what the question was.

I think that Hastings was a real fine school. We didn't graduate many, and we didn't have many that passed the bar the first time. I think we graduated 114 out of a first-year class of 800.

Arthur G. Scotland: Wow!

Hugh Arthur Evans: And of the 114 that took the bar, I think 55 of us passed. Gordon Schaber was a classmate and a good one. He knew

Joyce and knew the boys. We'd gotten together a few times and so it was . . . he was fun. He was a really smart guy.

Arthur G. Scotland: You're referring to—

Hugh Arthur Evans: The dean of McGeorge.

Arthur G. Scotland: Who was a superior court judge in Sacramento?

Hugh Arthur Evans: Became a superior court judge. I think he did that for what, two or three years?

Arthur G. Scotland: So you graduated from Hastings with the idea of going into the law. And what happened? Did you get a job right away?

Hugh Arthur Evans: I had a job availability given to me from my cousin's husband, who knew the district attorney in Oakland. I went over and interviewed and found they were going to pay me $225 a month. Though I walked back out; I couldn't support my wife, even living in a housing project, and two kids on that. So I kept working as an engineer. I had a job with E. P. Wilsie and Company in Burlingame and I worked as a party chief then, and I was getting something—I don't know, $420, $440 a month. It was an hourly job. But one day when I wasn't working I had a phone call from Lloyd Allan Phillips in Sacramento. Lloyd became a superior court judge and a darned good one too.

(00:50:04)

He and I had been good friends in school and he asked me if I wanted to be an elbow clerk. And I said, "What's that?" I didn't have any idea what an elbow clerk was. So he told me and said that Paul Peek wanted a clerk. So I said, "All right, I'll take the train or a bus and come up." He said, "Come on out and stay with us." So I stayed out at Allan's house; they lived out on 40th. And I went in and saw Paul Peek.

Arthur G. Scotland: This was at the Court of Appeal?

Hugh Arthur Evans: The Court of Appeal, Third Appellate District, in Sacramento. And Paul was a very congenial guy, good-humored. I always thought he was smart as a whip. And a lot of other people disagree with me, but by golly, he could convey his thoughts with less words than any man I have every encountered when it comes to writing an opinion and make it meaningful. I was a real champion of Paul Peek. I just thought he was great.

Arthur G. Scotland: Who were the other judges on the court at that time?

Hugh Arthur Evans: B. F. Van Dyke, who was the presiding justice, and his office was in the middle of the three offices on the first floor. And Andrew Schottky was in the most southern office. I think that's where you are now.

Arthur G. Scotland: That's the presiding justice's chambers now.

Hugh Arthur Evans: Peek was in the one that was next to what is now the . . . I guess it still is the clerk's office. And that was it. There were no offices for the law clerks.

Arthur G. Scotland: How many law clerks were there?

Hugh Arthur Evans: Three.

Arthur G. Scotland: This was in 1953? So the court was made up of the three justices, three law clerks, and then—

Hugh Arthur Evans: The clerk's office. And Lud Endres was the clerk at that time. And I think he had a flunky that fiddled with the machine; I can't even remember what his name was. . . his name was Young, didn't get much money. And then Lud had an assistant clerk. And the only thing I can remember about Lud Endres is that he played golf and he wanted to gamble with me if I'd go out and play.

Arthur G. Scotland: So that must have been a really fascinating time.

Hugh Arthur Evans: It really was. The law clerks had our positions in the library, and that library is . . . I think it's still there. We had tables between the stacks and each table had a telephone. I was there, Floyd Gibbert was there, and Jim Thompson. Jim Thompson worked for Schottky; and Gibbert was sort of like central staff, but it wasn't called that, and he was just available to do whatever was needed to be done. And Van Dyke hired a lady. I can't remember her last name, Margaret something; she became a municipal court judge in Sacramento. And I don't know why Van Dyke did that, but he did. I guess she did good memos, but he didn't spend a heck of lot of time with her. And when he broke his leg, he didn't want her coming out to the hospital bringing him work. So he'd call Paul Peek and ask him if he could borrow me.

Now, I'd go out to Sutter and take him all the work that he wanted. We wouldn't talk about work; we'd sit and talk about his law practice. He was a garrulous man, very interesting man. He went way back in Sacramento. He'd represented Max Baer and Ancil Hoffman in those days. And those were interesting days. He told some pretty hairy stories about him, the mob and some of Max's habits that—oh, I think you could probably use them in a rated movie.

Arthur G. Scotland: So what was it like? Did the justices get along pretty well? It was such a small operation.

Hugh Arthur Evans: It was. Paul Peek spent most of his time, when he was at Sacramento, would be over in the Legislature. He had been the

Secretary of State for a very short period of time, following which I think he came to the Court of Appeal. Before that he had been in the Assembly. I think that was the order.

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He told me one very interesting story: one time when they were having an impasse on the budget and they locked the doors to lock all the legislators in. He was the Speaker of the Assembly. He picked up the phone, he called the fire department, said, "Please send a fire truck with a ladder over to the state capitol," and he told them where to go. And they showed up; they put the ladder up, they opened the window, and them that wanted to went. They were a pretty wild bunch in those days.

But Paul was a good legislator, and he made all the gains for the salaries that the justices and the courts achieved until Jerry Brown cut them back. That was a big cut. He got that issue on the ballot and they had it worded in such a way that if you voted against the ballot or for the ballot, friends of mine at the Del Paso Country Club, doctors and dentists, thought they were doing me a favor in voting for it. I just told them, I said, "You cost me $20,000 a year." So we did sue Jerry Brown and the state for that. My name with E was the first last name, so I was the lead attorney. But we had the Los Angeles lawyer, I guess he's still around, represent us and he won. But they changed the salary; as soon as my term was up I had to go back to whatever the salary for a Court of Appeal justice was.

Arthur G. Scotland: So did you find that your experience as a law clerk was a great experience as far as learning the law?

Hugh Arthur Evans: I think it was. It told me what the one of the processes of law was all about. It didn't particularly open any doors, and I didn't use it that way. I told Paul Peek that I would only be there a year or two at the very most, and I was going to go on because I wanted to be a lawyer. I didn't want to be in there in a sanctified place where you didn't see anybody or talk to anybody but other lawyers and the judges. I stayed a little more than a year and then I got into the district attorney's office.

Arthur G. Scotland: How did that come about?

Hugh Arthur Evans: I forget. I think that Paul Peek told me that Frank O'Shea was going to have an opening and it was in the civil division. I said, "Well, I don't care about that; if I can get into the DA's office, I can get in court, and that's what I want." So I went over and interviewed with Frank O'Shea and I think Peek called him. I was never certain of that, but I think he did and that sort of greased the skid a little bit. But I got the job and I tried some criminal cases, but I mostly tried civil cases.

We didn't have a county counsel in those days, and John Heinrich was the head of the civil division and he knew that I really wanted to be in the court. So I tried all the . . . remember the old commitments where people would be found mentally ill and you could commit them to an institution like Stockton and they had a right to demand a jury trial? And I had to handle all those jury trials, which was an interesting experience; did that for quite a while.

And never forget one lady. She didn't want to be where she was and she was unhappy as heck with her two daughters. And after the jury had come back and said she should stay in the mental institution, the daughters rushed up to grab their mother and embraced her. This one daughter reached out and smacked her mother right in the chin. She was really goofy. The system wasn't a good system, but that was the system at that time.

Arthur G. Scotland: It was a very small office, wasn't it, the DA's office back then?

Hugh Arthur Evans: Oh, yeah. I think there were about four or five deputies. Edwin Sheehy was the chief criminal deputy for Frank O'Shea, and Joe DeCristoforo, Jay Allen Jones, and Doug McDougal or McDonald.

Arthur G. Scotland: Your memory amazes me, that you remember all these people.

Hugh Arthur Evans: It's hard dredging them up sometimes. But Jay Allen Jones and one of the other deputies who later went into the public defender's office were in the DA's office, and those two got together and formed a partnership.

Arthur G. Scotland: Kenny Wells was there, I think?

Hugh Arthur Evans: Kenny Wells came in, yes. Ken was a damn good one.

Arthur G. Scotland: Then he became public defender?

Hugh Arthur Evans: Right.

Arthur G. Scotland: There were some characters on the local bench at that time.

[01:00:00 Break in conversation]

Hugh Arthur Evans: I really loved that, and I thought it was a pretty good deal too, until he landed wheels up down in Mexico. *[laughing]* His mother was in the airplane. She thought that was a great landing. Anyway, we're talking about the judges.

Arthur G. Scotland: So Hugh, there were some real characters on the bench in those days, weren't there?

Hugh Arthur Evans: There really was. In fact, there were some that made you wonder why they were there. But I remember very distinctly about Jay Henry—very calm, probably the best probate judge you ever found. But he would do anything that he could to avoid having to have a jury trial. He just didn't want them. I had one with him and it was fun. I think one of the bigger characters was the criminal court judge.

Arthur G. Scotland: Al Munsch?

Hugh Arthur Evans: Coughlin.

Arthur G. Scotland: Oh, Coughlin! Yeah.

Hugh Arthur Evans: You couldn't understand him. Now, if you were in the back of the courtroom and you had something coming up, unless somebody tipped you off, you didn't know that he'd called the case. *[laughing]* He was Irish through and through. He was a character, and there are some very interesting stories about some of them that probably we shouldn't talk about.

Arthur G. Scotland: Well, one of the stories that you always hear in those days are that during the lunch hour the judges and some of the attorneys would retire to some of the local watering holes and come back sloshed after lunch.

Hugh Arthur Evans: Oh, yeah. Oh, boy. When Desmond was judge, his court clerk ran the court in the afternoon, totally. He became my . . . George Paras's clerk kind of became my clerk. Desmond would sit up there and his head would go down, he'd snap it up and he'd just be absolutely wired. He didn't even know where he was and he'd go over to . . . if he managed to get to the Sutter Club and start drinking there, they wouldn't send him back to court. They'd send him upstairs to a room and put him to bed. He wasn't the only one that drank though; there were others.

Arthur G. Scotland: That actually was part of the culture at the time, wasn't it?

Hugh Arthur Evans: It was, it was. There was an attorney in town, I didn't know him well. His name was, I think, Ted Smith. And when I was in the Forum Building with Art, we'd frequently go downstairs and you'd go through the bar of the Modern, and in back was a nice little restaurant; they had good food. But you'd go by the bar and Ted would be sitting right at the end of the bar. He'd have a glass of either gin or vodka in his hand. And "Hey Ted, how are you doing?" "Fine." "You ever give up drinking?" "I haven't had a drop." He just . . . he finally drank himself to death.

Arthur G. Scotland: So, you were in the DA's office for about two years?

Hugh Arthur Evans: About two years.

Arthur G. Scotland: You decided to leave; what brought that about?

Hugh Arthur Evans: Oh, I didn't want to be there forever. I wanted to get out in the practice of law; and I was one of those strange critters, I guess, that wanted to do that. I started asking around, just listening to see if there was something going on. And I don't know why; I think I saw Tom McBride at lunch one day and asked him, and he said, "Yeah, I want . . . kind of have to meet somebody. I'm in the Assembly now."

So we made a deal and I went to work for Tom. I worked there for about 10 months, I guess. It just didn't work out. I had a conflict of personalities with his partner. I didn't have any particular respect for his abilities, and I didn't respect him taking advantage of what I was doing either. So I just—rather than cause dissent or discord in the partnership or in the practice—I just told Tom I was going to leave. And at that time Art Eissinger was upstairs on the seventh floor of the Forum Building and he wanted to leave. So we started talking together and decided to form a practice. And we had a pretty successful practice.

Arthur G. Scotland: Now, you actually had a practice, and we'll get on to this later. But Tom McBride went on to the federal court; he became a federal judge. And Art Eissinger, who you'd mentioned, went on to become a judge. You went on to become a judge. Tell us a little bit about your practice with Art.

Hugh Arthur Evans: Well, Art and I did what you had to do to survive in those days. He handled a lot of domestic relations cases, traffic cases, and he was in Jim McDonald's court quite a bit.

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I did more real estate law—zoning and that sort of thing—and anybody in town. I had been the advisor to the commission, and it was very easy. In fact, I had written the planning code for them before I left. And it was easy; it was just one of those things that, people came to me and thought that I was good. I could charge a fee and I didn't have to listen to some whining wife bitching about her husband or vice versa, or a custody battle.

So I did that, and we got quite a few personal injury cases. Art had a connection with one of the companies, and I wasn't particularly interested in that, but I was interested in getting in plaintiffs' cases. So we had several of those. Through the first one I ever tried, I tried against Bob Memering, and luckily I came out with some money.

We had a good practice and we were able to afford things. Our practice got better, and we had a good staff of secretaries. Or as is in the case of my secretary, she should have been a lawyer. She was that smart; she could do probate like there

was nothing to it. Then we hired a few fellows to come in to work with us.

Arthur G. Scotland: When I was a young deputy DA, I often appeared before Judge Eissinger, and you'd go into his chambers and he had aircraft photos everywhere. How did that start for him?

Hugh Arthur Evans: I have no idea how he got started doing it, but he did and he loved it.

Arthur G. Scotland: So you didn't get him involved, then, in the air. He was already flying by the time you were a partner?

Hugh Arthur Evans: No, no. He wasn't . . . he had just started to fly Cessna 150s; he'd had maybe 20 hours and he'd soloed in the 150. But I had an opportunity to buy a half interest in the Navion retractable gear. It was fairly slow, but it was a very stable airplane, and I asked Art if he wanted to do that through the firm, and I said, "I'll teach you how to fly."

So I taught him how to fly it and certified him over to John Patterson's group of teachers. And they checked him out, certified him, and he got his license. And so we flew that Navion for quite a while. We were flying, we were taking a trip down to Mexico, and we landed one night in Calexico; Mexicali is in Mexico, isn't it? We landed in Calexico and the man that used to do crop dusting out in Lovelock was running an airport down there and I hadn't seen him in years. It was just sort of an old-home week. But he brought the customs man from immigration and some other law person; we took him to dinner.

And all of us going on this trip, I think there were about 15 airplanes. We all coughed up 10 bucks apiece and they took care of the immigration man—and his lady, for he didn't bring his wife. And all we had to do was take off from Calexico and next morning go over and land in Mexicali. Well, I was flying a Cessna 210 of Patterson's, and Joyce and I got up real early and we decided we'd just get the heck out of there. And we went out, got our kids in the airplane, and jumped over the border. And the system was, they'd have a man standing out on the ramp, and you'd taxi by him and you either open your canopy or lift your window, stick your hand out, and he'd give you all your clearances to go on down in Mexico. That was all there was to it; otherwise, you'd spend the day going through red tape in Mexico to get there.

Well, Art was the first to take off, and after we got our papers, Joyce and I headed down towards Mazatlan. And I was probably 30 minutes out and I was still tuned into the tower, and I heard this Spanish accented voice: "Ay ya ya!" He didn't have his wheels down, and I thought, Oh god! I'll bet that's Art. *[laughing]* So I wheeled around and came back. And sitting out there is the Navion sitting on the runway, and the gear was up.

But this Navion had two great big weights, counterweights on the back of the flaps, and they hung down below the belly of the airplane. The way it was built and the prop stopped vertically like this, so the bottom end turned under. These two weights hit the runway. Well, it just skidded to a stop.

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When they fixed the airplane, they didn't even have to paint the belly. But Art's brother was the head of the highway patrol in Calexico. So he came right over and he expedited getting the airplane out of Mexico and they fixed it down in Calexico.

But Art was a real good partner, and he was a real good pilot. He listened. He used to do some things that I'd hear about, and I would have a talk with him and tell him don't ever do those again.

Arthur G. Scotland: In 1967 you started another firm, right?

Hugh Arthur Evans: '66. I got together in '66. I was up fishing in Canada with my wife and two sons and when I came home Art was not in the office and my desk was piled high. He'd become a municipal judge. I forgot how it went, but it was sort of canoodled through the judge and Art. And Art made some kind of a declaration that almost precluded anybody else running. And as it turned out, as you know, he was a municipal judge forever, and he ran a good court over there.

Arthur G. Scotland: So you're away and you come back and he's gone.

Hugh Arthur Evans: I don't have anybody there. So I called Herb Jackson. I'd heard he was looking to go out and I'd known Herb. I knew Herb's father better than I knew him. But he came over and we chatted and I told him all I had on my desk. And I said, "This has to get cleaned up, and I'll take a part of it and I need to have somebody help me." So we did, and we finally worked out a deal on it and then—

Arthur G. Scotland: So you brought in some fellow, Anthony Kennedy?

Hugh Arthur Evans: Anthony Kennedy, yeah, he's on some sort of a federal court now, I think. Tony was a young guy, and I had never met him. I knew his father; his father used to practice in the Forum Building where I was. Herb said, "I think he'd make a real good partner in this firm," and he talked him up to me. And we spent a lot of time talking about it, so I said, "All right."

He said, "But he can't come downtown, he's just had retinal surgery." He had a detached retina and they had to sew it up and they had to blindfold him on both sides; he couldn't take the blindfolds off. His mother had to help him with his clothes, and Mary, I think, was teaching school. So we talked and it

sounded as though Tony would not only be a good addition but he would have a source of practice as well, and we could supplement the practice that I'd already developed.

His father had a lot stuff lying around, and that was pretty good. He taught at McGeorge. And the only drawback with Tony is that he didn't have at that time any court experience. He'd first started to practice back in New York and he was a securities lawyer. I think his mother got the job for him in some way, and his sis was quite a gal.

So when he came into the firm, he one day—oh, he'd been there a year or two—and he came in and said he had a case that was going to be a problem. And it was a constitutional case. Well, this is right down his alley, because he was teaching Constitutional Law at McGeorge. And he told me what the case was—and you may remember, but about '68 or '69 there was a bullfight thing coming to Sacramento. There was supposed to be a bloodless bullfight, and the league against cruelty to animals or something got up in arms about this thing and they were going to put a stop to it. Tony said, "It's free speech."

So they got to him. The people were going to put it on and they had been sued by this other group to enjoin it, and Tony kept me advised of what he was doing.

So it came time to go to court. It was on a motion for a temporary injunction and it was before Irv Perliss. Well, Irv knew Tony; he knew he was out at McGeorge. I don't know how much more Irv knew about him, but Irv was a good judge, damn good judge. He was a very understanding man too.

(01:15:01)

Tony stood up, and when it came his turn to argue this thing, I had told him what to do and how to comport himself and to approach it in a very logical and quiet tone. Well, he got worked up and pretty soon he was going like this at the judge. He was teaching a class, and it was beautiful to watch—it really was. And Perliss listened, and he listened to the other side, and he said, "Your request is denied and you might as well submit the whole matter to me because you've argued it all." That they did, and he denied their request for the injunction. And so we got back to the office. We were down on the Capitol Mall by then and reading in the library and Tony said, "How did I do?" I said, "Tony, the only thing I can tell you is that if you're going to be in court again, quit shaking your finger just like a bunch of classroom kids sitting down in front of you. Keep your hands in your pockets. But you did fine."

And he did; he did a great job. You couldn't ask for anybody with more knowledge about the constitutional issues that can come up in the courtroom, a variety of things. I don't know if

you . . . I used to have it here, my son gave me a copy of *The New Yorker* and there was a great article in there about Tony Kennedy on how he uses his European experience in analyzing some of the cases that he gets into. I thought it was very pointed; it didn't say that he relies on it, but he used them to analyze what you could do with our Constitution. He considers the Constitution a living thing. I don't totally agree with him; I partially do, but I'm not the expert.

Arthur G. Scotland: Now, during the time that you were with Evans, Jackson, and Kennedy, you also were on the State Bar disciplinary board for a while.

Hugh Arthur Evans: Yeah, for three years.

Arthur G. Scotland: How was that experience?

Hugh Arthur Evans: That was a wonderful experience, it really was. I met a lot of fine people. The system now in the State Bar, as you know, is entirely different; they have a State Bar Court. At first I didn't like that, because most of them were law students they'd hired and law graduates, and they'd had no experience and really didn't understand the depth of some of the problems they'd run into. But I read the disciplinary portion of the journal when it comes out and that's about all I look at; they're now doing things the way they ought to be done.

But in those days there were 15 of us; it was like a second board of trustees, only our only jurisdiction was in the discipline of lawyers. But we were autonomous; the State Bar Board of Governors had nothing to say about it. And our decision went straight to the Supreme Court. We'd get a case, and before it was argued, we'd have all the briefs and things sent out to the different members who were going to take that particular case that day. So you only had really one to do every month; if we were loaded up, then for about three days you'd have one a day and do a memo on it, make a presentation after the attorneys had finished arguing, and then we'd debate the matter. And sometimes the debates got pretty heated.

When I first was asked to go on the superior court, one of the disciplinary board members had a condominium over at Silverado. He happened to be from Los Angeles—I beg your pardon, from San Francisco—and he was a marvelous man, very gentle, very kind. He could forgive almost anything; but he liked being on there, and you'd have the damnedest arguments with him about disbarring somebody. And some days, at times, it would take a day or two of hashing to get it all squared away.

But I met some real fine people; I left there in 1970 or '71. You know, everybody gives you a plaque for doing something, so I can look at that and see when I lived.

Arthur G. Scotland: With you, one thing you don't need a plaque to check—and that was a very significant event in your life in July of 1974. Tell us about that.

Hugh Arthur Evans: Yes. I had a call from Ned Hutchinson. I had had my name in for consideration as an appointee to the appellate court at the same time that George Paras and Bob Puglia did.

(01:20:03)

There was a new, one or two new, positions; I guess there were two. And this is where my memory's failing me; I can't remember the Chief Justice of that time. I remember things about him, but he didn't want to appoint anybody who hadn't had trial experience. There had been an appointment that caused some problems before, and he decided he would not sit on the confirming board and vote for anybody who hadn't been on the trial court. So Bob Puglia and George Paras got the two appointments, both of whom were Democrats appointed by the Republican Governor.

I knew Bob and I knew George; and I probably knew George better than I knew Bob, but I knew Bob really well from all of his years in the DA's office. He had a fabulous mind. He really, he was good, and you could persuade him off a point sometimes—not very often, but sometimes.

So I was called by Ned and asked if I wanted to go on the superior court because the other two appointments had been filled and George leaving created one of the vacancies. And I said, "Well, I don't really know, I hadn't thought about it. Could I have a few days and give you a call back?" He said, "Well, call me here. Ed Meese." So I said okay. We borrowed our friends' condominium over at Silverado. We stayed three or four days, and we really talked about whether or not I wanted to do that.

There were a number of reasons. Number one, I'd take quite a cut in salary when I went over there. And number two, I was going to be married to a clock and a calendar. As you know, that's what the superior court is like, and I wasn't sure that that's what I wanted to do. Because on the Court of Appeal or in private practice, I could make my holiday schedule any way I wanted—and if we wanted to go fishing for a month, we'd go fishing for a month. But we talked about it and talked about it and talked about it, and finally Joyce convinced me that it would be good. You'd get out from under the pressure, and even though you'd be watching the clock and the calendar and all the things you could talk about . . . We talked about all of that; we never once even thought about retirement. That probably didn't come to my mind because I knew that if I took the position, I couldn't be there for 20 years anyway. So I came back and I called Ned back and said—

Arthur G. Scotland: What was Ned's position at that time?

Hugh Arthur Evans: He was one of the Kitchen Cabinet boys to Reagan. He was on his judicial qualifications group with Ed Meese, and there were two others. I can't for the life remember—they're all dead now, except Meese. And I told him yes; so a couple of days later Ronald Reagan called me and said, "Thank you very much and will you serve?" And I said, "Yes, sir, I will."

Arthur G. Scotland: And the Governor personally called you?

Hugh Arthur Evans: Yeah. He was very concerned about having a secretary call you and somebody else tell you. He wanted to have a personal contact, and he did. He did on both occasions. So I sat there. Very honestly, I was thinking about leaving the superior court if something else hadn't come up. I'd been there and I realized that that was going to drive me nuts if I had to keep doing it the way I was doing it.

Arthur G. Scotland: Really? So you found it was really not for you?

Hugh Arthur Evans: I'd go down to work at 7:00 in the morning and I wouldn't get home until 5:30 or 6:00. I was doing all the law and motion and . . . Now, I could do these things; I had been doing them all my legal life, but that didn't appeal to me. I knew what the appellate court entailed; I had been there as a law clerk. And I thought if I had been able to do that, I'd have been happy doing that. But I was about to start looking around for someplace to like. By that time, Herb was the DA in Sacramento and Tony was going over to the . . . no, he was still there. They didn't—neither one of them got it. Now, that post, I still could have gone back there, I guess.

(01:24:55)

I get dates mixed up that way. But as it turned out, before I even started looking around or talking to anybody, Frank Richardson was promoted to the Supreme Court in San Francisco, Bob Puglia was made the presiding judge, and there was a vacancy on the court. So I called over and I said, "Do you want another letter?" To Ned I said, "Or will my last one suffice?"

He said, "No, as long as we know you're still interested." And I said, "Well, I'm interested." So we went through the interview process again, and in the end I was called shortly before the . . . it was about 20th or the 21st of December. No, it wasn't quite that late, because they convened the confirmation committee on I think the 21st, and I was sworn in on the 23rd of December.

Arthur G. Scotland: So you were a midnight appointee, so to speak?

Hugh Arthur Evans: Absolutely.

Arthur G. Scotland: In 1974 in December.

Hugh Arthur Evans: There was one other . . . one of my classmates was appointed to the Second District at about the same time, and we were the last ones under Reagan.

Arthur G. Scotland: The court at that time, there were seven justices, right?

Hugh Arthur Evans: There were seven. That had happened about the time of Paras's and Puglia's appointment. The positions had been established, and up until then there had only been . . . I guess there were five and it had been three when I was there as a law clerk, and it was three for a long, long time.

Arthur G. Scotland: So your legal career started out in the Third Appellate District and ended, so to speak, serving as an officer, and you went on to private judging; but you ended at the Third Appellate District.

Hugh Arthur Evans: And that wasn't being a judge. That was one of those little quirks that happened. And that was fun, but I was . . . My entire career started and ended on the Third District Court of Appeal.

Arthur G. Scotland: So can you describe a little bit about the court at that time and how it was during the mid '70s?

Hugh Arthur Evans: When I first went on it, they had just the three justices and they were very collegial. They didn't have any real problems. Van Dyke was a very astute man. Andrew Schottky would get there, but he took a circuitous route sometimes. He was a good judge. His son Andrew was a classmate of mine as well. Peek was kept so damned busy being a legislator or a legislative advocate that he didn't always get a full load of cases. So I did his bidding; I drove him to Reno several times, came over. I did a lot of memorandums for him, and he would take his share. He didn't want me writing an opinion. He wanted to have a memorandum giving both sides of the story and where the strengths lay and where the weaknesses lay. So I learned how to do that. I didn't write anything that was going to be in an opinion.

But they worked together very well. They were people from different interests. It was Van Dyke from an old legal firm in Sacramento. He'd been there for years and he knew the ins and outs of the law practice in Sacramento better than anybody. Paul Peek had been a football player in Oregon. As a matter of fact, after he graduated he went down to apply for a job and my uncle interviewed him and he didn't get the job. He didn't go to Harvard.

Arthur G. Scotland: Let's fast forward to 1974, when no longer you were a law clerk; you became a justice. How was it then?

Hugh Arthur Evans: In '74, it was very interesting. Physically the chambers were tight. I was down next door to where Blease is now. There were two little offices over there. One was a library, sort of, and one was the office. And that was all right; I didn't care what I had. I had a place for Beverly; I brought my own secretary over. And I got acquainted with the functioning of the court and the differences of opinion. There was Bert Janes, Leonard Friedman, Ed Regan, Bob, and George, and me. Who'd I leave out? That's seven.

(01:30:06)

Arthur G. Scotland: I think that's it.

Hugh Arthur Evans: Leonard Friedman probably was the toughest one for me because he thought that he had known that I would be an ideologue, and that I would be voting what I thought it ought to be. Well, I'm anything but that. I never voted my conscience, and I didn't vote my political philosophy. If it was written in the law that's what you do. That's what I did. I had a welfare case come in and Leonard was on it and I was on it; I was the author, and I wrote an opinion, and put the little stamp on it and sent it down to Leonard. By the time he got to it he came down to my office and said, "Are you sure you wrote this?"

I said, "Yup." He said, "I wouldn't have thought that would come from you." I said, "Why?" He said, "Well, you're an ideologue." And I said, "No, I'm not." I said, "You'll find that if the law is clear, even if I don't think it's a good law, my god, that's the way it's going to be interpreted." So I think Leonard and I came to an understanding early on that . . .

I think the only place that we ever really differed was in one of the Inyo-Mono Lake cases. In fact, it was the first one that I sat on, and I thought they were wrong. I thought that they were rewriting the contract that had been entered into, as bad as it was, between L.A. County and Inyo and Mono Counties. So I wrote a dissent. And I think the Supreme Court took that case up, and they did what Leonard said, and they set a table that you could withdraw. And once that was done, that's the law and you can't do anything about it, so the rest of them are easy. On that one, Leonard and I had our little arguments about, and he had damn good arguments.

Bert Janes, on the other hand, was difficult because Bert wanted to make everybody happy; he didn't want to make anybody mad. If he could have settled the case, he'd have settled it.

Ed Regan was easy to figure out; he just went to his law clerk and that was it. And Ed was a pretty amenable guy. And you know, he was no dummy; the guy was pretty smart. But he was a politician, and he never got over being a state senator. We were good friends and I loved him. I thought he was a great guy, and he did Bob and me a great favor when he stayed on past his retirement date so that Jerry didn't get another appointment. And Bob worked on him and I worked on him and he stayed.

We didn't have a lot of real divisions on the court. Now, George and I had problems. George was a Stanford graduate and I was not. George considered himself a literary genius; he didn't think I was. So when my thesis would go in to George, my god, he would change words, change sentences. He never changed the result, but he did all this stuff, all the changes that had to be made. And one of his favorite authors was from Los Angeles. God, I wish I could remember this.

But I got a little criminal case assigned to me, and I sent it into George, and he started marking it up. What I'd done is I'd taken a case that his pal from L.A. had written, and I almost copied it verbatim, except I changed the names of the people and when the thing happened. And all the structure of it was exactly what George was espousing with the greatest . . . *[laughing]*

I took it in and laid it on his desk, and I said, "George, next time you want to mess up one of my opinions, I wish you'd read it carefully." I gave him the book and the opinion. In this one I was next door to him and downstairs. He came back and said, "I was pretty bad, wasn't I?" *[laughing]* I said, "Yes, you were." That was the last time he and I had a problem like that. Everybody did a little of that scribbling and changing the syntax of the sentence; that's all right. If you liked it you did it, and if you didn't like it you wrote it the way you wrote it.

Arthur G. Scotland: My recollection is you and George Paras always saw pretty much eye to eye as far as how the case ought to come out, right?

Hugh Arthur Evans: He and Puglia and I were as close as we could get. Puglia and I had a big difference in one criminal case, and that's the only case that I think I ever had him change his mind on.

(01:35:00)

We battled over it for several months, but the thing we didn't have at that time was, there was no 90-day rule on your opinions. And Bert's office got stacked up with opinions; he got so far behind he couldn't catch up. And I don't have a lot of kind thoughts about Bert professionally; as an individual I thought he was a nice guy.

Arthur G. Scotland: He really was a wonderful man.

Hugh Arthur Evans: Yeah, he was. He really was, but—

Arthur G. Scotland: Bob was a real force, wasn't he, as a presiding judge?

Hugh Arthur Evans: Tremendous force. Bob was probably as much of an expert on criminal law as anybody in the state of California could be, and he had a phenomenal memory. You'd be talking to him about cases and all and he'd give you a citation of the case in the California Supreme Court back at a certain date. He'd give you the pages of the damn thing. I never understood how Bob could do that, but he did. Once I wrote an opinion, if it was published, I didn't care anymore. That was not something I was going to remember; if I needed to I could look it up. But Bob had a memory for it, and his memory was really good. And I think that some of the judges that came on later were really impressed by Bob, because they were entitled to be impressed by him. And he was a good PJ.

Arthur G. Scotland: The thing that struck me as I was appearing before your court was the collegiality of the court. Even though you might disagree from time to time on different things, I thought the court was incredibly collegial.

Hugh Arthur Evans: It really was. It was the same as it was when I was there as a law clerk. I think the ones that were there when I came on, when we all got along as well as anybody could, we could discuss cases; we could talk about anything, really, and if it was pertinent to what we were doing, that was even better. George and I probably were more alike than any, but I was . . . I think that Bob was right in line with both of us.

Arthur G. Scotland: Now, there was a time when you only had seven justices, and really you had much more work than seven justices; and your court became really the most productive of the courts.

Hugh Arthur Evans: We were. Well, during that period of time, George Paras got the idea of appellate settlements, and we had the routine cases, and with those, I think, we handled the calendar as best we could, with as short-handed as we were. And it got even worse when Rose Bird came on the court because she just ignored us; she piled that money down to the other districts and we didn't get second law clerks, we didn't get anything, until Bob came up with the idea. And we talked it over and we met as a whole court, and decided that we would ask the Governor, who by the way was not a great fan of Bob Puglia's. But they were friends, they got together; I can tell you a story, when we're not recording, about that. *[laughing]*

Arthur G. Scotland: This is Governor Jerry Brown you're talking about.

Hugh Arthur Evans: No, this is Governor Deukmejian. I went to Deukmejian and asked him if he would set up his budget for the Third District court, and don't put it under the Administrative Office of the Courts, and we don't want it divided up; we'll do it and we'll manage it ourselves. And Duke said sure. Well, that got around pretty fast and Rose Bird called up and wanted to have a meeting with our court. And Blease, Sparks, Sims, Evans, Puglia, I forget who was there. We all agreed we were going to let Bob do the talking. And Rose laid it all out that this is what I hear; and possibly you heard right, because that's what's going to happen. *[laughing]*

She started almost to cry, she was . . . god, she was upset; she didn't know how to handle it. And finally Bob got a concession out of her that we would get every penny that belonged in the Third District court. And after that it became very fair. All the districts were . . . because we were doing more cases than any other district, really per capita, and we needed help. So Bob got it. That was neat.

Arthur G. Scotland: Oh, that's great. Back in those days, for you it wasn't necessarily all work and no play; you had some side interests. I understand . . . you talked about golf; you got involved with a golf organization.

(01:39:57)

Hugh Arthur Evans: I did. I had played golf most of my life, off and on. I started as a teenager in Monterey at Pebble Beach, and Peter Hay, who was the golf course manager and the executive of the golf course, was also the high school coach. And so we got to play on one of the best courses in the country when we played. But this is when I was young and then when I came out of the service and started to practice law.

When I was in the service I carried a camera every place I went. And I had a friend in Hollywood who would send me the old Technicolor, the 35mm stuff; it would come in a roll. And I'd have to load it on the roll that would fit in my real old Argus. It was like a C3, but it was the predecessor. And I'd do it under my blankets in my cot and I'd load the stuff.

So I had some great pictures from overseas when I got home. And I didn't really understand how to frame a picture and how to get the light the way you wanted, and sometimes that requires going back several times a day. Well, that became a little bit of a hobby, but that wasn't a time-consuming hobby. I got to playing a little golf. And then we lived at Cameron Park and we belonged at the same time to Del Paso Country Club. But I played. I went on the tournament committee of the Northern California Golf Association back in the early '80s, or maybe late '70s, and they were called the Red Coats.

And what you did, you ran the tournaments with a director or two from the board and got through the tournament scheduling. It was a lot of fun. You got to know a lot of young guys, and I went from there. A dentist at our club, who had been on the board of directors in the NCG, asked me if I wanted to go on the board; and I didn't, particularly, but he said, "There's a vacancy and why don't you go out and talk to the director, the president, who's out at Rancho Murietta today?" And I didn't want to do it; my wife called me up and said, "You go do it; you'll have a good time doing that if you get on."

So I went up, and the president was a printer from San Francisco and a hell of a nice guy. We talked and he said, "You know, you're going to be one of the oldest guys on the board." He said, "You'd probably never get on the executive committee." I said, "I hadn't even thought about it. Somebody said that you needed a board member and wanted it from Del Paso and here I am." So I did, and four years later they put me on the executive board, and then I became president. Then I became the president of the California Golf Association.

And this didn't take as much time as it sounds like. There was a time when we'd go down to Carmel for a meeting and a tournament and there would be some other things. But I would use Ralph Drummond's chamber over in Monterey. He had a library, and he let me use his library; and I'd go in and work on the days that I didn't have golfing to do.

So when I'd get my work finished it would be all drafted out in pen. And then I'd pick up the telephone and call my machine in Sacramento and it would record, and Beverly would have it all done when I'd get back.

So I really, I wasn't available to talk to people; but I was doing the work while I was doing that, and it was fun and I enjoyed it. And I enjoyed then being on the Poppy Hills Board of Directors; that was the NCG's golf course in Pebble Beach. I did that for I think four years, and I was president for two years.

Arthur G. Scotland: Did you get to know a lot of the pros on the tour?

Hugh Arthur Evans: Many of them.

Arthur G. Scotland: Get to play with any of them?

Hugh Arthur Evans: Yup. I played with a lot of them, and they were real good friends: Tom Watson, John Mahaffey, Gene Littler, Bobby Nichols. I have a picture out in the garage where Glen Campbell and Gene Littler and I went out and played in the rain. We were the only people who went on the golf course that day. And that was fun. We did a golf tournament in Sacramento and called it Swing at Cancer, and we made a lot of money for the Cancer

Society. That's how I got to know them really. I also did the tee announcing for the Anheuser-Busch tournament in Silverado. And when they closed that tournament down I moved back to Kingsmill. Joyce and I went back with Vern and Genie Peek; he was the tournament director.

(01:45:00)

We taught groups how to take care of the 1st and 10th tee and the 18th green when they finished, and we stayed for the full four days. And then we went to Ireland together, took our vacation over there. So I had a lot of really nice acquaintances out of golf. And I had them out of flying, and in photography I met a lot of nice people.

Arthur G. Scotland: There's some of your beautiful work right here in your home.

Hugh Arthur Evans: Oh, they're fun. I take little tours every now and then when I sit there at night by myself; and I probably shouldn't do that.

Arthur G. Scotland: Oh, that's a good thing. Well, you really have had a remarkable career with some remarkable people, both in the law and in golf and other areas.

Hugh Arthur Evans: Yeah, I was fortunate—could have made some early turns that wouldn't have accomplished any of that. At one time when we were in law school I was so despondent about being so dad-gone poor, with two boys and my wife, and she couldn't have anything. And I was getting to the age where any older they wouldn't take me on as a copilot on the airlines. And United was advertising for pilots and I kept looking at that salary and thinking, oh gosh, make it stop, all this, and I kept asking Joyce what she thought. And she said, "I'm not going to tell you what to do." And we let my birthday come and go and that was it, I stayed in law school.

Arthur G. Scotland: I have the sense you really don't have any regrets.

Hugh Arthur Evans: I wouldn't do anything differently. I really wouldn't. I would like to have had my father with me longer. I had some of his brothers who were very close to me as uncles, and they tried to keep me on the straight and narrow path when I was young—and they did a pretty good job of it.

Arthur G. Scotland: One thing we neglected to talk about is after you retired, you stayed active in the court. You did our mandatory settlement conference for a while?

Hugh Arthur Evans: I did the settlement conferences for about two or three years afterwards.

Arthur G. Scotland: You did that as a volunteer, basically.

Hugh Arthur Evans: Yeah, Bob gave me an office upstairs. Yeah, I think it was about three years. And I had a secretary that worked. And then the attorneys started to get not to like to have settlement conferences. They didn't want to come and they didn't want to submit their statements, and that happened all at the same, right time. Bob decided they needed that space up there for—I forget who was coming on as another judge—and it was time to go.

So I did, and then I just did the arbitrations. And I worked over at the court as a trial court judge. They tried an experimental program. They did it for—I don't know whether it was four months or six months. The county hired three retired judges to come in and try to clean up their backlog, and that's all we did. We didn't do any of the other garbage that had to be done, at law and motion and probate.

So I agreed to do that. They didn't pay very much; I think it was $400 a day. But it was good. I was back talking to attorneys again and seeing people and that was fine. I enjoyed that. I tried a lot of jury trials over there. After that one expired, Bob Varghese kept calling me every now and then to see if I'd come over and sit for a month, or he'd have something come up that was going to take a long time. And usually I went over and they'd already exercised their challenges and they'd get up to me. *[laughing]* They weren't too happy about that.

Arthur G. Scotland: Bob Varghese was a master calendar clerk with the Sacramento County Superior Court, and he pretty much ran the show there.

Hugh Arthur Evans: Oh, he sure did. He was a nice man.

Arthur G. Scotland: Yeah, he was an excellent man and a good manager. Well, it seems to me that your career spanned an extraordinary time in the law, a lot of changes in the law. What are your thoughts about the direction of the courts?

Hugh Arthur Evans: There were a lot of changes in the law. Most of them came about, from my point of view, through the activism of people on the Supreme Court who would choose to be legislators rather than judges. I think that's what caused George Paras to leave the court. He was so mad. Reminds me of one thing; you've probably looked at this case. George wrote an opinion, published it, and then wrote a dissent to it, because the law required him to do what he was doing, but he didn't think it should have been that way. And he wrote the dissent as though that's what it was.

(01:50:07)

And the Supreme Court took it, and of course that's what he wanted. But that's where the changes came, both from the U.S.

Supreme Court and from the State of California; we had some really strange things out there over in the field of marital relations. The time that Jerry Lewis represented . . . I forget whether it's the wife or the husband. The law had not been settled on military retirements at all. There was nothing in the books on it. After he concluded that case, the Supreme Court, our Supreme Court, legislated that that's wrong.

What you have to do is divide it up, and they specified how you do it. It didn't come from the Congress, it didn't come from a legislative body; they did it, and it cost Jerry a bunch of money out of his insurance company, and he was supposed to second-guess the Supreme Court would do that. Those were the kind of changes I saw that I didn't like.

I think that judges have a real function in our society—and that is, to be a judge and to consider a matter for decision by the law that's written. And if it isn't, then you suggest that they do do it. I did that once on a settlement conference; I sent the people back. I said, "Go get the law changed." And they worked with the Legislature and they got a new law passed. Well, it wasn't my job to wiggle the law around so it would please somebody. I would have decided the case right with what the law said, even though I thought it was wrong.

But by and large I think our system of jurisprudence is a good one. I had a phone call from Tony Kennedy I guess about six months ago, and he is the epitome of somebody who thoroughly enjoys what he's doing. He isn't in touch with the people except through what he writes, and he doesn't really create any new law; he takes the Constitution. Now that's the only thing that he'll do, and he thinks it's a living thing. And it may be one thing to a certain set of circumstances and he'll say that. But he's one of the good judges on the Supreme Court. I think that he's going to be there for a few more years. Although I saw a picture of him recently and god, I thought, come on Tony, you're looking as old as I am. *[laughing]*

It's wearing, I'm sure. You people in Sacramento, being in Sacramento, you're in the hot seat, because the Legislature's over there and they're creating stuff for you to do all the time. If they don't like it, somebody's going to come over to the court with a writ and see if you can't get them to do something about it. It's not your function, but you get more than your share. Do you still do the writ sessions?

Arthur G. Scotland: We do, we do, and of course, as you know, being in the Third Appellate District, a lot of government law cases.

Hugh Arthur Evans: That's what I'm thinking about.

Arthur G. Scotland: That really makes it an interesting job.

Hugh Arthur Evans: It really does. So all of you have your work cut out for you. It's not something to shirk. And I'm glad that my tour is finished; it's about time to. I said I didn't plan on having my wife get Alzheimer's, but that's the way life goes.

Arthur G. Scotland: I really respect, Hugh, what you do. I know you go over and visit with your wife every morning and read to her, and you've set a long and loving relationship.

Hugh Arthur Evans: Sixty years' worth.

Arthur G. Scotland: Yeah. Well, you mentioned about Tony really enjoying . . . Anthony Kennedy enjoying his job. I get the sense that you've really enjoyed your life.

Hugh Arthur Evans: I have. As I said, I wouldn't change anything I've done. Even going back into private practice when I started to get discomfited on the superior court, I could have made a lot of money, but I'd just spend it all. Joyce and I and our boys, the boys were both gone by . . . well, Matt got married in 1970 and Jeffrey waited a long time, but they were out of the house making their careers and we just went on traveling. I didn't care where the money came from; I spent what I gathered together. We had a real good time and I'm glad we did, because now we can't.

(01:55:05)

Arthur G. Scotland: Well, you've enjoyed your life. And I must say one of my most enjoyable times when I was an appellate lawyer was to appear before the Third Appellate District, particularly if the panel was Puglia, Paras, and Evans; it was great fun.

Hugh Arthur Evans: That was my favorite panel too.

Arthur G. Scotland: Absolutely. And I must tell you, Hugh, it's just a delight and a lot of fun to see you today, and to talk with you and to kind of reminisce.

Hugh Arthur Evans: Scotty, I appreciate that very much. And I think around the Third District court when you came, I don't recall anybody else calling you Scotty. I think I was the one that did that. I had a friend who was a president of NCGA ahead of me, and his last name was Scott, and he was always Scotty. So I need a Scotland or a Scotty to me, and that's what you'll always be.

Arthur G. Scotland: Well, it stuck, too, because everybody calls me Scotty.

Hugh Arthur Evans: Well, I'm glad, I'm glad.

Arthur G. Scotland: I'm so glad to see you, and I'm so glad to you see you doing so well.

Hugh Arthur Evans: Thanks.

Arthur G. Scotland: Best wishes to you.

Hugh Arthur Evans: Thank you. Thank you very much and I appreciate it. And it's been fun today.

Arthur G. Scotland: Great!

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