David Knight: So, Justice Zenovich, I'm just going to ask you to—

George N. Zenovich: Say something?

David Knight: Yeah. Let's start with your name and spell your name . . .

George N. Zenovich: Okay.

David Knight: . . . and what you did that we're recording you for.

George N. Zenovich: I'm George Zenovich. *[laughing]* The name is spelled G-E-O-R-G-E; last name is Z-E-N-O-V like in Victor-I-C-H. I'm a retired justice of the Fifth District Court of Appeals. Okay?

David Knight: Super. Justice Vartabedian, your turn.

Steve Vartabedian: And I'm Steve Vartabedian. I have the pleasure today to be here interviewing Justice Zenovich (laughing). That name is spelled V as in Victor-A-R-T-A-B as in boy-E-D as in dog-I-A-N.

David Knight: Alrighty. We've got it; ready to go at any time.

Steve Vartabedian: It is my pleasure today to be talking with retired Associate Justice George N. Zenovich of the Court of Appeal, Fifth Appellate District. My name is Steve Vartabedian, and I am an associate justice of the same court here in Fresno. As a part of the Centennial of the California Courts of Appeal, the Appellate Court Legacy Project Committee is creating an oral history of our appellate courts and their justices.

Good morning, George, and thank you for chatting with us this morning.

George N. Zenovich: Hi! It's nice to be here, Steve.

Steve Vartabedian: I would like to start with your service in the Legislature and on this court, and then we'll go back in time to trace your earlier years, including your education and law practice. We will then get back up to date with your activities since you left the bench, and of course we'll talk about your well-deserved honor of the naming of our new court facility, the George N. Zenovich Court of Appeal Building.

George N. Zenovich: Thank you.

Steve Vartabedian: You were appointed to the Fifth DCA by Governor Jerry Brown and confirmed in March 1979, succeeding Justice Roy J. Gargano on what was then a four-justice, single-panel district. This appointment came after you had served a distinguished career in the state Legislature that started in 1963.

Let's talk a bit about your work in the Legislature, which included eight years in each of the state Assembly and the

state Senate. Please tell us how it is that you happened to run for public office the first time, when you ran for the Assembly in 1962.

George N. Zenovich: Well, what happened was, my predecessor, a man by the name of Bert DeLotto, who was a former supervisor here in Fresno who became the Assemblyman for the 32nd District, decided to take an appointment to the Peace Corps from President Kennedy; and he was appointed to somewhere in North Africa, and that created an opening in this district. So several of us were involved. At that time, I was very active in the Democratic Party and the Democratic Central Committee, and I was sort of running the John F. Kennedy campaign here in Fresno County and in the Central Valley.

And so when this came, people said, "Well, why don't you run, George?" So I thought about it and a couple of people prevailed upon me, and I decided to run. It was a special election, and I won. And that's how it all started—a big surprise to me because I never . . . I thought that DeLotto was going to spend the rest of his life in the Assembly, you know, and that there was no chance for me to do anything other than run for the city council or something.

Steve Vartabedian: So that wasn't something that you had a long-range plan of doing.

George N. Zenovich: No.

Steve Vartabedian: But you did take your Assembly seat, and at that time you took your Assembly seat at a time when Edmund "Pat" Brown was Governor, and Jesse Unruh led the Assembly.

George N. Zenovich: Right.

Steve Vartabedian: What was Sacramento like in those days?

George N. Zenovich: Well, it was much different than it is today. Of course, I hadn't been up there for a while. Since I left to come on the court, I didn't go up there or hadn't been up there too often.

Jesse was a very dynamic man and so was Pat Brown, and then the other leader in the Legislature at that time was a man from Fresno, Senator Hugh Burns, who was the pro tem. So it was a development of antagonism between Burns and Brown, and then it became Unruh and Burns versus Brown. *[laughing]* They'd had a television news show every Tuesday called "The Jesse Hughey Show" and always gave Pat Brown a bad time. But other than that, I mean, it was . . . politically it wasn't so divisive, and we still got along and got a lot of things done.

Steve Vartabedian: And you did become very quickly a part of the Democratic leadership.

George N. Zenovich: Right.

Steve Vartabedian: How was it that you achieved such a quick rise when seniority seemed to be the rule of the day?

(00:05:08)

George N. Zenovich: Well, Jesse helped me down here; so did Hugh Burns. And when I got up there I had that credibility, and so I fell in the line on a natural basis with respect to leadership.

I remember one of the first things that Jesse asked me about was what my background was as a lawyer, and I did . . . at that time I was trying a lot of workman's compensation cases. So he made me the vice-chairman of the Finance and Insurance Committee—the Assembly Finance and Insurance Committee—and then made me the chairman of the Subcommittee on Workman's Compensation. So I got very involved there with workman's compensation, and it just led to things that gave me all kinds of opportunities for leadership.

Steve Vartabedian: And certainly you authored some very significant legislation. In fact, in looking back, what do you feel were some of your greatest successes in the Legislature?

George N. Zenovich: Well, some of the things that I did in the field of workman's compensation I thought were very good, but then of course have been changed since. You know, workman's comp is . . . I don't know whether that problem is ever going to be solved, because it's just a big money problem and benefit problem and medical problem, and it's going to be a constant, constant, constant problem as far as I'm concerned.

The other things that I did involved . . . I did some things involving bond issues for the County of Fresno and bond issues for the State of California. One of the most important things I thought that I was involved in at the time was after Prop 13. For those who don't remember Prop 13, you know, that was a severe change in the financing of the local governments, and that limitation, the 1 percent limitation, had a tremendous effect. As a matter of fact, it moved, it took all the power, the money power, away from local government and moved it to Sacramento.

Steve Vartabedian: You know, and on the subject of bonds, you are the lead-name author of the Zenovich-Moscone-Chacon Housing and Home Finance Act, which really is a landmark in the way housing is financed in California.

George N. Zenovich: Right, right. It is a landmark, and that was an interesting thing, because at that time we didn't have a housing finance agency; and I was very interested in wanting to do something about it,

as was George Moscone, who was then the senator from San Francisco, and Pete Chacon, who was an Assemblyman from San Diego. And we evidently did a good job, and it helped the economy in the state. And that bond issue was very important. That was a case that came up after I left the Legislature, and it came before the Fifth on the question of whether that limitation, the 1 percent limitation, and the necessity for a vote was required in the issuance of the improvement bonds. And the opinion that I wrote then, which was really a rather moving opinion in my opinion, it kept the building industry in business, because mostly everything done these days is done with the issuance of bonds in the industry.

Steve Vartabedian: You had a lot of other areas of interest in the Legislature, which I'm sure you saw impact later in your career as a justice.

George N. Zenovich: Oh, yeah.

Steve Vartabedian: One area that I understand you had quite a bit of interest in was the neurologically handicapped children . . .

George N. Zenovich: Right.

Steve Vartabedian: . . . the funding for the Diagnostic School in 1973.

George N. Zenovich: That's right.

Steve Vartabedian: So that's another item you're very proud of.

George N. Zenovich: Right. There was a lady here in Fresno at that time who was very involved; she had two kids that were disturbed, and the only way she could have them treated was to either drive to Los Angeles or drive or fly to San Francisco. So she came to me one day. This is really the purpose of being a legislator, you know, to draw on the needs that people desire at the local level. And she came into my office one day and told me this deplorable story and why we needed one in Fresno.

So I immediately introduced the bill in Sacramento and began to move it. It took me a while; it took me about two to three years, and I finally made it. So now we have this neurologically handicapped facility here in Fresno where people from the Central Valley can bring their handicapped children.

(00:09:59)

Steve Vartabedian: Tell us also about some of the matters that might have been great disappointments to you in the Legislature, if there were any.

George N. Zenovich: Well, there were some. I can't right at the top of my head right now think of anything; maybe as we go along here I'll think of something. I served as the vice-chairman of the Assembly

Judiciary Committee and also as the vice-chairman of the Senate Judiciary Committee, and there were a lot of bills involving the courts and involving the law that I was involved in and deliberated upon.

One of the real big bills that I thought maybe we should have made an effort to do something about was on the no-fault issue, you know. But god, that was really . . . I remember getting letters from young Mexican attorneys saying, "Don't vote for no-fault. I've just become a member of the bar, and I want my opportunity, you know, to make a good living in the PI business." I mean, very touching, you know. So in that vein, the whole question sort of became moot.

Steve Vartabedian: I understand in the area of automobile-type liability cases that you also have some background with the guest statute.

George N. Zenovich: Oh, yeah. *[laughing]*

Steve Vartabedian: In fact, you proposed something in the Legislature, and you had some experience as an attorney.

George N. Zenovich: Right, right. I got a case here in Fresno some years ago that involved the guest statute. At that time, the guest statute . . . if you could show . . . if the driver of the car or if the guest could show that the driver of the car was either intoxicated or driving recklessly, you could recover; otherwise, you couldn't recover. So you had to show intoxication or real heavy negligence. And I tried this case that was referred to me by another attorney, by a prominent attorney in this town who didn't think it was worth it, you know. He said, "So, Zeno, why don't you go give it a try?" And I did, and I got a verdict; the jury gave me about $25,000, which was pretty good in those days.

And the other side, the insurance company, was really sort of ticked off, and they took it to the Fifth and the Fifth took the verdict away from me. And then I took it to the Supreme Court and the Supreme Court gave me back the verdict, so I had to try it again, you know. *[laughing]* But that was a very interesting thing.

And then when I got in the Legislature, I decided, what the heck? I might as well introduce a bill to do away with the guest statute. *[laughing]* That didn't work either, because the insurance lobby had a handle on the members of the committee at the time.

Steve Vartabedian: Well, maybe you were ahead of your time, and that's why it didn't quite work out at that time. *[laughing]*

George N. Zenovich: Yeah. *[laughing]*

Steve Vartabedian: You had success with that, at least at that point. You know, many of your items of legislation obviously have impacted the courts. In the area of agricultural relations, labor relations, I believe, you had a big impact. Could you tell us a little bit about it?

George N. Zenovich: Right. I was the principal co-author of the Agricultural Labor Relations Act; and that was really an interesting fight because, you know, trying to put everybody together. And I succeeded in putting the growers together with the production people and the farm-labor people and what-have-you and got the bill to the Governor's Office. I'll never forget that negotiation. We were all in the Governor's Office putting this whole thing together, and there was only one group that decided at the last minute to oppose us. And that was, it was, the lettuce industry, or a portion of the lettuce industry, I forget. Their lobbyist at that time was named Daryl Arnold, and he was appointed ambassador to New Zealand or something right after this. I guess it was a success in taking the position that he did; but the Agricultural Labor Relations Act became law, and it's the first act in the country, frankly, on labor relations.

And I remember our congressman at that time was really impressed, because he was introducing bills every year back there to do something on labor relations, to set up a board or a sub-board like under the National Labor Relations Act. *[laughing]* And I remember he had a bunch of congressmen out here visiting him from all over the country, and he brought this item up; and I'll never forget this congressman from Mississippi, he says, "You'll never get a vote out of me, Mr. Sisk, over my dead body, for an Agricultural Labor Relations Act."

(00:15:06)

Steve Vartabedian: And certainly that was something that was very responsive to your local constituency.

George N. Zenovich: Right.

Steve Vartabedian: There were other times, and maybe on the lighter side there was something that came about. At one point the Fresno County Board of Supervisors made a request of you concerning courthouse park squirrels. Could you tell us a little bit about that? *[laughing]*

George N. Zenovich: Ah, that one I can't live down. I mean, the board of supervisors and a newspaper reporter by the name of Eli Setencich, who was the courthouse reporter at that time, he's the one that called me and said, "Hey, Zeno, the drunks are killing all the squirrels in the park." *[laughing]* And he says, "Can you replace them?" And I said, "Oh, my gosh." So I said, "Well, I'll see what I can do." And the board of supervisors also had made the

request. So I went to the park superintendent in the capital, and he told me, he reminded me, that the squirrels up there came from Fresno. *[laughing]* So I introduced a resolution to have some squirrels removed from the Capitol Park and brought to Fresno, and we did it—flew them down here, had a big ceremony. And now we got squirrels all over the place.

Steve Vartabedian: We sure do. In fact, I remember seeing photographs of you with a hardhat and a squirrel net.

George N. Zenovich: Yeah. *[laughing]*

Steve Vartabedian: Out there getting ready to catch some of those guys in Sacramento.

George N. Zenovich: Yeah. Well, I got letters from all over the country from guys that I served in World War II, that I served in the Air Corps, with you know, writing the . . . because the AP picked us up. It was a big story, and there was one guy from Alabama wrote back and said, "Zeno, I always thought you were a squirrel anyway." *[laughing]*

Steve Vartabedian: There's another story about you I'd like to recollect a little bit about with you. It was, in fact, at the time that then-Governor Reagan was making plans to build a Governor's mansion away from the city of Sacramento. That was something that you opposed, and I understand that the Governor left a message for the Lieutenant Governor when he was about to go out of state. Do you remember what that message to the Lieutenant Governor said?

George N. Zenovich: Well, that was addressed to Robert Finch, who was the Lieutenant Governor as I recall, and the message was to authorize the pouring of the cement for the new Capitol house, or whatever, and to put Zenovich in the cement.

Steve Vartabedian: To have the foundation laid with you in it.

George N. Zenovich: Yeah, lay the foundation with Zenovich in it, you know. He really had a sense of humor on that one, and that started a hell of a relationship between the two of us over the years.

Steve Vartabedian: Well, let's talk a little bit about that. In fact, a book was published in 1983 entitled *Legislative-Governor Relations in the Reagan Years: Five Different Views.* You offered one of those five views. Tell us a little bit about that view that you offered on that.

George N. Zenovich: Well, when he first came up there, I was a little bit antagonistic, a little bit like this Schwarzenegger thing, you know, and here was this actor, you know. Although I knew that Reagan was involved in some political stuff and I knew somewhat about his background; you know, he was a

Democrat for starters, and then he changed, so it was kind of difficult to accept him just per se. Because I was so used to Pat Brown and Butch Powers, who was also another Lieutenant Governor, but a Republican who was an interesting guy that I was very fond of. So it took me a while to warm up to Reagan; but when I warmed up to him, it was really nice. I mean the guy has—had—a hell of sense of humor at the time. And he wanted to build the Governor's mansion away from the Capitol, and one of the reasons that I opposed that was because the constant plans over the years by the time I got there was to include the Governor's mansion just next to the Capitol with some kind of a tunnel underneath, which the experts said, you know, would save the city a lot of money. And when he decided he wanted to build it out—I forget where in Sacramento—I took him on, and he was very unhappy about it.

Steve Vartabedian: You were described as a legislator who staunchly supported the death penalty, for the most part going against the grain of the position of the Democratic Party at that time, with the exception of one occasion. Do you recall that occasion and how that came about?

(00:19:54)

George N. Zenovich: Yeah. That was when the Reagan-appointed court reversed a case before it and decided that the death penalty was unconstitutional. Up till that time, I had always supported the death penalty, assuming that it was constitutional. And it was written by the Chief Justice at that time; I forget his name, but he was an appointee of Governor Reagan. As a matter of fact, a person who was the presiding judge of this court, the Fifth District Court of Appeal, was considered for that job.

Steve Vartabedian: That would have been Donald Wright. He would have been—

George N. Zenovich: Yeah. Well, Donald Wright got the job.

Steve Vartabedian: Right.

George N. Zenovich: But George Brown was contending, and one of the reasons that they took him out of the contention was because he had a heart problem. By the way, in my opinion he would have been a hell of a Chief Justice. *[laughing]*

But anyway, Wright decided . . . he wrote this opinion. And so at that time George Deukmejian was a senator from Long Beach, and George had always . . . we served together on the Criminal Justice Committee and were always killing the death-penalty bills, so George was making his big effort. And that's really what got him through in the end, I think, to become Governor. I mean, he was so persistent. So he immediately introduced the bill to reverse that decision and wanted me to

be the principal Democratic co-author, and that's when we came to a division of opinion.

You know, I'm very much involved in separation of the powers. And this to me is very important for this country. There's got to be three different distinct parts of this whole system. Check and balance is so very important, and I just told George at the time, I said, "Look, George," I said, "if we're going to make an effort to reverse the Supreme Court every time we dislike something it does, then this country is going to be finished." I said, "When the courts no longer exist, it's all over with; I mean, Legislatures come and go, but the courts are fairly permanent, you know." And so he said okay, he accepted it as a fact. And that was when I voted against the bill for the death penalty because of my position on separation of powers.

Steve Vartabedian: And you certainly were a strong leader among the Democrats; and while you were just that, you did have a good many friends among Republicans.

George N. Zenovich: Right.

Steve Vartabedian: For example, retired Justice Gordon Cologne, also a former member of the Legislature and, I understand, also a law classmate of yours . . .

George N. Zenovich: Yeah.

Steve Vartabedian: When he was recently interviewed for this project, he commented on how he valued your long friendship with him.

George N. Zenovich: Yeah.

Steve Vartabedian: Would you say you have been able to maintain these relationships more as a matter of being a political centrist or based on your personality, or is a little bit of both?

George N. Zenovich: I think it's a little bit of both, probably more on my personality. I respect your position on whatever you want to say, and I'll defend it to the end, you know, even if I disagree, and that was it. I developed this relationship among Republicans, and they respected me for at least, you know, taking a position that they knew where I was coming from, and we retained our personal friendships otherwise.

So, I mean, I got all kinds of Republican friends throughout the state and the country just because of that, and I think mainly because of . . . I never really got mad. *[laughing]* I mean, today, you know, when you look at what's going on in, well, mostly in Washington, the positions have been polarized and people are screaming at each other. It's awful. It's awful, and you can't . . . you know, I get a kick out of every time somebody addresses a congressman or a senator back there,

they refer to Your Honor, you know—or I mean, with respect. But when it comes to talking to the press, they're clobbering each other. And we didn't do that then. Going back to that "ey Hughey Show" thing, you know, I mean, we took our beasts out of the Legislature and told the press what we thought, and that was it.

Steve Vartabedian: You know, a lot of the things that you did, as we've already talked about, impacted the courts; but I understand there was a particular time that the Legislature was contemplating splitting the Third Appellate District into divisions. The Third District, just like the Fifth, has no divisions; it's one court of a number of justices, and it was then. That was a move that was opposed by then–presiding justice of that district, Justice Robert Puglia, a staunch Republican.

George N. Zenovich: Yeah.

Steve Vartabedian: How was it that you came to Bob Puglia's aid in that matter?

(00:24:58)

George N. Zenovich: Well, that's another question, when you ask how I interacted with Republicans. I mean, the minute this man walked into my office, I knew I was going to like him. *[laughing]* Although I'd heard that he was really very, very, very conservative, and I guess he was, you know; but it was very interesting.

I had a friend who was a plaintiff's attorney there in Sacramento, and his name was Dave Ruff, I think, R-U-F-F, or Dave Rusk, R-U-S-K. And he was very successful in getting big verdicts out of juries in Sacramento. And evidently . . . the Third, right? They would take it away from him all the time on some technicality. So it became rather frustrating. He used to complain to me about it.

So one day he came in and he said, "Hey, Zeno, will you introduce a bill to split up the Third District Court of Appeal?" And I said, "Oh, my god." *[laughing*] "Yeah, well," I said, "this is going to be tough to do, you know." He said, "Well, let's give it a try." And I said, "Well, all right, we'll give it a try."

So I introduced the bill, and the first thing that happened one day, I got a call from Bob Puglia, who l loved—I really liked the guy. And he came in with a former legislator, senator from San Francisco named Eddie Reagan, Senator Ed Reagan. And they came and lobbied me and asked me if I would withdraw the bill, and I said, "No, I'm not going to withdraw it. I'll just leave it there and let it die its own death. But things have to change on the Third, you know." And by gosh, they did.

Steve Vartabedian: Now, my recollection is that you were a very popular figure during your service in office and that you didn't very often

attract opposition—except there was one run for the Senate, that I understand that you had a very close race. Could you tell us a little bit about it?

George N. Zenovich: Yeah, that was about a man who's still around, Earl Smittcamp. He was a big Republican then and still is. And that's when Hugh Burns died and that opened up that seat. So he was very interested in wanting to succeed Hugh Burns, as were several other Republicans, you know. And so the mayor of Fresno at that time was a man named Floyd Hyde, and he wanted the job; and so he ran, but he was a rather liberal Republican for Earl Smittcamp. Earl Smittcamp couldn't stand him, because he was too liberal as a Republican—that is, Floyd Hyde. *[laughing]* So they ran in a separate primary and Earl did beat him, and then I ran against Earl.

And at that time, he was in the peach business and he made jams, and he used to walk to precincts and give everybody he talked to a jar of jam. *[laughing]* So you can imagine how that worked on my mind, you know, because everybody that he talked to and asked for them to support him got a jar of jam. And it was a tough fight, and I finally . . . either in the 55 or 56 percent Democratic district at that time, I finally wound up with 51 percent of the vote. There was a problem with the elections department; they couldn't . . . they screwed up on tallying, and so the final results were delayed for about a week. And I thought Earl beat me, but I finally won it.

Steve Vartabedian: So you eked that out in spite of those jars of jam that everyone had, right?

You know, I also have it on good authority that while you were in the Senate, Governor Jerry Brown relied heavily on your recommendations when making judicial appointments here in the valley—the Central Valley, that is. Do you have any thoughts about that and the whole process of judicial appointments?

George N. Zenovich: Well, I think it's important for a member of the Legislature from a given district to have some input on judicial appointments; but particularly if he's an attorney, because in most cases when a member is an attorney, he knows about a given person and he knows how that person practiced law and basically the philosophy of that person. And so I think it's important, you know, and I would never make any kind of an effort to take that power away from the Governor or from a member of the Legislature. And I used to make recommendations to Governor Brown, and some he would appoint, and some he wouldn't; but, you know, I think that's a very important thing that to this day has to be carried on.

(00:30:01)

Now, if the Governor is relying on somebody else in his office, you know, then I question it, you know; but I think it's important for a legislator to have some impact.

Steve Vartabedian: So was there a point in time as you served in the Legislature that you said to yourself, "I think at this point I'd like serving the public as a member of the judiciary"?

George N. Zenovich: Yeah.

Steve Vartabedian: Tell us how your life came about.

George N. Zenovich: Well, I was very involved as the vice-chairman of the Senate Judiciary Committee; so I was involved in all the major legislation over those years that came out of the Legislature, and that sort of led me to want to have a career on the bench if at all possible—because, you know, being a member of any given body, after all, becomes old hat. *[laughing]* And so I guess I was getting a little bit frustrated with the Legislature—although it changed hands several times while I was there—and so I decided to make an effort to get an appointment to the Fifth. And I did and I was successful.

And I'm very happy that I did because I met some fantastic people here on the Fifth. At that time, there were only four members. Judge Brown, George Brown from Bakersfield, who was a rather conservative fellow, but a reputable fellow, a decent fellow. Don Franson, a Republican with . . . a sort of a liberal Republican who probably, had Nixon not got in trouble, who could have been on the Ninth Circuit Court of Appeal in my opinion, maybe the Supreme Court—same thing for George Brown. They were both excellent jurists. And then there was George Hopper, the Democrat liberal who I really admired, and that was interesting. You can imagine the discussions, the in-depth discussions on writs and things in closed session among the four of us, you know.

Steve Vartabedian: Yeah. I think it's particularly interesting, because you all had varied backgrounds, very different.

George N. Zenovich: Yeah, yeah.

Steve Vartabedian: And you in particular, you had a background in the Legislature.

George N. Zenovich: Right.

Steve Vartabedian: How do you think your service in the Legislature prepared you for your judicial duties and this interplay you had with these three other justices?

George N. Zenovich: I frankly, now that it's all over with, I think it's very important for a member of the court here to have been . . . had some experience as a legislator. I know when we'd get into a crunch

they'd always get on my case and say, "Well, Zeno, you know, what did you people up there in Sacramento mean when you wrote this?" *[laughing]* And I said . . . Well, if I knew something about it, I'd give them my feeling about what the intent was, what was the intention; but otherwise I'd have to check the record, you know.

Steve Vartabedian: So they had instant legislative history right here as feedback.

George N. Zenovich: That's right, that's right. And I think that's very good. Frankly I'd like to see more members of the Legislature eventually appointed to the court, particularly to the Court of Appeal.

Steve Vartabedian: Now, you didn't have any trial experience, because you went directly from the Legislature—

George N. Zenovich: Well, yeah, I had some trial experience.

Steve Vartabedian: I mean as a trial judge—I'm sorry, my mistake there.

George N. Zenovich: Oh, no. No, I wasn't a trial judge.

Steve Vartabedian: Do you think that handicapped you in any way, or do you think that wasn't really a problem for you?

George N. Zenovich: It really wasn't a problem for me, you know. I had tried several cases before going to the Legislature. I started practicing—what was it, in 1953, and I took one case up to the Supreme Court. I told you about that case where it reversed the Fifth, you know, the guest-statute case. But I had some great experiences with judges, and I always admired judges who were objective at that level; it's very important. Yeah, that was a judge here in this town by the name of Mardikian; George Mardikian, a Republican.

Steve Vartabedian: Could it have been Robert, Robert Mardikian?

George N. Zenovich: Oh, Robert Mardikian. You know, he was a huge man, you know, and a good attorney, and he was appointed . . . I forget who appointed him; but I supported his elevation to the Fifth District Court of Appeals.

Steve Vartabedian: As I recall for superior court, I believe Mardikian was a Republican; and he was appointed by Governor Brown, if I'm not mistaken, to the superior court.

George N. Zenovich: Right, and George Deukmejian wouldn't appoint him. *[laughing]*

Steve Vartabedian: That may be a whole different story that might require a different day.

George N. Zenovich: Right.

Steve Vartabedian: But in any event, when you were on the Court of Appeal, that was a five-year period, and you've talked about the fact that you joined three sitting justices at that time, replacing Justice Gargano. But by the time you left the court five years later, the court had expanded to eight.

(00:35:12)

George N. Zenovich: Right.

Steve Vartabedian: So this was a time of rapid growth and addition of additional judicial positions. And you've already told us a little bit about the three justices that you sat with—PJ George Brown, Justice Donald Franson, Sr., and then Justice George Hopper, who was legendary for his feistiness.

George N. Zenovich: Oh, yeah.

Steve Vartabedian: I remember when he died in office, you know.

George N. Zenovich: They always used to tell me, "Don't let him Hopperize you." *[laughing]*

Steve Vartabedian: Well, explain to our listeners what it means to be Hopperized, if you recall.

George N. Zenovich: I remember the sheriff for this time at that time, a guy named McKinney; I forgot his first name.

Steve Vartabedian: Hal McKinney.

George N. Zenovich: Yeah. *[laughing]* But he said, "I always had to be careful with George Hopper on the municipal court." Because George was, you know, on the muni court for a long time. And he said he would Hopperize you, which in essence meant he would prevail upon you to give him . . . for you to do what he wanted you to do in connection with a given case.

Steve Vartabedian: I remember as a young attorney being Hopperized myself. *[laughing]* It was quite an experience.

George N. Zenovich: He was really a very interesting guy.

Steve Vartabedian: Very much so. Any other thoughts on those three? I think you probably said what you thought of them.

George N. Zenovich: Well, you know, just talking about George Hopper, now here's a guy who really didn't have much of a trial practice. He specialized in creating cities in the San Joaquin Valley and in Fresno County. He created several cities—I don't know how many—but I know he was the city attorney of all these cities that he had eventually created. So that was his specialty, and that's how he brought to the Court of Appeal.

Steve Vartabedian: Quite a varied group, as we've talked about already.

George N. Zenovich: Oh, yeah.

Steve Vartabedian: Then less than a year after you joined the court, Governor Jerry Brown appointed Justice Pauline Hanson to the court, who was, if I'm not mistaken, both the first woman to serve as a superior court judge in this district and also the first to serve on this court itself. She, like Justice Hopper, tragically died while in office; I heard that came, I believe, in 1987. Any particular recollections about Pauline Hanson you wish to share?

George N. Zenovich: Very capable lady and very easy to work with and to be, you know, involved in deliberations. She was very knowledgeable in the law. She'd worked for the first PJ of this court, a man named Conley, Philip Conley. She was his administrative assistant or whatever they called them at that time. She was his chief legal consultant, as I recall; so she had a lot to do with his involvement.

Steve Vartabedian: She may have been the principal attorney, if not at that time at some point, of the court.

George N. Zenovich: Yeah. Of the whole, total court, yeah. But, you know, I remember that because that was part of the reasons that she was appointed to the superior court—because of that background, because she didn't try any cases either.

That's a constant question in appellate strategy, you know: should you appoint someone who has never had the trial experience over someone who is in a sense an academic or came from some other section of government? And I think it's . . . well, look at the U.S. Supreme Court over the years, you know. I can't recall any specific cases here in the California court, particularly the Supreme Court; but it's something to be concerned about.

Steve Vartabedian: Then from about late 1980 until 1982—this was the period of the rapid growth of the court—four new members came on the bench: Justices Ken Andreen, Wickson Woolpert, Charles Hamlin, and Robert Martin. Any thoughts about how that affected the operation of the court, basically doubling, or any of the additions of these—

George N. Zenovich: Well, that's in effect what it did. It just doubled the input and output of the court: new faces, new people. And, you know, the PJ had more work to do with more people, and he was really a very capable guy and knew how to separate the various panels for the various issues, which was very important.

I remember in that context, you know, I told you about the Agricultural Labor Relations Act, and I was one of the principal

co-authors. When I came here that case, the constitutionality of that statute, was filed in this court. And George Brown at that time decided that he'd pick the panel, and the panel consisted of himself, Don Franson, and me. And I remember the Chávez folks, you know. They decided that they didn't want me having anything to do with that case, because I was involved in the deliberations in the Legislature.

(00:40:29)

So they challenged my status as a member of the three, you know, and I refused; I decided that I wanted to do it and I wanted to rule on it, and I had the encouragement of George Brown and Don Franson. And the case went all the way to the Supreme Court, and the Supreme Court sustained my position. I didn't have to recuse myself. And in the end, the decision was a three-zap decision, finding the Agricultural Labor Relations Act constitutional.

Steve Vartabedian: I came across a *Daily Journal* profile on you—I think it was published about 1982—and you're described there as one not regarding yourself on your job or your job with much pretension. In fact, I think that was the description you gave the particular writer of that article, that profile. Any changes in that perspective as we sit here 24 years later?

George N. Zenovich: No. *[laughing]* Still the same. Even when I put that robe on to conduct a marriage ceremony, I'm still George, you know. *[laughing]* And that was one of the things that used to disturb me from time to time sitting with various people. Once they put that robe on, they changed, you know; not me. *[laughing]* Maybe that wasn't a good thing or something, I don't know.

Steve Vartabedian: Well, I think that has served you well throughout your various careers. Now, let me ask you this: of the cases that you have authored, any favorites? I know we talked about some of them that you've been involved in, but do you have any favorite cases of those?

George N. Zenovich: Well, gosh, it's been such a long time. The bond case is probably one of the most important, in my opinion. I remember the reaction after that, because that literally kept these folks in business.

Steve Vartabedian: Okay, that would have been *County of Fresno v. Malmstrom,* I believe, in 1979.

George N. Zenovich: Yeah, that's the case, right.

Steve Vartabedian: That certainly was a case of big impact, because you had the Proposition 13 and governments . . .

George N. Zenovich: Right.

Steve Vartabedian: . . . and I think you've already described this to some extent.

George N. Zenovich: Right.

Steve Vartabedian: Governments with very limited funding, and this allowed special districts in bonds—

George N. Zenovich: That's right, to issue those bonds without a vote.

Steve Vartabedian: Right.

George N. Zenovich: The other thing that I was in, the California Housing Finance Act, was another thing that I was very proud of. I would say that was one of the pieces of legislation that I'm most fond of.

The other thing, I used to carry a lot of little things that people never really concerned. When I was in the Assembly, a family flying from Oregon down to the Bay Area in an airplane crashed, and I remember it was my first year in the Legislature. And there was the mother and the father and a daughter, and the daughter survived; and they were looking for her or looking for the wreckage and all of that and couldn't find it or anything, you know. So one day, the little girl shows up—she was about 10 or 12 years old—shows up in some town up there in Northern California, and she survived.

So I remember when I was in the Army Air Corps during the war—we used to call it the Army Air Corps—I did a lot of flying in the Pacific. And, you know, flying in the Pacific, I was a radio operator looking out of that window on all that water and jungle, and I figured . . . I used to say, "My god, if we ever get down there, nobody will ever find us." And they had some downed-aircraft locators at that time in some of these B-24s; and I remembered that and I was in one that had one. So I introduced the bill to require pilots to put these downed-aircraft locators in their airplanes, and the pilots and the Legislature went crazy. But this was a first-impression bill, and it was unbelievable. There was some company from Canada that built these things, and so we went up to Canada for a simulated finding in connection with an accident. And it was really very exciting.

And eventually this became law. There was a pilot from Colorado or something in Congress; I forget his name, but he introduced the bill. And so as a result of my bill becoming the first in this country and applying to California, he introduced a bill making it applicable to the whole country. So downed-aircraft locators are me. *[laughing]*

(00:45:18)

Steve Vartabedian: And while downed-aircraft carriers . . . is that what you called them?

George N. Zenovich: Downed-aircraft locators.

Steve Vartabedian: Locators—excuse me, downed-aircraft locators. While that may not have been something that you had anything to deal with as a justice on the court—that might not have been anything—there were a lot of things that you did deal with in the Legislature that, as you've already said, would come up in the appellate court, and your fellow justices might have been asking your viewpoints on it.

George N. Zenovich: Yeah.

Steve Vartabedian: And I know that during the time that you were a member of the Legislature, this was a time when California took the lead nationally in prolifically enacting numerous consumer-protection laws.

George N. Zenovich: Oh, yeah.

Steve Vartabedian: Rees-Levering, Sloan-Beverly; there were several of those during your tenure in the Legislature.

Now you're a justice of the Court of Appeal, and in 1984 you get a case involving a dealership, Toyota Visalia, who had a little run-in with the Department of Motor Vehicles. Did you recall that case by any chance?

George N. Zenovich: I vaguely recall it, but he was using some kind of a gimmick that turned out to be bad.

Steve Vartabedian: Well, I happened to take a look at that case, and it was a situation where the dealer himself—I believe his name was Ottmar Thomas—he would go on TV and he would offer a free gift with the purchase of a vehicle, when in fact one could buy the same vehicle for a price minus the cost of the so-called gift. And in that case, you did agree with the trial court's finding that this violated the prohibition of false and misleading advertising. There was a Vehicle Code section that covered that, 11713. But I guess my question is, do you have any particular thoughts about consumer-protection laws and the fact that they are enacted and the courts are called upon to enforce them?

George N. Zenovich: Very much so. It's very important to protect the rights of consumers, and the court is the last resort. I mean, you know, if you think you've been had, you've got to file an action and make an effort to have it decided; and that's the way I felt about it as a member of the Legislature, and even when I came up here.

I remember that case. That was an interesting—as a matter of fact, I think that case came out of George Mardikian's trial court when he was a trial judge. But I remember that guy advertising on television; it was phony, you know. So there's got to be a check on this kind of activity, and the court is the proper place. That's why when I told you early on, once the courts go in this country, it's all over with as far as I'm concerned.

Steve Vartabedian: You have some very strong feelings there about the separation of powers.

George N. Zenovich: Very, very much on the separation of powers. And I don't care whether the courts are conservative or whether they're liberal; it doesn't make that much difference. And to me, someday when somebody's watching this and listening to this, who knows what the status of this state and this country might be in that connection? It's very important to think about this, because that line is a very thin line, in my opinion. The constitutionality issue is a very thin line; it could go one way or the other.

Steve Vartabedian: You talked a little bit about this, having been a primary author of the Agricultural Labor Relations Act—that's a mouthful to get out all at once—the ALRA, and how even though you actually enacted this legislation, that you were asked to recuse yourself. And you did stay on the case that you mentioned.

There was another case in 1980, *Dan Tudor & Sons v. the ALRB,* that reversed the ALRB's finding that the employer had willfully engaged in a pattern of wrongful surveillance of farm-worker employees. And again, along the same vein, did you have any feelings that maybe you should take yourself off of cases such as this because you enacted the law itself? Or did you feel you could be fair and there was no reason why you, given the amount that you had studied this issue, that you were in fact maybe even better qualified to hear those kinds of cases?

George N. Zenovich: That's it; I just felt I could be fair under the circumstances. I remember that case, you know; and I mean, the ag labor people were really hot about that. I mean, they had a very attractive attorney that used to come before the Fifth. I forgot her name; she was a blonde and she represented César Chávez and the union. And boy, she always used to make an eyeball pitch at me on any case that she argued to make sure that I knew where she was coming from. It was very interesting.

(00:50:15)

So I shocked her when . . . I guess I must have shocked her when I voted finding the ALRA constitutional, and then when I

voted then on this last case. What was the name of that guy again?

Steve Vartabedian: That was Dan Tudor & Sons.

George N. Zenovich: Dan Tudor, when I voted to support Dan Tudor against the labor union. *[laughing]*

Steve Vartabedian: Now, that particular opinion was originally published in 1980, then later de-published by the state Supreme Court, you know. And you know, we as appellate justices, that's kind of a mystery to us.

George N. Zenovich: Yeah.

Steve Vartabedian: We don't know why a case may be de-published by the Supreme Court. Is there a feeling that the ruling was wrong? Is it maybe something they just don't want to be in the published group of cases? We never really know in those kinds of situations. And there has been some criticism of the de-publication process, and over the years sometimes it's happening more frequently, other times less frequently. Do you have any particular thoughts about the ability of the Supreme Court to de-publish a Court of Appeal decision without stating any reasons as to why?

George N. Zenovich: Yeah, I don't like that, frankly, and I don't know how this ever came about; but I think that probably from a historical standpoint, like a lot of things have been done in secret over the years, and so that's it.

Frankly, I remember we used to discuss here on the Fifth about whether something should be published or not, and I had a strict rule. I always used to say here on the Fifth that if it's not a first-impression case, something of first impression, we shouldn't publish it, and there was a lot of disagreement over that very issue. So I can imagine, now, you know, talking about the Supreme Court, let's see, who . . . Was Rose Bird the Chief Justice when that happened, I wonder?

Steve Vartabedian: I believe so, yes.

George N. Zenovich: Yeah. Well, that tells you something. *[laughing]* Although I have the greatest respect for that woman; in my opinion, she was a great Chief Justice and a very capable woman. And I remember her in the Legislature. When I was a member of the Legislature she was the director of agriculture and consumer affairs for Jerry Brown. So that's probably something that was done after 5:00 one day. *[laughing]*

Steve Vartabedian : You know, you touched upon this a little bit, that whole decision-making process among the three justices on a panel as to whether to publish a particular case. You gave us a little bit

of insight into how that process worked for you. Today, there is currently a movement among many in the statewide legal community that all cases should be published. What do you think about that?

George N. Zenovich: I don't think that. I don't agree with that, frankly; my gosh. I mean, a lot of issues are repetitious; they've been ruled upon, stare decisis and all of that, you know. Why create more of a library when you don't have to, you know? *[laughing]*

I remember, on the Fifth every now and then we used to get complaints from attorneys when we didn't publish something, you know, and I always stuck by my position that I thought that unless I thought it was a first impression it shouldn't be published. But who knows? Maybe things are going to change, and everything's going to be published. Well, of course, it doesn't have to be printed in a book with a binding. It can be on a television screen or the computer screen, you know.

Steve Vartabedian: In fact, nowadays for a limited time, unpublished cases are available on the Internet.

George N. Zenovich: Oh, they are?

Steve Vartabedian: But of course you still can't cite those cases in court.

George N. Zenovich: Oh, that's interesting. I didn't realize that.

Steve Vartabedian: Yeah. Now, the courts have had to deal many times with issues concerning initiatives such as Proposition 13. Do you have any particular thoughts about the initiative process as a means of legislating?

George N. Zenovich: It's a terrible way to legislate, in my opinion. I have opposed initiatives from day one, even before I went to the Legislature. You know, how can anybody vote for a proposition that's never been scrutinized, that there's never been any hearings on in connection with what it does and how it operates, pro or con—and make that vote count as a vote that's a conscientious vote for something like that, you know?

(00:54:59)

I remember that Rose Bird dissenting opinion on Proposition 13; and what she said in that dissenting opinion is exactly what happened, you know. You're my next-door neighbor, and your house was valued at, say, $100,000, and my house is valued $100,000. So I sell my house and the value goes up; and will you continue to live next-door to me all these years? The guy who bought from me has got to pay more in taxes than you do, and the guy that bought from him has got to pay more in taxes, property taxes, than he did and than you do. So there was a disparity there. So that person who decided to stay in

that home for the rest of his life or for a good number of years is getting a tax break in my opinion, because he's not paying for his fair share or her fair share of what's going on in the county.

Steve Vartabedian: And I think people's feelings about that will continue over the years as . . .

George N. Zenovich: Of course, of course.

Steve Vartabedian: . . . as those laws continue.

George N. Zenovich: And the other thing, the fact that it doesn't apply to industry, you know. It's something to think about. I was against Prop 13 at the time. People thought I was crazy, but . . .

Steve Vartabedian: You've shared with us, and it's really been enjoyable talking about, some of these issues that involved the Legislature vis-à-vis the judiciary. Any other thoughts or impressions about the interplay between these two branches of government—the Legislature and the judiciary?

George N. Zenovich: Well, as I told you from the outset, once the courts go in this country, it's all over with. So I look to the courts as the ultimate solution, and I accept that whether that court is a conservative court or whether it's a liberal court; I mean, that's the name of the game in the U.S. In my opinion, that's the name of a free society. And I just hate to see people constantly introducing bills to reverse a decision of a Supreme Court, you know; but then, who knows whether I'm right on that? I can imagine that those debates eventually will be so significant, you know, and they'll say, for example, "Well, there was only nine people on that court to decide it" or "only seven people on that court to decide it. We're here in California in the Legislature, you know, and we got 80 people that can decide one way or another."

I mean, it's going to be tough, and that's one reason that I'm against initiatives. I never vote for an initiative that's instituted outside of the Legislature, you know. And after all, when you think about it, Hiram Johnson, who was then the Governor, the only reason he did that was to break up the railroad monopoly. The railroads in this country owned the state of California, and that was his reason—because he could never get a legislator to vote against the railroads because of the lobbying and the money connections.

Steve Vartabedian: It's a very interesting bit of history; thank you for sharing that.

Let me take you back to that 1982 *Daily Journal* article that I looked up and read a little bit about you. The writer of that article evidently interviewed two attorneys who had appeared in court before you, and he got somewhat different views from

those two individuals. One said you had an engaging personality and great common sense. The other said you were an intellectual leader of the court. How would you describe your strengths as a jurist?

George N. Zenovich: I'm just a common-sense guy; I'm no intellectual. *[laughing]* My wife doesn't think I'm intellectual at all, you know, and others. I just . . . the common-sense type of thing, and maybe that involves being intellectual; so be it, you know.

Steve Vartabedian: Which takes us back to you not being pretentious.

George N. Zenovich: Yeah, yeah.

Steve Vartabedian: That's very refreshing.

What did you enjoy most about being a jurist during the time you were on the Court of Appeal?

George N. Zenovich: Well, when was I was on the Court of Appeal . . . frankly when there was just four of us here, this court was a delightful court. The camaraderie was fantastic. And I remember even though George was kind of conservative and he was . . . you know, he came from that big firm in Bakersfield that he helped form. I guess they represented a lot of defendants.

Steve Vartabedian: The Borton Petrini firm, I believe you're referring to.

George N. Zenovich: Yeah, and he didn't like these plaintiff's lawyers, and he used to always give them a bad time, you know. *[laughing]*

(01:00:04)

Steve Vartabedian: And here were you, a plaintiff's lawyer, right?

George N. Zenovich: So we had a mix, you know. *[laughing]* I'll never forget some of those discussions, and George would say, "Oh, he's lying." And I'd say, "No way." So we had a mix on cases, and I'll never forget; it would depend on the panel, whether it was George, Franson, and me; or Hopper, Franson, and me. *[laughing]*

Steve Vartabedian: I wish I could have been a fly on the wall during some of those discussions that the four of you had.

George N. Zenovich: Yeah. There was an interesting writ guy up here at that time named Don Horvath. Do you know him?

Steve Vartabedian: Yes.

George N. Zenovich: Is he still around?

Steve Vartabedian: Don Horvath is still around. He's had some cases in our court in recent years, yes.

George N. Zenovich: Really? Kind of a snob; but god, what a bright guy. I guess he replaced Eric here, didn't he, or Eric replaced him?

Steve Vartabedian: Yes. Yes, our current principal writ attorney replaced Don Horvath, and he is still here today; yes, Eric Walden.

George N. Zenovich: Yeah. Well, Eric's kind of a quiet guy, you know. *[laughing]* But I remember that Horvath used to get in the big arguments with us, you know, with George Brown or me or Hopper, and we'd have it out, you know.

Steve Vartabedian: I guess Horvath would lose those arguments, huh? *[laughing]*

George N. Zenovich: Oh, yeah. Well, sometimes he won.

Steve Vartabedian: He did win a few, huh?

George N. Zenovich: Yeah.

Steve Vartabedian: On that subject, did

[Break in discussion]

George N. Zenovich: George Deukmejian, because he could have been on the Supreme—he could have been the chief.

Steve Vartabedian: Absolutely.

George N. Zenovich: That in-fighting. George was mad at him because he voted . . . he gave Coleman Blease and approved for the Third District Court of Appeal.

Steve Vartabedian: Yeah, Puglia was another guy—could well have been.

David Knight: We're ready to continue.

Steve Vartabedian: Okay. Let me ask you this: what do you think has changed the most in our courts since you left the bench in 1984, bringing it up to today? What do you think has changed the most?

George N. Zenovich: Well, it's hard to say. I think at the superior court level, you know, there's a big effort to move the trials along much quicker than when I was around. And that's happening, so that's expediting the process. I think that's happening a lot here, too, at the appellate level, and particularly the Supreme Court level, where that 90-day rule I remember, that 90-day rule is still in effect.

Steve Vartabedian: Yes.

George N. Zenovich: And I remember—that was George Brown. He was really concerned about that; he wanted an opinion out in 90 days,

and . . . excuse me, he didn't get mad at you if it wasn't out in 90 days; but he sure let you know he was unhappy. So I think that that's one of the things that the courts, since I've gone, have expedited the process to, you know, give the people what they need and . . . It's due process. You can't keep people waiting too long.

Steve Vartabedian: Now we're going to step back a little bit and go back to find out a little bit about this person behind this legislative and judicial career. So we're going to take ourselves back to your earlier years and some of your recollections. Here you are, you're a Fresno native. You were born here in 1922, and you spent your formative years attending local schools until your service in the U.S. Army Air Corps, which you've told us a little bit about, in the Pacific theater from 1943 to 1946. Please tell us a little bit about the people and any experiences in those early years you were in Fresno that had a great impact on you.

George N. Zenovich: Well, Fresno was really a small town in those days, you know. When I went to grammar school here—my goodness, about 30,000 people, 40,000 people. And my father had a restaurant. He was in the restaurant business, and so I used to spend a lot of time in the kitchen washing dishes with my brother. *[laughing]* The two of us would be the principal dishwashers when the dishwasher wouldn't show, you know.

So thinking back about grammar school, there was one teacher that I thought a very significant lady that I had met. Her name was Mrs. Brown, and she had tremendous influence on my life.

(01:05:10)

And then when I went to junior high school I was involved in music, you know. I played the violin as a younger kid, and so I played in the All City Symphony or Orchestra. And a woman that I met there, her name was Googooian, Alice Googooian. She was a lovely lady, musical teacher, taught music at Washington Junior High School and then later at Fresno High School—tremendous influence on my life.

Beyond that, at Fresno State College, many, many people that I touched base with, you know, very significant relationships. I remember when I first came back, you know, we had a . . . Fresno State College had engaged and were set to play a football game in Oklahoma. I don't know whether you ever remember this. And there was two black guys on the Fresno State football team: Jack Kelley, who's a retired policeman from Fresno, and a guy named Millard Mitchell. I was student president at the time. This was in 1946, right after the war. And here I'd come back, you know, we were fighting to keep the peace, equality for everybody, and the Oklahoma's Department of Athletics informed the Fresno State Department of Athletics that the two black guys can't play.

So that was really a tremendous thing happening to me, even though before that, when we first went in and this guy Kelley, he and I had been fairly close over the years. We were drafted together and went to Monterey together and our groups—there was about 10 or 12 of us—and after we got to Monterey to Fort Ord, we went to get a beer, and they wouldn't serve us because Jack Kelley was black and with us. I mean, this was in 1943. So you can imagine what was going on in the South at that time, you know, how that was being reacted to. So then come back to 1946, and they won't let Jack Kelley play football in Oklahoma.

So that was a tremendous thing in my life, and I touched base with a lot of people there. I remember I tried to prevail upon the president of that college at that time, a guy named Frank Thomas, I tried to prevail upon him to cancel the game; he wouldn't. And then there was a dean, the dean of men, I forget his name. But in that maneuver, I was student president and I was leading this movement, and we had a lot of support to cancel the games; as a matter of fact, a lot of the students were willing to contribute. There was a $2,000 forfeiture fine or something if we didn't play the game, and a lot of the students were willing to contribute money to enact the forfeiture clause so that we didn't have to go. But we finally went, and Fresno State really got beat. *[laughing]*

Steve Vartabedian: What an interesting story. And certainly that demonstrated in early years your leadership and your sense of justice and law.

George N. Zenovich: Right, right.

Steve Vartabedian: That's a tremendous story.

George N. Zenovich: I see Kelley; he's still around.

Steve Vartabedian: He became a police officer, as I recall.

George N. Zenovich: Yes.

Steve Vartabedian: He's quite a man.

George N. Zenovich: Yeah, I think his son runs the African Museum here in Fresno. So we've, you know, got in a lot of things together.

Steve Vartabedian: Yes.

George N. Zenovich: But the real joke was Fort Ord, when the bartender wouldn't serve a beer to us because of a guy with us. *[laughing]*

Steve Vartabedian: It's amazing, like you say, in the 1940s still dealing with issues that should have been resolved more than 80 years before that.

George N. Zenovich: Right. There you go.

Steve Vartabedian: You touched upon something—your violin playing. Because I know as I've read some of your biography there's quite a bit of mention of your musical skill over the years, your musician talents. And I know you played and still play a number of instruments. Could you tell us a little bit about that and how music has impacted your life?

George N. Zenovich: Well, it's really impacted my life, and from the time that I was first in grammar school, I remember my mother . . . there was a solicitation in the neighborhood. Some guy came into town and wanted to teach violin to kids for X number of dollars for X number of lessons. That's how I started.

(01:10:00)

So I started on the violin, and that was in the sixth or seventh grade; and then wherever I found myself in an educational level, I always joined the orchestra, which is very important to me, very important to me. And I was a concert master of the Fresno High School Orchestra when I was there then.

And then there was a fellow by the name of Shuck, Lionel Shuck, who was the one of the top people in the music area under the Fresno Unified School District, and he created an All City Symphony. So it was very interesting. Kids from every high school in town back in those days that had any talent would audition for this symphony, and I wound up on that symphony. I didn't wind up as a concert master; I was assistant concert master. But then I remember some students from Edison, some students from Roosevelt, you know, from other schools. I don't think . . . What's the name of this new high school out here? Bullard wasn't even in existence.

So it's been a part of my life, and I think that it's had a lot to do with my makeup and my thinking capacities. I remember . . . I don't remember the precise philosophy of Shuck; but he always used to say, "You need to know something about music, because music involves counting, you know, and it'll help you with your math." *[laughing]* It was very interesting, this guy, you know, how he made music a part of your life as a student to augment whatever you were thinking about doing.

Then when I went to Fresno State College, there was a man out there, Dr. Berdahl, who was the head of the music department, and he wanted me in the symphony; but he didn't want me as a violinist. He looked at my hands and he said, "You've got big hands, George. Those are viola hands and viola fingers." And he said, "You've got to play viola with us, because we need some more violas; we've got lots of violins." So that's what happened. I started playing the viola, a lovely instrument.

And at the same time I got involved with the string bass, which really sustained me in my later years in law school, because I'm a life member of Local 47 in Los Angeles. When I went to Southwestern down there, I joined Local 47. And, you know, I remember the guy that I was living with in those days. He was a student with me; he's a lawyer in Oakland now. And I remember he was pumping gas on the weekends at a Standard station there in Los Angeles for, just for the sake of the comparison, say $10 a weekend; and as a musician and a member of the local musicians union in Los Angeles, I was working the weekend for $20. *[laughing]*

Steve Vartabedian: Good money in those days, huh?

George N. Zenovich: Yeah, yeah.

Steve Vartabedian: So you've told us, you know, that you did attend Southwestern University Law School after you returned home from the war and finished your degree at Fresno State. What most influenced your decision to study law?

George N. Zenovich: I guess my dad. I really didn't know what I wanted to do. I think basically I wanted to be a musician. I think that was my underlying desire.

Steve Vartabedian: What did your dad have to say to that?

George N. Zenovich: He didn't like that, he didn't like that. Coming from Europe, you know, musicians, gypsies . . . *[laughing]* Unless you're a classical musician, I guess. So he didn't like that. And who knows, maybe things would have been much different. So that's how I decided to go into the law, and here I am.

Steve Vartabedian: Maybe some of those experiences at Fresno State, maybe some of the issues of justice and equality—that might have had an influence.

George N. Zenovich: Yeah.

Steve Vartabedian: I understand you had some very interesting travels not long after you graduated from law school and passed the bar. Could you share some of those experiences with us?

George N. Zenovich: Yeah, well, when I came back, after I passed the bar, you know, the usual thing here in Fresno at that time was to go to work for the DA. *[laughing]* But I came back when the DA . . . there was a big campaign, and I supported the wrong guy. I supported a guy named Stanton Levy, and the DA at that time was Clarke Savory, you know.

(01:15:06)

So when I went to see Clarke about a job, he says, "No, you were with the wrong guy." *[laughing]* I mean, that was a good experience for me. It turned me on, you know? It gave me some idea of when you take a position politically like that what the consequences are going to be. So then I wound up in a solo practice.

Now, what was your question again?

Steve Vartabedian: I was just asking you, I know when you came back to Fresno you decided to do a little traveling before you got deeply into the practice of law.

George N. Zenovich: Oh, yeah. So anyway, I was around for a couple of years, and I saw at that time none of these attorneys were ever going anywhere on vacation. They were working around the clock. You know, I remember a guy named Gasper Magarian. I mean, I used to follow Gasper around because he was a probate expert. That guy worked 24/7 then, you know. So I said, My god, before I really get involved in this . . . And we would look at what these other guys, these other guys are not going anywhere, not even going to Vegas, let alone L.A. or San Francisco or Europe. So I decided to save up some money and go to Europe and see . . . go to Yugoslavia where my people came from and sort of visit my family and the heritage and see where I came from, you know.

Steve Vartabedian: I guess this was during 1953, 1954, during that time.

George N. Zenovich: Yeah.

Steve Vartabedian: I understand that your travels took you to The Hague, that you spent a little time there as well.

George N. Zenovich: Yeah, right. It was a very interesting trip. I went on a . . . it was a Greek steamship with a German crew, and the first stop was in Ireland, at Cobh, Ireland. And that's when I remember I met a Catholic priest on the ship, and he talked me into getting off the boat. I was going to go to Bremerhaven and then take the train from Bremerhaven to Montenegro, Yugoslavia, where my aunt was waiting for me. She waited for me all summer.

But I got off with this priest in Cobh and then stayed in Ireland, kissed the Blarney Stone *[laughing],* and then went on to England. And in England I met a refugee from Yugoslavia who was sort of a third cousin or something who was there with his family. And he said, "Well, while you're here, why don't you try to go to school here?" And I said, "Well, I don't know whether I can do that. I don't have the money." He said, "You don't need any money." And then he said something about The Hague. And so that's when I began making inquiries, and I went to The Hague. And that was an interesting summer at The Hague.

Steve Vartabedian: At the International Academy of Law there.

George N. Zenovich: The International Academy of Law. And then at the end of the summer I found my way down to Yugoslavia. And my aunt gave up hope; she thought I was never going to make it.

Steve Vartabedian: She thought you would never make it there; but once you did make it there, I understand you met a young lady there.

George N. Zenovich: Right.

Steve Vartabedian: Could you tell us some more about her?

George N. Zenovich: I met a young law . . . She had just graduated from law school at the University of Sarajevo; and we met on the beach, and that's how it all started.

Steve Vartabedian: She is now Mrs. Zenovich, is that correct?

George N. Zenovich: Yeah, right.

Steve Vartabedian: And she has been for?

George N. Zenovich: Fifty-some years.

Steve Vartabedian: Okay. *[laughing]* More than 50, anyway.

George N. Zenovich: More than 50; 50-plus.

Steve Vartabedian: You are rightfully proud of your Serbian heritage.

George N. Zenovich: Yeah.

Steve Vartabedian: How has this affected your life?

George N. Zenovich: Well, it's been good for me, because it gave me a chance to look into the history of the Serbs and what they had done and the contributions that they made over the years in Serbia and in Yugoslavia.

By the way, I did get to meet Tito, you know, the president of Yugoslavia. I was on a couple of delegations. And it's had a tremendous impact, because frankly I couldn't . . . My first language was Serbian; people called it Serbo-Croatian at the time. When I first went to enroll in grammar school I couldn't speak English but just a very a little bit, and my principal language was Serbian; so I had to change that. So it's had a big influence on my life.

(01:19:56)

Steve Vartabedian: After all those travels, it was time to get back to the practice of law.

George N. Zenovich: Time to get back to work.

Steve Vartabedian: Time to get down to business.

George N. Zenovich: Yeah.

Steve Vartabedian: Tell us a little bit about your law practice, what it was like.

George N. Zenovich: Well, when I first came back, like I told you, I tried to get a job with Clarke Savory, and he turned me down; so then it was just a question of doing something on my own. And that's what I did. I opened up shop on my own in a Security Pacific building. And in those days there was no public defender, so the judges used to hire the younger attorneys, guys right out of law school. I think it was $25 for a plea and $50 a day for trying cases. So I, you know, worked on that.

And then I got involved with a young developer here in Fresno. His name was Allamprese, and he really developed the whole north end before anybody else. He was a good friend of Max Hayden. You remember Max Hayden?

Steve Vartabedian: Yes, the attorney here.

George N. Zenovich: And he got me involved in setting up these special districts, like water districts and street districts and lighting districts. There was a lighting-district issue that I read about in the *Bee* the other day—that people don't want to pay the fee anymore.

Steve Vartabedian: The Fresno area.

George N. Zenovich: Yeah. I formed that lighting district back in 1962. They didn't call me and ask me what I thought about paying the fee. It was all about . . . I formed it. It was one of the first lighting districts in the state of California. And I remember it was very interesting because John Bonadelle was a developer and he had a guy working with him named Ed Kashian, and together we walked the beat to get people to sign to form this lighting district. And I was surprised when I picked up the *Bee* and it said they wouldn't pay $17 a year to keep the lights on. *[laughing]*

Steve Vartabedian: Isn't that something.

George N. Zenovich: So that took me to another area. So I began developing some real estate law, and just a general practice. Whatever came in, if I thought I could handle it, I would handle it; and then that gave me some insight, among others, attorneys in town, one of which was Bob Sears. As a matter of fact, the guest-statute case was a case that went to Bob Sears first. So I got a lot of referrals in those days, and Bob sent me that case.

So I had a mix, you know: some personal injury, a little bit of probate, a little bit of land development, and a little bit of criminal law at $25 a plea. *[laughing]*

Steve Vartabedian: I think you've already largely told us about how your early practice affected your life as a jurist. Any other comments you want to make about that? Any impressions other than we've talked about the guest statute, the former guest statute? Anything else that left you quite an impression, that affected your life as a jurist?

George N. Zenovich: Consumer issues. I think that was the most significant. I used to have people walk in, you know, and explain situations to me that were deplorable, consumer situations. So that's one of the reasons I got involved in handling those kinds of cases, and that's one of reasons that I was involved in Sacramento on consumer legislation. That very much so, and I used to . . . You know, I didn't like the criminal law; but I was fairly good before a jury, and even though in my heart I knew he was guilty, I could make a good pitch before a jury. And many times the defendant walked, but never telling me that he really did it or she really did it.

Steve Vartabedian: I think a lot of criminal lawyers have that situation before them.

But let's talk a little bit about the differences practicing law in the '50s and the '60s. Other than the fact you might only get $20 or $25 for a criminal-law representation, an appointment case, anything else during the '50s and '60s really different when compared with today? I guess other than the size and the volume. Can you talk about that?

George N. Zenovich: Well, that's a big difference, the size and volume, you know, and new people. I tend to read the obituaries every day. *[laughing]* So many of my friends have left, you know, and I'm wondering when it's going to happen.

(01:25:02)

Steve Vartabedian: Do you think things are any less collegial today? I mean, more people really knew each other then and less so today, more depersonalized today.

George N. Zenovich: I think it's more depersonalized today. People really knew each other in those days and did a lot of things together, and they weren't that antagonistic.

And I think maybe the international situations have something to do with this. Who knows what any person might be thinking about at any given time during the day, you know, in connection with what is happening then to him or to her. I think this international situation has really, really affected people who

think about life; and once that happens, then that takes away, you know, the cooperation and the congenial feelings.

Steve Vartabedian: Let's go a little bit fast-forward. We were talking here in the '60s. Let's take you to the time that you're retiring from the bench. It's 1984, and actually you hardly retired at all, it seems to me. You resumed your law practice.

George N. Zenovich: Yeah.

Steve Vartabedian: And you did a business called government advocation.

George N. Zenovich: Yeah.

Steve Vartabedian: Tell us about your work and any other activities that you might want to share from those post-bench days.

George N. Zenovich: Well, that's what eventually happened. I started to . . . I was a lobbyist. After I finished that, I went up to Sacramento and had several different clients that I represented. And that's what I did. I was representing these folks before the Legislature, and it was good for me. I mean, it helped pay the bills and a little more, you know. And the fact that I was an ex-Legislator did help. And the fact that I was a former member of the court did help. So I decided that I would, you know, try to handle this as best I could, and I did. And I worked for several different firms. People used to tell me that I should open my own firm. I never felt that I was going to spend that much time up there, you know—for a long time in years—so that's why I never really opened my own firm.

Steve Vartabedian: I know that your family is and has been very important to you, and we've talked about how you met your wife of 51 years, Vera. Tell us a little bit about her. And you already told us about her having a legal background. Tell us about—

George N. Zenovich: Yeah. She should have been a lawyer. Yeah, I'm very sorry that I never . . . I should have made her go to law school here, because, you know, she would have been a great lawyer; she's a great cross-examiner and—

Steve Vartabedian: She never cross-examined you, did she? *[laughing]*

George N. Zenovich: No. *[laughing]*

Steve Vartabedian: Tell us a little bit also about your daughters.

George N. Zenovich: Well, one of my daughters works for the Screenwriters Guild in Los Angeles. They both went to USC. The other one is an independent movie producer, and she does a lot of work with . . . Oh, god, I'm running out of gas here. Can we just stop for a minute?

[Break in discussion]

George N. Zenovich: Yeah, Marina is a documentary filmmaker, and she's doing one right now on . . . What was his name? I told you, the Frenchman, the movie director?

Steve Vartabedian: I think you're thinking of Roman Polanski.

George N. Zenovich: Roman Polanski, right? So she's had some success doing this, and she's married to a writer from London, England. So she has an interesting life between Los Angeles and New York and London. So the kids are, you know, doing okay; and well, that's it.

Steve Vartabedian: I imagine you're very proud of your daughters, for sure.

George N. Zenovich: Yeah.

Steve Vartabedian: Are there any words of advice that you would have for any new lawyers, judges, or lawmakers?

George N. Zenovich: Well, new lawyers. I remember when I first started in the Legislature, I was advised to listen and not talk. *[laughing]* So I think this is important. If you're going to be a lawyer, a new lawyer, you should make an effort to listen to what others are saying and what others are doing and then eventually speak up.

(01:30:20)

Same thing in the Legislature. I think it's important to understand the issues that you're confronted with, and you've got to be a good listener to understand all of that.

For a judge, things for a judge: In my opinion, a good background on life, I think, is very, very, very important. And I'll go back to telling you about how important I think it is to being a member of the Legislature. I think as a lawyer, you know, you're interested . . . I mean, everything is a specialty nowadays. So say you become a personal trial injury lawyer. Well, that's it; that's all you're ever going to know. Your outlook on things is going to be limited. So I think for a judge, you've got to have diversification. One part of that diversification, I think, would be to be a member of the Legislature before coming on the bench, or a member of some kind of a group with exposure to various things. It's very important.

Steve Vartabedian: What would you most like the legal community and the general public to remember about you?

George N. Zenovich: Oh, boy, Steve, I don't know. Well, that George was a fair guy, a decent guy, and a judicious guy. Somebody said to me the other day, "You're a peacemaker, Zeno," so maybe that's what

I should say in response to this. Maybe people should think of me as a guy who tried to make peace among people.

Steve Vartabedian: As a part of your legacy, as we've already mentioned, the new Court of Appeal building in Fresno, that beautiful structure currently under construction just a short distance from where we're sitting here right now, will bear your name. What were your feelings upon learning of this tremendous, well-deserved honor?

George N. Zenovich: Well, I was really honored. I was really honored. And when I got the word, I was called by a woman who is an Assemblyperson, Sarah Reyes. She was the one that called me right off the floor of the Assembly to tell me that this happened. I didn't have any idea of what was going on or that it was cooking, you know. It was part of an effort by some people that I've worked with around here. So I was really, really, really shocked, and I was very happy. And then I got a call from the press, and there was no words to express my gratification. It's a hell of an honor, and I'm glad that I've lived up to it all these years.

Steve Vartabedian: Certainly it's quite a tribute to a splendid career—which you've had in the Legislature, in the courts, and as a human being.

George N. Zenovich: Yeah, right.

Steve Vartabedian: And I just want to thank you, Justice Zenovich. This has been a very enjoyable time for me, talking with you, learning more about you. And thank you for your time and candor and your 23 years of distinguished public service.

George N. Zenovich: Thank you, Steve. Maybe the next time I see you, you'll be sitting on the Supreme Court. *[laughing]* Then I'll have someone to go up to and talk to. *[laughing]*

Duration: 94 minutes
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