Justice Gilbert Nares

JUDITH L. HALLER. Good afternoon. I am Justice Judith Haller, an Associate Justice with the Court of Appeal in San Diego, Fourth District, Division One. And I am here and have the honor of interviewing my good friend and colleague, Justice Gilbert Nares. Justice Nares and I have been on the same Court of Appeal for over 20 years, but I consider him a good friend as well. So, we are here for the Court of Appeal Legacy Project, and because we're such good friends, I'm going to say, good afternoon, Gil. How are you?

GILBERT NARES. Good afternoon Judy.

JUDITH L. HALLER. Good afternoon.

GILBERT NARES. Doing good.

JUDITH L. HALLER. Now, I know you were born in Oceanside, and I'd like to take you through your very wonderful background and career. So, let's start with, let me know a little about your family background.

GILBERT NARES. Well, I've lived in Oceanside all my life. My grandparents, paternal grandparents immigrated from Mexico, the town of Purépero in Michoacán. And my great grandfather told my grandfather, "There is no future for you in Mexico, leave and never come back." So we did. He brought the family to California. They settled in Oceanside. I was never quite sure why they picked Oceanside but it worked out well. They originally had been in Santa Ana, briefly I think, but they settled in Oceanside and we were all raised in Oceanside.

JUDITH L. HALLER. Yeah. How about your mom's side of the family?

GILBERT NARES. The maternal side, my grandfather immigrated early on by himself to the United States, found a place to work, and he came over with friends. And then after they had located a place that they wanted to live in, which was Santa Ana, they went back to Mexico. And they brought back my mother who was about four months old and my grandmother, and they immigrated to the United States. My mother asked my grandfather, "Why did you immigrate from Mexico?" He said, "Well, I wanted a better life for my family. I wanted a better life for all of us, and leaving Mexico was the only way to get a better life."

JUDITH L. HALLER. Okay. So, your mom and dad, do you think your mom and dad probably met in Mexico years ago or, no, I'm sorry. Wait, where did they meet? Help me with that.

GILBERT NARES. My parents?

JUDITH L. HALLER. Yes, your mom and dad.

GILBERT NARES. They met here in California. They met in Santa Ana I believe through friends. And when they got married, they moved to Oceanside. And in fact, next to my paternal grandmother.

JUDITH L. HALLER. All right. So you had a lot of family around you in Oceanside, and I know you had your elementary, junior high, and high school there. And let's take you to Oceanside High School. When did you graduate from Oceanside?

GILBERT NARES. I graduated in 1960 from Oceanside High School, and I've gone through all the elementary schools: Mission Road, and then Jefferson Junior High, then high school. We had really good teachers and I was very satisfied. Early on, I knew I wanted to be a lawyer, so …

JUDITH L. HALLER. Where do you think that came from?

GILBERT NARES. Well, it's unusual in this respect. I was watching political conventions in 1952 when I was nine years old. I was always attracted to politics and government. My father would always read the *Los Angeles Mirror*. And he would always talk about—I'll think of his name in a second. I call him masseur(ph), despised by all the politicians. He wrote from Washington, D.C., and he was very articulate. And I always liked government, and I like law. And I realized that all our leaders in this country at that time basically were lawyers. For example, I recall watching Adlai Stevenson speak at the 1952 Democratic Convention and I said, "My God! This man is a great speaker." And there were other lawyers. So, at that time, I said to myself, "Well, I think I'd like to be a lawyer," and that's where it all started.

JUDITH L. HALLER. All right. Were you given support for that sort of endeavor by school counselors or were they trying to direct you otherwise?

GILBERT NARES. No. Once I decided what I wanted to do, I never changed my mind. I knew two things for sure when I was in grammar school, and I knew I wanted to be a lawyer and I knew I wanted to live at the beach. Everything else was negotiable, but those two were not.

JUDITH L. HALLER. You love your home by the beach.

GILBERT NARES. Oh, I wouldn't live anywhere else, and there's always a gathering of family and friends. If you live at the beach, you're never alone.

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JUDITH L. HALLER. I know you're famous for your Fourth of July parties.

GILBERT NARES. Oh, yes. That's coming up.

JUDITH L. HALLER. It's like you have a cast of 40, 50, 100 people there or so.

GILBERT NARES. The most we ever had is 120. That's too many. Sixty is about right.

JUDITH L. HALLER. Okay. And Gil, remind me, one of the stories that I love about you was the fact that there were any number of people within your community, some mothers and such, who would get letters from their sons that were written in English. And you would provide some services to those neighbors. What did you do?

GILBERT NARES. Well, I had an aunt who couldn't write in English or even in Spanish. And her son was serving in Lebanon, I think, during the Middle Eastern crisis in the '50s. So he would always send letters and I would translate them for her, and he would always send pictures like all military guys. He was usually out there drinking with friends. So she asked me if I could write the letters. I got paid a quarter for every letter that I wrote. And then some of the neighbors heard about that who also had sons in the military. So I wrote letters for them too. And I did these for a couple of years until they came back, and it was a great experience.

JUDITH L. HALLER. Well, you were always entrepreneurial. I know that.

GILBERT NARES. Yes.

JUDITH L. HALLER. All right. So you graduated from high school in 1960 and then went on to the University of San Diego as an undergraduate, and what did you major in there?

GILBERT NARES. I majored in economics and minored in political science and philosophy. I wanted to major in political science, but I said to myself, "Well, what kind of work are you going to find if you major in political science?" And I figured that with an economics background and some of the business-related courses with that, employment would be easier to find.

JUDITH L. HALLER. All right. And that turned out to be true.

GILBERT NARES. Yeah, it was true.

JUDITH L. HALLER. Now, remind me, when you were at USD, is that when you drove the school bus?

GILBERT NARES. Yes. There was a school bus that went from Oceanside to San Diego to take students to the Catholic high school that was across the road from USD. At that time, there was another student from USD who was driving the bus and he let me know about it. And he says, "I'm not going to be here in another two years or so. Are you interested in coming aboard?" I said, "Sure."

So, for the first two years, he drove and I was sort of the backup in case he got sick. And then that continued on for a while. I would have preferred to live on campus, but I discussed it with my parents and it just wasn't affordable. I had three siblings. My father was the only worker in the family in terms of employment. And I tried it for one semester and it was just not feasible. And so, after I didn't drive a school bus, I would also work in the cafeteria. I did all kinds of other jobs to earn some money and it worked out well, but I was determined to get an education.

JUDITH L. HALLER. And I knew you have continued your relationship with USD to this day.

GILBERT NARES. Yes. USD was very good to me. Some of … there was one professor on the undergraduate school that I held in very high esteem, Dean Irving Parker. He gave

me a lot of encouragement. He was a great professor, besides being a dean of students, and I've always been grateful for his guidance.

JUDITH L. HALLER. Now, with the school bus one day you had an incident taking the school bus back to be parked overnight. What happened?

GILBERT NARES. Well, I took the bus in to be repaired. While I was waiting for the owner to come out from wherever he was in the shop, this dog lunged at me. It was a German Shepherd and it bit me. I still have the mark in the side of my leg. And I started yelling and the man came over and says, "Oh, I'm so sorry. He was supposed to be locked up away from you." So I hired a lawyer to represent me and, as it turns out, this is a very small world and that lawyer was James A. McIntyre. And fast forward to now that I'm on the Court of Appeal, Justice McIntyre was a colleague of mine on the Court of Appeal and he also remembered the dog bite case that took place back in the '60s.

JUDITH L. HALLER. All right. Because we have such a small world, you had that relationship with Justice McIntyre. I was hired initially by Justice Huffman also on our court, so we became colleagues. And then our other now colleague, Cindy Aaron, is married to Craig Higgs who was someone I practiced law with. So there are any number of combinations of friendships within our court.

GILBERT NARES. As a matter of fact, I told my father about the lawsuit. He said, "You know, there was a very good lawyer in that firm on the other side. His name is Fitzgerald." He said, "He represented me when my cement truck was hit and they were blaming me for it." And he says, "He's a very good lawyer."

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So it's a small world that all these people that you meet later on in life—as part of your life when you were young—and many intersections are …

JUDITH L. HALLER. Yes indeed. All right, so you graduate from USD and then you go to USD Law School and you graduated there in 1967, correct?

GILBERT NARES. Right.

JUDITH L. HALLER. Okay. And did you have time at all to have work in addition to school?

GILBERT NARES. One summer I actually worked at the municipal court there. They needed somebody who could speak Spanish. They had somebody who did a very good job, but they also said, "We could use a backup and you could do some clerical work." So I worked there one summer and I really enjoyed it. It was a very positive experience, and the judges were very encouraging about going to law school and the court was only two blocks away from my house so that made it easy.

JUDITH L. HALLER. All right. But things … that was back in the late '60s, mid to late '60s, and I'm not even sure we had certified interpreters at that point. So weren't there some informal services that you provided?

GILBERT NARES. Yes, but they had an interpreter. You're right, there was no certification. And so she asked me questions and for example, I would refer to a store in Spanish as a "la tienda" but she reminded me that in Mexico it's called a "mercado" so she said, depending upon who you're dealing with, they won't understand what you're saying. So it's also a life lesson about Spanish.

JUDITH L. HALLER. Any classes or professors that stand out in your mind from your days at law school?

GILBERT NARES. Sullivan taught criminal law, and right now I can't remember his first name but yeah, Stacey Sullivan.

Judith L. Haller. Stacey Sullivan. I didn't know that he was your professor. Okay.

GILBERT NARES. Yes, Stacey Sullivan. And he was an outstanding professor. He was a lawyer at Higgs Fletcher, I believe.

JUDITH L. HALLER. He was.

GILBERT NARES. And I actually got the highest grade in that class and I earned the book for that class. A wonderful professor, Hugh Freidman, was our corporations professor. I was very pleased with the education I got at the law school. I wasn't too happy that I had to commute every day because that took a lot of time away from my study but you have to do what you do.

JUDITH L. HALLER. And when you graduated from law school, did you have in mind a particular area of law you wanted to practice in or was the important thing to get a job?

GILBERT NARES. Well it was both. I wanted to get a job. I didn't know anybody. My family didn't know anybody. So I started knocking on doors and one firm wasn't very receptive, I think, and I won't attribute any reasons for that to them but I have my suspicions. But others were very friendly. "We don't have an opening for you but there's a law firm about three blocks from here that is expanding." So I went over there, and I introduced myself to the managing partner, who was Nick Banche, and he said yes. He said, "We're thinking about expanding but tell me about yourself" and I did. And he says, "You're hired."

JUDITH L. HALLER. It was easy then, wasn't it? As compared to today.

GILBERT NARES. Then it was easy and it was the best thing that ever happened to me because they had a general practice. One of the partners did family law, another partner did civil, and the third did criminal, and I was the only associate. So I got to work with each of them and I got to work in each field, and that was very helpful to a new lawyer. And they always checked my work. They mentored me along the process, "Here's how you maintain a file, here's how you bill, here's how you handle client relationships, here's how you make notations of everything that's important in a file." So it was a growth process and a very good one for me. I was very grateful for their mentoring.

JUDITH L. HALLER. Did you do primarily litigation work, or transactional, or a combination of everything?

GILBERT NARES. A combination, depending. If somebody had to go out of town, usually it was me. I remember trying a divorce case in Indio. I remember having to go up to Orange County to do a driving under the influence case. But you know, and I think you recognize this, the legal world was much smaller than it is today. I could go into another county and, while I didn't know anybody, the lawyers there knew the lawyers in our county. And that was always very interesting because sometimes the lawyers would say, "Where is that old so-and-so?" and I'll skip what the so-and-so part was. But it was a smaller world.

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So I tried cases in Imperial, San Diego, Orange. I made trips to Riverside, and I think I tried two cases there.

JUDITH L. HALLER. Tell me without getting personal, just to sort of compare things then and now because you started working there in about 1968-ish, correct?

GILBERT NARES. Yes, ’68, ’67.

JUDITH L. HALLER. Okay. And what was your salary?

GILBERT NARES. Six hundred dollars a month. And I’ll tell you something else. I really had no money and I couldn’t expect my family to—I was living at home—to provide a car. So I was driving my dad’s blue pickup truck to work and finally after a while, after a couple of months, the partner said, “We’re going to give you a salary increase. Don’t drive your pickup truck anymore to work. Otherwise, you’ll have to be lawyering and light hauling.” So I said, “Okay, okay.” So I went out and I got a Chevrolet Caprice, a four-door. They were very good to me. I have absolutely no complaints but nothing but praise for them. In fact, Nick Banche I see periodically.

JUDITH L. HALLER. And Gil, was the office located in Oceanside or Vista?

GILBERT NARES. Oceanside.

JUDITH L. HALLER. All right.

GILBERT NARES. And there were very nice offices and we had good staff. If I was in an area of law that I wasn’t totally familiar with and they were, they gave me an education about, “Here’s what is going on and this is how you learn, this is how you do things.” And it was very helpful. They mentored me very well.

JUDITH L. HALLER. I know you’ve always liked family law. Did that start with your work with the Banche firm or…?

GILBERT NARES. Well, family law was always interesting because it was always dramatic for many people who are getting a divorce and it’s just not the woman in those cases. Sometimes the men would just be as dramatic as the women. And I’ve always enjoyed listening to people. I like people and I like listening to their stories. And I don’t have to take notes because I can remember all of that, especially if it’s interesting. So I enjoyed family law, and Bill Domini did mentor me in family law and I learned a lot.

JUDITH L. HALLER. I know that you became involved in the legal community primarily up in North County, and you were selected to participate in a state bar committee. Tell us a little bit about that state bar committee because that became very pivotal for you.

GILBERT NARES. I was bar president of the North County Bar and we had invited a state bar president who was here in San Diego; his law firm was here. It was David Casey, Sr., and he came up to speak to us one evening and he was very well received and we started talking and he asked me, "Are you interested in serving on a state bar committee?" I said "Yes." He said, "Well, I'll send you a list and tell me what you're interested in." So I picked various committees and I got my third choice which was the committee, if I recall it correctly, Committee on the Administration of Justice.

So for our first meeting, and this is between, this is how old I am. Governor Reagan was just going out of office and Governor Brown was just coming into office, and Ed Meese was a member of our committee.

JUDITH L. HALLER. Who was Attorney General for …

GILBERT NARES. Not at that time but later to become Attorney General.

JUDITH L. HALLER. Right, but what was his position with Governor Reagan?

GILBERT NARES. He was an aide in his office.

JUDITH L. HALLER. Okay, all right.

GILBERT NARES. So I go up to the meeting and everybody has grey hair the way I do now or is important in the state. The only two people who are not important are myself and a young lawyer from Orange County, Jean Andre, who later became a president of the Orange County Bar. And the first thing that they all asked us is, "How did you get on this committee?" I said, "Well, I was asked to pick a committee and here I am." "Well, who do you know?" I said, "I don't know anybody." And I said, "Dave Casey asked me for my choices and this was my third choice." And it was the best thing that ever happened to me and I'm sure Jean felt the same way, because at that time the Determinate Sentencing Law had just come into effect and they were working on how to make it better (any shortcomings that it had), and every time that there was a big issue in the state involving the justice system, it came to the committee for evaluation and study.

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Before they had the Determinate Sentencing Law, this was before my time on there, they covered the Isla Vista issues that … remember the riots that they had in Santa Barbara?

JUDITH L. HALLER. Yes. Those were the riots that were taking place during the Vietnam war.

GILBERT NARES. Right. So it was a very important committee. Everybody who was there was important, as I said, except Jean and I. And we were mentored by many people. And the person who was always on the committee was the Governor's legal advisor and that's when Tony Kline came aboard. He replaced Ed on the committee. And later, Governor Brown came to speak to the committee.

JUDITH L. HALLER. Let me go back to Tony Kline for just a minute and talk about small world because after, he was appointed to the appellate court, the first district, by Governor Brown, correct?

GILBERT NARES. Right.

JUDITH L. HALLER. So you've continued to have a relationship with him professionally as well.

GILBERT NARES. Professionally, and I obviously don't see him except at the conferences. And so Governor Brown was invited to come to speak to our committee as Governor Reagan had done before my time to speak to the committee. And Governor Brown as you know is very articulate and very knowledgeable about many things.

So after he spoke for what almost seems like half hour or 45 minutes, the chair asked us all, "Does anybody have any questions and let's start with the people go around the table?" So it came to my turn, and in a way I regret to this day what I said, but apparently the Governor didn't take it in the wrong way.

JUDITH L. HALLER. And you were young.

GILBERT NARES. I was very young. I was 30 or 31. I said, "Governor, I came to hear you speak and you sound like my mother, and I think you're both wrong on some of the

issues of crime and punishment. I think people who commit some of these crimes deserve to be put away for a long time." And he said to me, he's very engaging, he said, "Well, have you read this book about crime and punishment?" And I said, "No, but I'll read it." I said, "Have you read this book?" And he says, "No, I haven't." I said, "You might want to read it." So we went back and forth and it went around the table, and he spoke again, and then he leaves. And Jean who was sitting next to me, says to me, "Oh, for the next year, eight years, you're not going anywhere." And I said, "Was I that harsh?" He said, "You were pretty tough on him." So I said, "Well, I didn't mean it."

And the Governor comes back in and he comes up to where I'm sitting along with Jean, and I stand up. I said, "I meant no disrespect, I just think you're wrong on some of your views." He says, "Well, you know, it's okay. What's your name?" And I told him, he says, "Where do you practice?" I told him and he says, "Okay, thank you." And he leaves.

I went home, and then I went to visit my parents, and I said, "Guess what?" I told them what happened. My parents said, "You did what? You talked to the Governor how? Why did you do that?" I said, "Well, he was wrong." They said, "Well, you obviously told him off in an improper way." I said, "He wasn't mad or anything."

And so later, I have another opportunity to talk to Governor Brown and apparently, he doesn't forget very many things. You remember that he was never critical. He didn't bring it up again, but …

JUDITH L. HALLER. Well, obviously, you knew how to disagree disagreeably that …

So now I know that, yes, you did have another opportunity to talk to Governor Brown and now you're about an eight or nine-year lawyer, and tell me about the next time you started talking to Governor Brown, what happened?

GILBERT NARES. Well, some people had asked me if I was interested in being a judge, and I said yes. So I put my name in and I got call from Tony Kline. And I had the support from some really good lawyers in town who had recommended me. And so I went to go up to see Kline. He says, "Gil!" He said, "We're getting all kinds of evaluations on you." And so he talked to me about my practice, about how many cases I had tried, my experience in municipal court, so I answered all the questions. And then he said, "The Governor wants to talk to you." I said, "Why do I have to talk to the Governor?" "He's the Governor. If you want to be considered for the municipal court, you need to talk to the Governor." I said, "Okay." So he ushers me into this boardroom, and he says, "The Governor …"

JUDITH L. HALLER. And you're in Sacramento?

GILBERT NARES. I'm in Sacramento. And I was nervous enough because I was supposed to fly directly to Sacramento, and then it got fogged in.

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So they diverted the plane to San Francisco, and then I had to catch another plane to Sacramento.

And when I sat there in the conference room for maybe half an hour, finally, the Governor comes in, and he has this huge stack of paperwork. And I know he's read it all because once he starts going, he says, "Oh, I see in the fifth grade you broke your arm and you can't touch your shoulder." I said, "Yes, that's true." And then we started talking about crime and punishment. We talked about crime and punishment, which should be done for various people, I mean, are there social programs, et cetera, et cetera, and is determinate sentencing a good law, and we talked about all of these things.

JUDITH L. HALLER. Harkening back to the first conversation.

GILBERT NARES. First conversation. He's very engaging, he's very knowledgeable, and obviously he's a very well-read person.

So then he gets up, closes it, and walks out. So I sat there for another half hour or so.

JUDITH L. HALLER. And nobody's telling you what to do or where to go?

GILBERT NARES. No, no. I'm just sitting there in the boardroom. And Tony Kline comes in and he says to me, "What happened?" I said, "I don't know. I spoke to him and then he left." He says, "Well, thank you for coming." I said, "What does this mean?" He says, "Thank you for coming."

So I went home and this was on a Friday, I think. And when I got home, I told my parents, "You know, this is what happened." And my father is very wise, he said, "Look, you're obviously being considered. He wouldn't bother to talk to you if you weren't being considered." I said, "You think so?" He says, "Yeah, I'm sure. He's not going to waste his time talking to somebody he's not considering appointing."

So when I go to court on Monday at the municipal court, the judges told me, "The Governor's Office called on Friday. And they wanted to know about you, how would you fit in here with us, and we all gave you thumbs up." And two weeks later, he appointed me to the municipal court.

JUDITH L. HALLER. The attorneys you were working with, were they supportive?

GILBERT NARES. They were supportive. I had been bar president, had been active in the local bar. And they were very supportive when I actually got the call to be appointed. I think I've mentioned this to you.

JUDITH L. HALLER. This is a good story.

GILBERT NARES. Nick Banche and I had gone out to eat at a Mexican restaurant, and when we come back, the secretary says, runs up to me and says, "The Governor called." I said, "Okay, did he leave a number?" And I said, "Who am I suppose to call?" She said, "No, he called." And I said, "Okay." So I called him back, and then he starts talking to me about crime and punishment, we talked about all these other issues, determinate sentencing, the justice system, and we talked about everything. And then he says, "Good talking to you." I said, "Governor …" I didn't know what to say, but I said, "Governor, did you call me for a reason?" He says, "Yes, you're appointed to the municipal court." Then I get a call from Tony Kline. He says, "The Governor just told me he appointed you." And I said, "That's what he told me." He says, "The certificate is on its way." And that was my introduction to Jerry Brown.

I really have no criticism of Governor Brown. He was very good not only to me but to others. He thinks a lot about the criminal justice system and how it can be improved. And he was right about one thing that wasn't necessarily well-received at that time, and that is California was becoming very diverse in terms of its population. And he was ahead of his time by realizing that and implementing that to make sure that those who serve the public are as diverse as those who are being served.

JUDITH L. HALLER. Yeah, certainly because you were appointed in 1976, and one of the things he did, and was very important to him, was diversity in terms of ethnicity and gender.

GILBERT NARES. Yes. Those were two very big issues for him.

JUDITH L. HALLER. All right. So now you are Judge Nares on the municipal court and you served the entire time up in Vista, correct?

GILBERT NARES. Yes.

JUDITH L. HALLER. All right. And that was one of our outlying. It's about, what, 50 miles from downtown San Diego?

GILBERT NARES. It's at least 45, yes.

JUDITH L. HALLER. Okay, okay. And let's talk a little bit about that. Approximately, how many judges were on the municipal court?

GILBERT NARES. I think there were about five of us. And then later it expanded to, I think, about seven. And on the superior court, there were only two judges there at the time, or maybe three. And later, that got expanded too as the population grew.

JUDITH L. HALLER. At some point, I know you were only on the municipal court for about two years, correct?

GILBERT NARES. Right.

JUDITH L. HALLER. And in that time, you became a presiding supervising judge up there, correct?

GILBERT NARES. Yes.

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JUDITH L. HALLER. All right. And there were some pretty practical things that you did when you were a judge in municipal court on small claims. Let's talk a little bit about that because you and I both agreed that it would not happen now.

GILBERT NARES. No, that would not happen now. But this is back probably in '76, '77. People come to a small claims court and I'm sure that's true today. And they have a problem, they want it solved, and they want to be able to get out in a reasonable time. And I think this is true in Southern California, many people do not speak English and so you need to get interpreters. Well, there are no interpreters provided in small claims. But if there is one available, most courts will provide the interpreter.

And I remember this case where the landlord in Carlsbad was suing the tenant. And the tenant didn't speak English, so I spoke to the tenant in Spanish. And I said, "Are you going

to get a lawyer or are you going to get somebody here to interpret for you because we can't provide one?" And he says, "No." And then the landlord says, "I speak Spanish." I said, "Well, I speak Spanish." He said, "Why don't we just hear this in Spanish and you rule on it. I can't afford to be coming back on a small claims case." And then I spoke to the tenant and he said, "I can't afford it either, because otherwise I'll lose my job and I'll lose another house that I'm just renting." So I said, "Okay, we're going to do this in Spanish." And the clerk says to me, "What am I supposed to do?" I said, "Well, I'll tell you what happened and you just write it down and that will be it."

And so we did. I rendered my judgment and it worked out. Everybody went away happy. And I know it's probably not the way you should do it, but when you're dealing with people who work hard for a living and they come to court, they're losing time and you can do something to solve the problem, let's solve the problem and we did. And so now, I think they have interpreters that may be available.

JUDITH L. HALLER. And you and I have talked about this. It's somewhat akin to the fact now that people want to be able to do their business online.

GILBERT NARES. Yes.

JUDITH L. HALLER. Because they don't really have the opportunity. It takes too much time. So it's funny how your solution may resolve in a technological way nowadays.

GILBERT NARES. It worked out because the landlord could speak Spanish and that helped enormously. But you know, people shouldn't sit around for a long period of time and there are still a lot of places they can work on outside the justice system, and I know the DMV. My lord, you get there at 8:00 and not get out of there until noon. And so, it's a problem.

JUDITH L. HALLER. So two years later, you are appointed and now we're up to 1978. You're appointed to the San Diego superior court. How did that appointment process?

GILBERT NARES. Smoothly. That one just … I put my name in. I was asked to put my name in, and I did, and I got evaluated. I went before the Commission on Judicial Appointments, then I got the appointment.

JUDITH L. HALLER. Right. And literally, you barely had the 10-year requirement to be appointed to the superior court.

GILBERT NARES. Yes.

JUDITH L. HALLER. All right.

GILBERT NARES. That was Governor Brown too.

JUDITH L. HALLER. Yes. But you didn't have the long conversation at that time.

GILBERT NARES. Oh, no. Actually, I had no conversation that I can recall with Governor Brown.

JUDITH L. HALLER. He knew who you were.

GILBERT NARES. Yes, he did.

JUDITH L. HALLER. All right. So, you were on the superior court for about 10 years, 1978 to 1988, when you're appointed to our court. What kind of assignments did you have?

GILBERT NARES. In the superior court?

JUDITH L. HALLER. Yes.

GILBERT NARES. In Vista, you tried everything, whatever was needed. I was usually doing criminal cases, but I also did civil cases. I did family law cases depending upon what the supervising judge sent out that needed to be done. So, we did all kinds of work which made that really interesting. You didn't just get bogged down in one particular area. You got to consider many cases.

Let me tell you about one case that happened that was really interesting. This individual was charged with burglary and had several prior convictions. And I had kept out the prior convictions.

JUDITH L. HALLER. This was a jury trial.

GILBERT NARES. Jury trial. And so the DA was very unhappy about that and the jury acquitted the defendant. And so, the DA talked to the jury and you're not supposed to, but he did. And he said, "Had you known that this person had prior convictions? Would you have acquitted him anyway?" And they said, "It doesn't make any difference. We already knew."

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"How did you know about the prior convictions?" This just shows you how little details can cause problems. Well, what did happen is all the judges get a calendar with the charge in the priors. But they also post that same calendar outside the door of the courtroom. So, the jury said to him, "We read it out there. It says here *People vs. Jones*, and here are his prior convictions." So, while the DA shouldn't have done that, that brought about a big change. Thereafter, the prior convictions were not listed on the charge outside the courtroom. So little things like that can make a significant difference.

JUDITH L. HALLER. It's somewhat the reminder that all of us say: on a jury when you have 12 people, they don't miss a beat because at least one of them has seen or heard something.

GILBERT NARES. Yes. That's very, very true and I enjoyed jury trials. They came up with some decisions that might not necessarily have been perfectly with the law, but were the correct decisions based upon the facts that were argued and the law that was given.

JUDITH L. HALLER. What is your sense, Gil, you were there almost 10 years? How many jury trials do you think you presided over in that time period?

GILBERT NARES. Oh, I don't know. That's all I did for the 10 years.

JUDITH L. HALLER. Okay.

GILBERT NARES. And so, whatever was assigned to me. It has to be well over a hundred.

JUDITH L. HALLER. I'm sure it is.

GILBERT NARES. Yeah, because …

JUDITH L. HALLER. I had the same sort of impression you did, that it didn't always exactly agree but they always came to fair conclusions.

GILBERT NARES. I think so. And I was very, very impressed with the juries. They listen to the cases very, very carefully. We had one that a young man who had mental problems in terms of understanding cognitively. He was up there. He wasn't mentally retarded, but he had impairments. And he was about 21 and he was charged with being a lookout for a burglary. And the jury was listening very attentively and then the DA made a mistake, I think. He asked the young man, he said, "You're not very smart, are you?" And he says, "Oh, my mother says I'm her slow baby." It was all over. It was over.

And the mother got on the stand and she said, "You know, I try my hardest, he's a grown man. He wants to be out with the guys and some of the guys will mislead him into doing things. He's really good, but I can't keep him in the house." So the jury made the right call there. He was there, but he wasn't really a lookout. They were just using him. So I agree with you. I think juries are really insightful. They look at it very, very carefully.

And I had another one where this young man was charged. At that time, some of the people who are well-behaved at the jail could be trustees. So they could go outside the jail and pick up the trash and dispose of it. And this young man was told, "You're going to go out there because you could pick up the trash. Underneath the trash can, there was going to be some marijuana. You bring it in." And he says, "I'm not going to do that." He says, "Let me tell you what bad things are going to happen to you if you don't do that."

So, he did and he got charged. And one of the jurors who I did not know personally, but he attended our church and he was one of those very strict people that you can just tell by his conduct. And when the young man got on the stand, he said what was happening. And the DA said, "Why didn't you just ring the bell that they have there in the room for an emergency." He says, "Yes, they come and they say, 'What's going on?'" And then they leave and guess what happens to you when they leave, and he started crying. Jury acquitted him in 10 minutes. I mean, they're insightful.

JUDITH L. HALLER. Yeah, they are. I agree.

GILBERT NARES. You got to have some common sense in this world.

JUDITH L. HALLER. Let's talk a little bit about the kinds of cases that were up on in the Vista area, because you had a lot of cases involving young military people because of the proximity to Camp Pendleton. You also were very close to a highly wealthy area in Rancho Santa Fe.

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So you had any number of interesting family law and cases, correct?

GILBERT NARES. Oh yes. Yeah, lots of money, I had never heard of the expression a waterfall in terms of income. And they said, "Well, we reached the part where there was a waterfall." I said, "Well, could you explain that? I know what a waterfall is." He said, "Well, a business reaches such a state that, just on its own, the money just starts pouring in." I said, "I understand that very clearly now." So you had both, you had some very poor people and you had young military people. We had a big senior community in Rancho Bernardo and we had a wealthy area of Rancho Santa Fe, and one thing that I found that was true: people think that seniors are always conservative, they're not. I think they have a lot of life experience that they bring with them to the jury, and I think it's a mistake for people to think that any criminal cases are always just going to be, "Let's convict them and send them on to prison." They listen to the cases. I think it's because they have a lot of experience.

In fact, one of the DAs told me at that time that he didn't like seniors on death penalty cases because they were more reluctant sometimes to impose a death penalty unless they were absolutely positively without a doubt proven guilty beyond all reasonable doubt that they deserve the punishment of death. And so, it was an interesting experience.

JUDITH L. HALLER. I want to explore too a little bit about the relationship between the judiciary and the lawyers back in sort of 1978 to 1988. Was it friendly? Was it informal? What was it like?

GILBERT NARES. I think it was friendly and it was informal. There are a few judges who were very formal in their dealings with lawyers. I thought it was very positive as a whole. Different judges had different approaches, and it was good. I think the public always received justice from the judges and I think the community was pleased with that.

JUDITH L. HALLER. There used to be a practice after an attorney would participate in a jury trial of both sides. The DA and the defense attorney or the plaintiff's attorney and the defense attorney would come to the judge for constructive criticism in terms of how they had conducted themselves and what went well and what didn't. Was that something that was sort of common practice back then?

GILBERT NARES. I saw some of that and I experienced some of that, but after a while it was done away with. It was considered, I don't know if the word is unethical, but that it might be …

JUDITH L. HALLER. Too cozy?

GILBERT NARES. Too cozy.

JUDITH L. HALLER. I agree.

GILBERT NARES. And that's unfortunate because a lot of experienced judges did provide young lawyers with direction, because some of them didn't have a law firm that they were practicing with. They were on their own and it helped to get some constructive feedback from a court. That stopped.

JUDITH L. HALLER. That has stopped. Agreed.

GILBERT NARES. It stopped a long time ago.

JUDITH L. HALLER. Yes it did.

GILBERT NARES. But I think the Inns of Court that we have now and where you have lawyers, seasoned lawyers who also are participating in Inns of Court, I think that helps young lawyers a lot and I think it's a good thing to have.

JUDITH L. HALLER. And I know that the North County still considers you their judge. They love having you come up there and participate.

GILBERT NARES. I have a fondness for North County. I have no plans to retire but if I ever did, I might be willing to sit on assignment up there in North County, do whatever work needs to be done.

JUDITH L. HALLER. Well, we're now up to 1988. Did you formally apply for the Court of Appeal or were you encouraged? How did that process start?

GILBERT NARES. A little bit of both. I was encouraged and I did apply, and I didn't know Governor Deukmejian or anybody in his inner circle but I applied and eventually I was interviewed by his Judicial Appointment Secretary who was later on the Supreme Court.

JUDITH L. HALLER. That would be Marvin Baxter?

GILBERT NARES. Marvin Baxter, and it was a very positive experience. I can tell you this, our local Assemblyman at that time was Bob (00:44:55) and a friend of mine, who would have been one of my mentors, was a good friend of his and so he invited me to a reception that they were giving for Governor Deukmejian.

00:45:07

And Governor Deukmejian told a story that I've always thought was hilarious and probably true. He said, the Governor said, "You know, thank you all for being here. I've really enjoyed speaking to all of you. In the last eight years that I've been in office, I must have shaken a million hands and everybody says that they voted for me." He said, "I don't understand how I could have almost lost the first election by 80,000 votes." So he had a wicked sense of humor, and I can appreciate that. I'm sure every politician is told by everyone, "Oh, I voted for you."

JUDITH L. HALLER. I think that's probably true. If I remember correctly, you and Justice Huffman and was it Justice Froelich?

GILBERT NARES. Yes.

JUDITH L. HALLER. Were appointed to three brand new seats, or did one of you get a retiring seat?

GILBERT NARES. I think Dick got a retiring seat and I think there were two new seats that were added. I am not positive but I know that it was the three of us obviously.

JUDITH L. HALLER. Okay, so the three of you come on to the bench at the same time and seniority plays into things. How is it? Tell me the story of how it is that since you are all appointed on the same day, how did you decide who is most senior?

GILBERT NARES. We do it in the wisest of ways, we draw straws and I drew the short straw so I was third, and Dick was first, and I think Charlie was second. It's fine.

JUDITH L. HALLER. No, I know because it makes so little difference.

GILBERT NARES. That's right.

JUDITH L. HALLER. Yes, but there are certain protocols of that. Now, so you literally are coming up on your 30th anniversary of being on the court. I think August of this year will be 30 years, correct?

GILBERT NARES. Yes, in total time, beginning with the muni courts, 42 years. I've been grateful for both Republican and Democratic Governors appointing me and being in public service. It's been an honor and a privilege, and I hope I measured up to their standards and served the public well.

JUDITH L. HALLER. No doubt you have. I know that. In terms of cases, very quickly, you and I are appointed to be lead on about seven cases per month, and then we are either second or third on another 14 cases per month, and then we have extra cases from central staff. So, we've done a lot of cases but there is also the writ process and I'd like you to talk a little bit about why you think writs, the cases that come out of writs, are so interesting.

GILBERT NARES. Well they usually present novel issues or issues that would take too long if they came up by way of appeal. So, the lawyers find a way to craft the court's attention to an issue that needs to be resolved. And they always seem to be cutting issues or issues that could eventually be reached but they can frame it in such a way that they can be reached now and decided now. And I always found their cases interesting, and I love writs. I just enjoy them, the immediacy of the problem, the ability to work it through and get an opinion out of it. And so, that's my favorite area.

JUDITH L. HALLER. And it is sort of interesting because over the years, in the last year for example, we've all noticed that the number of civil writs coming in has increased substantially in the last (particularly last couple) of months. We are not sure why but they have.

GILBERT NARES. I don't know either but we do—I'm in the writ panel now as we speak—and we are getting a lot of civil writs. I don't know what it is that's bringing that about. They aren't necessarily difficult or new issues. Everybody just seems to, maybe they want to satisfy their clients, I don't know. They say, "Look, I don't think we are going to prevail on this but we'll give it a shot and see what happens." That might be part of the problem, I don't know.

JUDITH L. HALLER. Well, I also know there was a habeas, a proceeding that came in by way of habeas, that you've never forgotten. So let's talk about that.

GILBERT NARES. This is the case that I will remember for the rest of my life. I was acting presiding judge, and I was also on writs. And this pro per writes a letter to the court saying, "I'm in prison. I didn't do it. My family has now abandoned me. My lawyer says to accept my punishment. All my family and friends have abandoned me. I didn't do it."

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JUDITH L. HALLER. And in your time, you've seen any number of people …

GILBERT NARES. Oh, I represented some of these people too.

JUDITH L. HALLER. All right.

GILBERT NARES. And he said, "I didn't do it." And he said, "I'm in prison now and there are a lot of bad people here, really bad people. But they deserve to be here, but I'm not one of them." And he had been convicted of kidnapping for rape and kidnapping for robbery, and he got two consecutive life sentences. And by the time he wrote this letter, he had done 10 years in prison. He had written to everybody, and he'd not gotten any relief.

There was something about his case that really bothered me. First of all is, he didn't sound fake, he didn't sound like, "I'm just going to do this just in case I can get out or if it'll help me." It really bothered me. So I told the panel, I think we should provide him with a lawyer, and we did. And then the next step that came up they said, his lawyer turned out to be Carmela Simoncini, a very fine defense lawyer who now is clerking for one of the, no a research attorney for one of the justices in San Bernardino, asked the court for money to run a DNA test because there was no money for it so it had to come out of our budget. So that's a shortcoming in the law, at that time anyway.

JUDITH L. HALLER. And DNA was not really available when this fellow was convicted or wasn't used very often.

GILBERT NARES. It wasn't used because apparently it was expensive too. So I went to the panels and I said, "It has to come out of our budget." And we concluded, "Well, if we're going to give him a lawyer, we might as well give him the money for the DNA

testing." So we did, I think it's like $3,000. And then they conducted the DNA testing and it wasn't him.

JUDITH L. HALLER. Conclusively.

GILBERT NARES. Conclusively. And if I recall, they used the same DNA testing that they used in that famous case up in Los Angeles. I'm trying to think of his name, the former football player.

JUDITH L. HALLER. O.J. Simpson.

GILBERT NARES. I think they used the same test and it was clear. Even the DA agreed. It can't be him. But this man did 10 years in prison for something he didn't do. And when he was released, he and the victim spoke to each other apparently, from what I understand and I'm sure she regretted what had happened. But here's a young black man who did 10 years in prison for something that he didn't do. And probably the worst thing that can happen in the judicial system is to have somebody incarcerated for a crime for which they were convicted which is not true. And so mistakes are made and I'm glad that science helped clear him. Otherwise, he would still be there. That's a tragedy. I mean, I can imagine being in prison for something that you didn't do.

JUDITH L. HALLER. Over the years, we've talked many times about the role of an appellate court versus the role of a trial court and how what we do is prescribed by the standards of review. But there must have just been something kind of, what, an instinct, like a gut-level reaction to this.

GILBERT NARES. It was the way he wrote his letters. I felt there was something wrong but I couldn't put my finger on it, but I just thought that there was something wrong and we should take a look at it. I said, "Well, at least let's give him a lawyer and then the lawyer said we will need money for the DNA test." And I said, "Well, we've gone this far, we might as well take the step."

JUDITH L. HALLER. And the DNA is conclusive one way or the other.

GILBERT NARES. Yes. It was conclusive but 10 years! He got an award of money for the time he had spent in prison, but money is no substitute for 10 years of your life incarcerated for something that you didn't do. And I met him.

JUDITH L. HALLER. Oh, you did. That I didn't know.

GILBERT NARES. Well, his attorney was honored at the Federal Defenders dinner.

JUDITH L. HALLER. Yes. As well she should have been.

GILBERT NARES. She should have been. She's a very good lawyer. He's fortunate he got a very, very good lawyer. And he came up to me and he introduced himself, and he said thank you. I said, "Well, thank your lawyer."

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I said, "I read your letter and it was very impressive and I knew there was something off but I couldn't put my finger on it." But I said, "The way you articulated what you had said persuaded me." He said why did it persuade you? I said, "Well, it was the sincerity of your words and the fact that you said there's a lot of people here who belong here and should never get out, but I'm not one of them." So it worked out well. And I think that's the worst thing that can happen to the justice system is when somebody is convicted for something that they didn't do and it's never rectified or if it's rectified, it's rectified too late, but I'm glad it worked out for him.

JUDITH L. HALLER. Oh Gil, over the years, our court has had, my numbers are going to be off, but we do about 40%, I mean they're grossly correct, sort of 40% criminal, maybe 35%, 40% criminal, 30% civil, some probate and family law. And then over the years, we've had a large percentage of dependency. So you've seen all those cases.

GILBERT NARES. Yes.

JUDITH L. HALLER. Okay.

GILBERT NARES. Yeah. They all come through and I like reading the background information of cases I like, find what's really going on and they'll get to the law but I like to know as much factual information as I can get.

JUDITH L. HALLER. What's your sense about oral argument? Does it matter? Do you enjoy it?

GILBERT NARES. It does matter. When I was appointed to the Court of Appeal, my strong supporter, Judge Lopardo, who was an outstanding trial judge and trial lawyer said to me, "Gil, remember this when you go to the Court of Appeal. Oral argument is the heart of your case and the brief is the brain of the case. They both need each other and it's very important that they both be present in the case." And so I've always looked at it that way. That the brain has to be there before you get to the heart in terms of the advocacy and the quality of the writing is very, very important. What I do in oral, in preparation for reading the briefs, I read all the outlines first.

JUDITH L. HALLER. The table of contents outline.

GILBERT NARES. Table of contents. I read all of them. I read it and then I go back and read the briefs because this gives me an idea where I'm headed and this also tells me what the other side is saying in response, and I have found that very, very helpful, but I think that's the relationship. I think oral argument is important. I don't think, if you ask for oral argument, I don't think you should get up there and say, I waive oral argument, I'll just respond to what the other side says. But it is important but you have to remember that it's the heart of your case, not the brain of your case because the brain is the brief.

JUDITH L. HALLER. And the law that controls.

GILBERT NARES. And the law that controls, and your oral advocacy is what helps persuade the court of the correctness of your position.

JUDITH L. HALLER. Are there any civil cases that stand out in your mind? You have been involved in hundreds, maybe we're approaching a thousand if you talk about lead cases, and participating cases, and writs, and …

GILBERT NARES. Well, I always forget the name of the case. I think it begins with an S.

JUDITH L. HALLER. Oh, tell me the subject matter.

GILBERT NARES. Well, let's see. What was that case where the Supreme Court took it?

JUDITH L. HALLER. Oh, you're talking about Brinker?

GILBERT NARES. Brinker.

JUDITH L. HALLER. The wage and, yes, do you have to provide meals? Are they mandatory or provide, what do you have to do as an employer?

GILBERT NARES. Yes. When I looked at that case, the bar was saying, to all the justices throughout the state, "Do something, do something, decide a case, decide a case."

JUDITH L. HALLER. Because there were all these class actions.

GILBERT NARES. Yes.

JUDITH L. HALLER. About what an employer has to do.

GILBERT NARES. And mine wasn't quite ripe. But, you know, I kept reading all of these things saying, "Do something, do something." So, I did it. And then the introductory paragraph to the Supreme Court's opinion is saying, "Well, while this case may not be ready in the normal fashion [I'm summarizing], we're going to address it." Sometimes the law is too slow in responding to problems and I'm not saying that we should rush through it but there ought to be a better way to get to some of these cases rather than wait three or four years. I'm not being critical of the justices of the Supreme Court.

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They have an awful lot of work and they make the law, and so they have to make sure that it's just and correct, but there ought to be a way to get through this process a lot faster than we do. I do not have an answer.

JUDITH L. HALLER. Well, let me take Brinker as an example of, when you started and certainly when I started, we had any number of really interesting civil cases, but I think our perception has been that they have become more complex, more difficult.

GILBERT NARES. Yes, that's definitely true. No one appeals a simple civil case anymore. We used to have some simple civil cases in the beginning but they're all gone. It's either too expensive for litigants to entertain an appeal, but all the cases that come up are complex. They require a lot of time and analysis, and a lot of money apparently, to appeal. So that is a big problem, and it takes so long to have a decision. I think Brinker

took over five years, maybe longer and this is it. I'm not being critical of the decision makers.

JUDITH L. HALLER. No, I was going to say that the good news is, at the Court of Appeal level, cases are getting resolved very quickly after the briefing has completed and by very quickly I mean a very large percentage within six months.

GILBERT NARES. And I must add that the workload has increased substantially for each of the justices. It used to be that you'd get five or six, but now we, with so many people and we have a larger staff, you have to pedal a lot faster just to keep up because you are getting cases every week from a different lawyer that you're working on or with. And so, there's just a lot of work.

JUDITH L. HALLER. Well, I know that in Brinker it reads "affirmed in part" and "reversed in part." How do you feel when you get reversed by the California Supreme Court?

GILBERT NARES. Well, I made a mistake and it needs to be corrected. I don't take it personally, anymore than I would think that a trial judge should take it personally when they get reversed. I heard a funny story about that. I had attended an appellate conference someplace in, I think it was in New York, and one judge was asked, "How do you feel now that you are in the Court of Appeal?" He said, "Well, I used to, when I was a trial judge, I got sick and tired of being reversed by judges who knew less law than I did." He says, "Now, that I am in the Court of Appeal in my state, the trial judges are saying that about me." So somebody has to make the decision and not everybody is going to be happy. And I think when you give it the best that you can in terms of analysis and argument, that's all that you can do, that you can be expected to do. Fortunately, we have a really good system of review, so I think justice as a whole predominates.

JUDITH L. HALLER. In terms of our legal community, how would you compare your experiences as a young attorney to young attorneys now?

GILBERT NARES. A lot of us, I was really mentored and I was always very grateful for that, and I don't know if firms are doing as much mentoring as they did with us. I think the billing is really more important than ever. And the young lawyers are really worked very, very hard and are usually very, very bright. But I think the world has changed, the pace seems to be much faster because we see it at the end where we are getting all of these cases and that's accelerated over the years. But I think the young lawyers are better prepared.

JUDITH L. HALLER. They certainly become highly specialized, particularly within civil.

GILBERT NARES. Oh I think that's very true, and you can't be, well, civil is like this, if I may use that example of, in terms of the areas of the law where criminal law is more narrow because it's statutory. And I think it is easier for civil lawyers to learn criminal than those who practice criminal to learn civil. Fortunately, you find talented lawyers in both fields who can cross and do it well.

JUDITH L. HALLER. When you are on the trial court, you make any number of decisions but you're the one, it's just you.

GILBERT NARES. Yes.

JUDITH L. HALLER. You are the decision maker. Up here it's three of us. How is that process different? How does it change the way you resolve the case, if it does?

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GILBERT NARES. Well, three people can sometimes look at the same case slightly differently and I think it helps to get the opinions of two other people. After all, what we are creating is law for the lawyers to follow and the public to be bound by. It helps to have three hard working minds on a case. I am grateful that we have three. It takes more time, but if you're going to establish the law and make paths for the law, to new areas of the law, you should have three or more minds working on it.

JUDITH L. HALLER. Agreed, agreed. Well, let's talk a little bit about, would you do it again?

GILBERT NARES. Yes, I would always want to be a lawyer again. I have no regrets. I have no regrets about being appointed to the bench. I started out and I'm very happy. I work with great people, we have a great staff, and the issues are always interesting. There's always something new. Just when you think you heard a lot of it, you haven't.

JUDITH L. HALLER. I know, isn't that amazing?

GILBERT NARES. Yes.

JUDITH L. HALLER. Every now and then, we'll get something and you'll say, "Never ever seen this before."

GILBERT NARES. "I can't believe this but here it is." So it's always challenging. Right now, I just think that I got an awful lot of cases, and we're moving as fast as we can, and the work doesn't seem to be slowing down, the amount of work that comes through, and I just want to make sure we always have enough time to give them all the attention that they deserve.

JUDITH L. HALLER. I know you have a darling grandson and granddaughter.

GILBERT NARES. Yes.

JUDITH L. HALLER. Are you encouraging them too? I know they're proud of their grandpa.

GILBERT NARES. Well, they've come here and they asked me what I do, and I took them to the courtroom so they could see. I'm going to encourage them to do whatever—and I have—to do whatever they want to do and do it well. It doesn't make any difference to me which kind of work you pick as long as you enjoy it and you do well at it because that's what you want to do. There is no field of law or any other profession or occupation that I would say don't go into it. If they ask me for advice, I will give it to them but whatever you do enjoy it. If you don't enjoy your work, you won't be very good at it. I don't care what it is. And so, it's important that you enjoy the work. I did mentor a friend of my son whose father was a very commanding person, if you know what I mean.

JUDITH L. HALLER. I do.

GILBERT NARES. And he wanted his son to go into his line of business, and the young man wanted to be a professor of some kind down the line. And he says, "What am I going to do?" I said, "Well, talk to your father." He said, "Well, you need to talk to him." I said, "Well, I really can't interfere but let me tell you this, why don't you bring it up and eventually he might bring it up to me, and then I'll tell him." So eventually, we had a conversation, but I don't believe in forcing or directing kids to a certain area. I think, if they think that they're lost and they want to talk about it, usually if you talk with them after a period of time, you find what their interests are, and what their passion is, and what they would be good at. And I think that's how you help those who are undecided to go into an area, or an occupation or profession that they would enjoy. I recommend the law to those

who ask me, but I say, "Don't pick anything for prestige or money, pick it because you enjoy it and you think you'll be good at it. Otherwise, you will be miserable. And, so will everybody else who deals with you."

JUDITH L. HALLER. That's for sure. Now over the years at the court we have an externship program and I know that you are very actively involved in that and you've had at least two, if not three, each year. What kind of advice do you give to new, young aspiring law students and or lawyers?

GILBERT NARES. Well, I tell the students that when you go out there, they're really going to work you hard. They are going to work you very, very hard, and you are going have to be running at a fairly fast pace if you go to work for a private law firm. I said, "Always do your work, give it your best work, deal with the staff in a very engaging manner, they are part of your team and don't just dump work on them. If you know you'll have to have something done by next Wednesday, don't wait until Tuesday to tell them. Tell them now. This work is coming down the line so when they're dealing with their supervisors or others, they can factor that all in." And I said, "There will be some times when you have to work on Saturday and Sunday, that's just the way it is. But try to plan as much as you can, be considerate of the staff, and I think it will all work out. But yes, you will feel overworked in the beginning and the better you are, the more work they give you.

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I said, "You ought to worry if they don't give you any work." I had a young man, very, very bright. He went to work for a law firm, and he was hired at the same time as two other associates. And he called me in a couple of months, and he said, "You know, I'm really unhappy." I said, "What's going on?" He says, "I'm busier than ever. And I just get this work dumped on me all the time." And he says, "And the other two associates aren't getting any work or get very little. And here I am buried." I said, "Do you know what that means? It means that you do very good work. The lawyers trust your work; they know you can get it out and that you do excellent work. Those other two lawyers aren't going to be there in another two or three months." He said, "Well, I didn't look at it that way." And I said, "Well, call me in two or three months." And sure enough, they were gone.

JUDITH L. HALLER. Mm-hmm.

GILBERT NARES. So, the fact that you're being overworked is usually a sign that they have trust in your judgment and they've read your briefs and your other matters, letters, whatever it is that they charged you to do, or depositions. They have confidence in you and that's why they're giving you all of this work. I said, "Expect to be worked hard." I said,

"But there's something else you need to do." This happened because there was a—one of my young externs—I knew she was going to be a very good lawyer, and she did turn out. And I said, "Keep your family informed about your schedule. So, if you know you're going to have to work Saturday or Sunday in Los Angeles, and you live here in San Diego, when you know, let them know. Don't leave them hanging. Keep them part of your team. You know, it's going to be difficult for you in the beginning because you can't control your own schedule." And okay, you have to be in Chicago and I've had some of the externs tell me, when they come back, you know I'm telling them, "Oh you have to go up to San Francisco." So if you keep your family informed and have a work-life balance to the best you can, I said, "Work out as much as you can. It will work out."

So I think it's two fold: number one, you have to work hard and number two, you should have a work-life balance and by that I mean, even if you can't control all the hours, you can keep your family informed as to what is going on. And so they don't feel like they're left out and that you don't really care about them. And then, if it really gets bad, then you probably need to leave the firm and find other employment that's consistent with your values and your interests. But it happens when you're young, they tend to work you harder. They want to see what you're made of.

JUDITH L. HALLER. Every year at the court, we always have a lunch with our externs and inevitably, a question that they want advice on is, "What if I would like to be a judge?" And I know you give some good advice.

GILBERT NARES. Well, if you're already starting out that you want to be a judge before you've become a lawyer, when you become a lawyer, I wouldn't go around, if I were you, saying you want to be a judge. What you ought to do is spend the next several years being the very best lawyer that you can be. And then, if the opportunity arises, you can apply. But if you start telling law firms who are investing time and money in your professional growth, I want to be a judge at the very beginning, they're saying, "He's already looking at the exit door or she's already looking at the exit door. Why should we keep somebody like that?" So if there's somebody else with equal talent, they're going to keep that person and let you go.

It's all right to think about something down the road, but concentrate on being a very, very good lawyer, and then others will know that, "Yes, this very good lawyer would make a very good judge." Concentrate on being a very, very good lawyer. I'm not telling you not to think about it, I'm just thinking of the steps that you ought to undertake first. Be a good lawyer, do everything well. And then, when the time is right, you might want to think about it. But don't start announcing it early, because you're already looking at the exit door.

JUDITH L. HALLER. And I know you always give them some thoughts as to what are some of the characteristics that you think are important for a judge?

GILBERT NARES. A lot of patience. Willing to change your mind. Be a student of the law. Focus always on the issues and be patient. I think being patient and listening is a significant part of our work. As a trial judge this is a significant part of the work. Especially, when you're dealing with people like in the trial court, it's very important that you listen even more, because that's the opportunity most people have for justice. Not everything is appealed. And we're really not in the justice business, we're in the correction business. Did the judge follow the law? If they followed the law, whether Gil Nares would have done it differently isn't important as the fact that did the judge follow the law? And he or she is entitled to come to the conclusion that they did because it's within the range of what a proper decision is.

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I would do this profession again, I would want to be a lawyer again, but you have to put a lot of time in it. And they certainly are going to work you when you're a young lawyer. I know you know that, Judy, and I know that all the people who are lawyers know that.

JUDITH L. HALLER. Well, any last thoughts?

GILBERT NARES. I'm very thankful to all the people who enabled me to be here, to be a lawyer, who put up with me …

JUDITH L. HALLER. That is not hard to do.

GILBERT NARES. Well, who taught me and who guided me. I'm very, very grateful, goes a long ways back. I'm grateful for my colleagues. I'm very grateful for the staff that we have here at the court. We couldn't do our work without them because there's so much work that it just flows through in terms of making corrections, getting the work out. I'm thankful for everyone and at the end of the day, when I retire, I want them to say, "Well, he gave it the best and he worked hard at it." And that's the time to go. I would do it again and I recommend it highly to anyone who wants to be a lawyer, or eventually a judge, or just be a lawyer. I'd do it again in a heartbeat.

JUDITH L. HALLER. Well, thank you.

GILBERT NARES. Thank you, thank you. I wish all prospective lawyers to be, if that's what you want to do, it's a great profession and I'd do it again in a heartbeat. Thank you.

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