James Ward: All right, my name is James Ward, W-A-R-D, and I talk like this regularly, so whatever the voice level is, what you hear is what you get.

David Knight: Got it. And your title when you were on the bench.

James Ward: I was an Associate Justice of the Court of Appeal of the Fourth District, Division Two.

David Knight: All right, and Justice Richli, your turn.

Betty Richli: My name is Betty Richli, and this is the voice level you probably will hear. *[laughing]*

David Knight: All right, and we are ready to go anytime.

Betty Richli: As part of the Centennial of the California Courts of Appeal, the Judicial Council and the Administrative Office of the Courts, under the leadership of Chief Justice Ron George, have instituted the Appellate Court Legacy Project, whose purpose is to create an oral history of the appellate courts in California through interviews with many of our retired justices. Today, as part of this project, we have before our cameras Justice James Ward, who for the past 10 years has been an Associate Justice of the Fourth District Court of Appeal, Division Two, here in Riverside, California. My name is Betty Richli, and as an Associate Justice in Division Two of the Fourth District, I have had the personal pleasure of being one of Justice Ward's colleagues. Jim, welcome.

James Ward: Thank you.

Betty Richli: You have had a remarkable, 50-year legal career. You started out as a district attorney, settled into an outstanding civil practice, held leadership positions in the California State Bar, became a superior court judge and then an appellate court justice. You have had the good fortune to argue successfully twice before the United States Supreme Court on significant First Amendment issues. You have spearheaded the rewriting of California's civil jury instructions, civil discovery statutes, and are a talented essayist and, of course, a renowned raconteur.

James Ward: Right.

Betty Richli: Tell us about your background and why you became an attorney.

James Ward: Oh, I guess I was destined to become an attorney from when I was in grammar school and high school, and all of the testing that they did at that time indicated those skills if they perceive to be directing somebody towards the law; so I was always told that I should be a lawyer. I liked debate when I was in school,

and so it was just inevitable that when I went to college I aspired to go on to law school.

Betty Richli: Where did you go to college and where did you attend law school?

James Ward: Well, there are those who contend that I couldn't stay in college and I kept getting kicked out, but that's not true. The fact is, I graduated from the University of South Dakota after having gone to a number of schools, including some in Europe, because I'd dropped out for a while and went to live in Europe when I was a kid. But I graduated undergraduate at the University of South Dakota and I graduated law school from the University of San Francisco.

Betty Richli: That must be where you acquired your love of fine wine and good food.

James Ward: Yes, indeed. No, that was when I was in France, as a kid.

Betty Richli: Well, after you graduated from law school, how did you wend your way down to Riverside, California?

James Ward: Well, I was looking for a community that was whole in and of itself; it wasn't just simply a part of a megapolis, as it were. And I looked at Riverside and thought it was a separate community, and so I applied for a job here. I got a job in the district attorney's office, and that settled it. We spent the rest of our lives, or we have spent the rest of our lives, in Riverside.

Betty Richli: By "we," you mean, of course, your lovely wife Carole.

James Ward: That's correct. We have been married, I tell everybody it's about 86 years, but in truth it's about 51 years. *[laughing]*

Betty Richli: *[Laughing]* Maybe that's her perception of it.

James Ward: Yeah, it could be.

Betty Richli: After you left the district attorney's office you entered private practice, and that was a private civil practice. Tell us a little bit about that and what some of the highlights of that practice were.

James Ward: I wasn't in the district attorney's office very long, about a year and a half, and a couple of attorneys here in town, Lee Badger and Jerry Schulte, approached me about coming to work with them and I immediately jumped at the opportunity because I really wanted to be in civil practice. And then after being there a few years, I was once again approached to join the law firm of Thompson & Colegate in Riverside, and I spent the rest of my legal career, 30-some years there, before I went on the bench.

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Betty Richli: And you were primarily a litigator with that firm, is that not correct?

James Ward: Yes, that's the way it evolved. I did a number of different things—and I'm sure you'll be getting to it, including the First Amendment work and representing the media—but the largest part of my practice in the end involved trying cases or litigating cases, as the case may be.

Betty Richli: While you were in civil practice, and during that 37-year period, you were incredibly active in the California State Bar and you had held a number of leadership positions; tell us more about that.

James Ward: Well, it started out is when I first came to the community I immediately joined the Riverside County Bar Association. And I hardly ever joined anything that I didn't want to get active in, and so I got active in it; and after a while, I aspired to be president, ran for the job, got it. And I was very proud of the work that I did as a president at the Riverside County Bar. I worked hard at it, and as a result of that, I guess, I was tapped to be on the Executive Committee of the Conference of Delegates of the State Bar.

While there, I saw there was a possibility of gaining a seat on the Board of Governors of the State Bar. Orange County had traditionally at that time always won the seat because they had the votes. So somebody from Riverside had to really mount an effective political campaign to do it, and I did just that. I worked very hard at it and I was elected to the Board of Governors and went to serve three years. During that period, once again I thought, well, if I'm in this, I'm going to do the job right. So I worked hard at it, and my records later reflected that I made over 150 trips to San Francisco, plus maybe 50 or more trips to other communities in the state, during the course of my board work. And I really spent a lot of time doing it. In fact, I think it impacted adversely on my law practice, but I worked really hard at it because I felt it was important work, and it got me involved in a lot of things that I transcended to after that.

Betty Richli: What was the most important aspect of your participation with the State Bar?

James Ward: Well, it was a growing experience and learning experience for me because it was so necessary to get along with other people on the board and we had such a divergence of opinions. And I struggled with that, but I think I learned from that how to handle group activities. And this was in the early '80s and it was after that that I had a lot of groups that I had to handle,

and I think that's what I had learned most from the State Bar. As I say, I was pleased with what I did, but it transcended then into other work that followed my time on the Board of Governors.

Betty Richli: Such as?

James Ward: Well, I was very interested in the Jenny Commission, Judicial Nominees Evaluation Commission. I felt they played an important role, and they were really being put down to a large extent by many elements in the state legal community. And I was defensive of them, and so immediately after leaving the board I was appointed to the Jenny Commission and I eventually served as chair of it. I had participated in writing the rules; I was asked later to rewrite the rules of the Jenny Commission. Eventually I went on the appellate panel of the Jenny Commission. And then the culmination of all of this involvement with the Jenny Commission was that the . . . well, the State Bar and the Judicial Council asked me to investigate the Jenny Commission when it was perceived that they had made a very major mistake. And so I headed a commission, which was about the third or fourth commission I had been involved with as chair, about the Jenny Commission. But this one we investigated it and recommended major changes, many of which were implemented.

Betty Richli: And did this occur before your appointment to the appellate court or about the same time and continued on during your tenure as an appellate court jurist?

(00:09:50)

James Ward: Yeah, that's interesting that you should ask that. On the day that I was to be sworn in as an appellate court justice, I was frantically called off the podium by people who were frantically trying to reach me on the phone to ask me to take on this job of investigating the Jenny Commission. And I said, "Well, I'm just going on the appellate court." But I said, "Fine, I'll do it." And so that was a very important job, actually. I think, hopefully, we made an impact on the Jenny Commission and made it better. They didn't take all our recommendations, but a lot of them, and once again was one of those deals that I jumped into with both feet and had to work hard at it.

Betty Richli: All of the experience that you had with the State Bar and your private practice, did any of it, all of it, or part of it influence your appellate work?

James Ward: Oh, surely it did, not so much the involvement in attorney governance as my practice. When I was in practice, I abhorred the enormous expense of litigation and the bickering and fighting between counsel and a lot of the nonsense that we see in the practice of law, and my aspiration always was to find

some sensible way to solve people's problems without having to go to a judge or jury. I tried jury cases and I tried a lot of court trials, but I always preferred to find some method of settling it. And that attitude, when I was in practice, really developed in my time on the bench. My calendar, when I was a trial court judge, was really pretty clear because I settled so many cases. *[laughing]* I think probably a lot of attorneys felt that I really put a lot of pressure on them to settle, but I thought it was important for the clients and the attorneys and the system that some way of settling cases be arrived at as opposed to just flat litigating them.

Now, when I came here to this court, Justice Ramirez got me aside virtually the first day I arrived and said, "Look, you have this reputation for settling cases; we want you to do some settlements here at the court." And that was a little new at the time; I was the first justice to jump into it. And I did settle a lot of cases, and I think I enjoyed that as much or more than anything else I did when I was on the appellate court.

Betty Richli: Yeah, that seemed to be, as you say, that was really almost a novel idea at the appellate court level and—

James Ward: Well, I—

Betty Richli: Well, it proved to be very successful in this division.

James Ward: Oh, you're absolutely right, and the credit goes to Justice Ramirez, because he set up a panel of attorneys to donate their time to settle cases. But there were just those tough cases that it would be better to have a judge involved and then they would throw those to me. And then later, of course, Justice Gaut came along and Justice King and then later even Justice Ramirez and yourself; everybody began to get involved in it. But this division has just an exemplary record of settling lawsuits, which always pleased me a great deal. I think in the state, we have a premier operation in that regard.

Betty Richli: Before we leave your private practice experience, I think it's important that you talk about what to me must be a highlight of your legal career, and that is having to argue not once but twice before the United States Supreme Court on two very significant First Amendment cases. How did you become involved with the initial underlying cases, and tell us about your experiences appearing before the likes of Sandra Day O'Connor and I guess it must have been the Rehnquist court, or was it the Burger court?

James Ward: Well, actually it was the Burger court.

Betty Richli: Yeah.

James Ward: Right, but Rehnquist was on the court at the time. But, well, it all started with my being hired for some relatively mundane matters by the Riverside *Press-Enterprise*, our local newspaper, and I continued to represent them for a number of years, later several other media organizations. But at that time, there was a unique thing occurring whereby the press and the public were excluded from the courtroom in capital cases, and we found that the door of the courtroom was being slammed in our face, as it were. And the press asked me to investigate and challenge the practice, and that was the start of it.

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It eventually culminated in two cases: one involving the voir dire of the jury and the second involving the right of access to preliminary hearings in the state of California. And in both instances I upheld the position of the importance of the right of access to the courtroom. It eventually transcended into much larger arenas of right of access, but those were the narrower issues that we argued. And of course what happened was typical: we would lose at the trial court because the trial court judges would shut the courthouse door. We couldn't get in, so we'd come over to this court, the Court of Appeal, and we'd get a postcard back that says, "Nah, you don't have a case."

The Supreme Court of California wouldn't listen to us, so we had no recourse except to go to the United States Supreme Court, which we did on certiorari. At first they just sort of expressed a little interest; we got a couple of votes. We kept trying and trying and eventually they took our case, and then of course I got the dream of a lifetime of an attorney: to go to the United States Supreme Court.

I was a small-town lawyer, as it were, and they were the big-shot lawyers who will go unmentioned. But some of them even called me on the phone broadly suggesting that well, maybe there with their experience they ought to argue the case, and you're just a small, punk lawyer; what do you know about anything? But fortunately my client said, "No, you're our man; you take the case and argue it."

So I went to Washington, DC, a number of times, actually, and they—all of the media people across the nation—rallied to say, "We're going to help this guy," and so they . . . Time after time we had mock trials in Washington and elsewhere, and time after time they had spent all day long just cutting me down to size, beating up on me. And so by the time I got to the Supreme Court it really wasn't that frightening, because I was really well prepared, and thanks to a lot of really good and very smart lawyers who prepared me. And so I argued the case.

And one interesting thing that was really fun was that Justice O'Connor had a particular interest, so she wanted to press me

on the point; and I knew with that, if I answered her question directly that it would cast me in the light of an extreme position that I did not want. I didn't want to go there. So I kept saying to her, "We don't argue that at this time, Justice O'Connor." And she let me say that once or twice, but then finally she said, "Mr. Ward, that is not a satisfactory answer." And she came down hard on me, and I said, "Okay." And then I unloaded on her and I told her my extreme position, fearful that it would harm me; but in the end it didn't and she says, "Well, it sounds to me, Mr. Ward, like you plan on coming back." And I said, "I'll be back, Justice O'Connor," never believing in a million years that I would be.

But anyway, as it turned out, I did go back just two years later and argued even more significant issues at that time. She looked down at me and smiled and said, "Mr. Ward, haven't we had this conversation before?" And I said, "Yes we have." *[laughing]* Then it was funny, because she actually asked me, she made me go to yet another extreme position, and then she says, "Well, do you plan on coming back again?" Well, I wasn't quite so bold that time, so . . .

But in any event, years later I really became friends with her. We had conversations about that, and it was really quite amusing and enjoyable. But it's a wonderful experience going to the Supreme Court; it's just beyond any experience that a lawyer can have, frankly.

Betty Richli: With all of that in mind, having argued before Chief Justice Burger, Justices Rehnquist, O'Connor, what appellate jurist most influenced you?

James Ward: Well, that's an interesting question.

Betty Richli: Or jurists, I might add.

James Ward: Yeah, right, that's an interesting question. I think I would maybe reduce it down to a more local level. Well, there were some jurists that did impress me because I wasn't very pleased with what they did to me, but that wouldn't—

(00:20:04)

Betty Richli: We won't go there.

James Ward: We won't go there, right. But if we go to this court, I just admired so much the scholarship of Marcus Kaufman. But as much as I admired that, in the end I think the justices that I admired the most and maybe got the most out of what they did were those who had this friendly, or to use the word "collegial," attitude towards the practice of law, towards the appellate practice and making appellate decisions: people like Joe Campbell and Jake Hews. And while scholarship is extremely

important, I think there are other very important qualities of a justice that I found in them, that I tried to emulate, because frankly, I had never considered myself smart enough to be anywhere near like Marcus Kaufman. But the bottom line is that from a standpoint of admiration, that's where I would be coming from.

Betty Richli: You mentioned the word "collegial," and that naturally segues into a topic that I know is near and dear to your heart. You were quoted once as saying, "Collegiality is the most important qualification for an appellate jurist." I'm going to let you wax eloquently on that subject. Why do you believe that, and how does that characteristic, in your opinion, affect the work of the appellate court?

James Ward: Well, that's really easy to answer because as a test, judges in personality testing, a greater percentage of judges are introverts than extroverts.

Betty Richli: You obviously don't fall into that category.

James Ward: Well, that's what people say, but probably because it's a scholarly pursuit and there's academic dimensions that come into it, et cetera, et cetera. But the bottom line is that you can't have somebody doing this job who is so insulated that they retreat into their office and don't pay any attention to the outside world. You have to have, in my opinion it's so important to have, people who want to be involved; and that involvement is not just in the community, but it has to do with the involvement with their fellow justices. I had been friendly with most of the justices of the Supreme Court for many years, and those that I most admire are those who seek consensus there and work with their other justices in working things out.

One of the things which I'm probably the most proud was there was a conversation to which I was not a party, but it was reported to me. Somebody asked another justice of this court, "Well, do you justices get together very much?" This was before I came on the court, and the answer was "No, not that often." And they said, "Well, when Jim Ward comes on, you will." And in fact I made an effort to try to get us all together and associate together, lunch, coffee—

Betty Richli: In fact, you had an unusual appellation given to you, didn't you, in that regard?

James Ward: Well, I can't remember what it was, but I hope it wasn't bad.

Betty Richli: Social.

James Ward: Oh that, yeah. *[laughing]*

Betty Richli: X-O. *[laughing]*

James Ward: Yeah, yeah. Never mind. We won't go there, that's right, but the fact is that I think that it's important to get along with one another because we . . . I say "we," when I was a justice of the court, we all had our own opinions of the cases that came before us, and we would disagree. And that was a good thing, because if we were ever all on the same page, then something was wrong and the system wasn't working. So it was built in that we were going to disagree. Okay, that being the case, how do you go about doing that? Do you fight with one another or retreat to your chambers and get mad? No, you don't do that. You remain friendly but have friendly disagreement, and that way the system works best.

That's why collegiality is so enormously important, and I applied it not only at here, but on everything I ever did—on the commissions I ran and the boards that I served on. My first order of business always was, where are we having dinner tonight? Because I felt that it was important to break bread together in order to be able to talk with one another and let the system work. That isn't to say you compromised your firmly held point of view; in fact, you were much more effective in presenting your point of view if you could talk to somebody about it. That's the whole collegiality gig, as I see it.

Betty Richli: So you really believe that it's not just having to do with this, a veneer of friendliness, but that it is a characteristic that affects the work product of the court, or can or should.

(00:25:10)

James Ward: Oh, absolutely, I was involved. I interviewed literally hundreds of people who wanted to be judges, and in many instances that involved people who wanted to be on the appellate court bench. I always looked for scholarship, of course—were they smart enough for the job—but I felt it was more important to look for their people skills, because a trial court judge has to have people skills every hour of every day that he or she sits on the bench; and an appellate court justice, while not interfacing with the public, has to interface with colleagues. And to me that was just enormously important in my evaluation of candidates. Of course, I did the evaluating in connection with the Jenny Commission, and I interviewed an enormous number of people, and in fact some of them are sitting on this bench today. It's interesting.

Betty Richli: I believe you interviewed me early on. *[laughing]*

James Ward: I didn't want to allude to my mistakes. *[laughing]* Just kidding, Betty, just kidding. Can we take a brief break?

David Knight: We're rolling tape again, and anytime.

Betty Richli: I believe we were talking about your interviewing individuals for the superior court and municipal court benches and how it related to collegiality and the characteristics you looked for in jurists.

James Ward: Right, well, I maybe said it all, but I just felt there were personal human characteristics that were maybe more impressive to me than scholarship. Maybe that was because I never considered myself a scholar, but I hoped that I was a decent human being. In any event, whatever my reasoning was, that was a strongly held belief, that people had to be good human beings in order to do this job.

Betty Richli: When you became a judge, you left a 37-year private practice, leadership positions across the state; in fact, I remember when we would go to lunch and to dinner with the rest of our colleagues, invariably no matter where we were, whether it was in Riverside County, Los Angeles County, or San Francisco, we would be in a restaurant and somebody would always come up and introduce themselves to you and would know you. And it became sort of the inside joke that we could never take Jim Ward anywhere without having to face his coterie of admirers.

James Ward: You're very kind to say that. Yet the truth was that I did get to know a lot of people in the state, in those years with the State Bar, and I always thought that it was a very important thing to be able to do. And it helped me with the other commissions that I worked on because there were people I could call and resources that I could look to. And I just, I don't know, I just think it's important to be friendly with people.

Betty Richli: Well, it seemed to me, and I used to tease you that you had raised schmoozing to an art form, but I really admired your ability to meet people and to reconnect with people from your past. And it also seemed to me that when you moved into your judicial tenure both on the superior court and the appellate court, you took those abilities and moved them into leadership positions with the California Judges Association and the Judicial Council and the Administrative Office of the Courts. So tell us how you did that.

James Ward: Well, you know.

Betty Richli: And why.

James Ward: Right. I didn't do any really conscious . . . I made no conscious effort to get involved in judicial positions; they just sort of came my way, frankly. When I went to Judges College, which we all do, I would kiddingly tell everybody I flunked Judges College because they made me come back a second year. But truth be known, at the end of Judges College, I got a call and they said, "Would you come back as an advisor next year?" I was bowled over because I didn't really expect it. But I did; I

went back and then that began a teaching gig with the new judges orientation, which . . . where I taught for a while. And in the Judicial College I regularly taught courses there and thereafter and thoroughly enjoyed that, and that segued into other jobs. And then finally most recently I have been asked to be on the Board of Directors of the California Judges Association, which pleases me because I always have had a lot of admiration for that organization.

(00:30:02)

James Ward: But that, and other things that I've been involved in, once you do a job people come around and ask you to do another job is what it amounts to. My wife gets mad at me because she's . . . here I'm 71 going on 72 years old, and she says, "When are you going to quit working on your resume?" But I just . . . I don't know, I enjoy being involved with judicial activities and I'm currently enjoying my involvement with the judicial activities that I'm now a part of.

Betty Richli: As I recall, all that has led you into the international arena.

James Ward: Well, yeah, in a way I was lucky enough to be asked to teach in Prague a couple of years back, in a course for lawyers from Kosovo; and of course Kosovo is very much in the news now, whether it will become a separate country or remain a province, of Serbia, et cetera, et cetera. And I acquainted myself with about a full one-third of the lawyers in Kosovo during the course of this training session.

And then another time I had a brief involvement in a teaching thing of Iraqis, which was pretty fascinating. We taught the course in Amman, Jordan. So that's been exciting, to get involved in that; frankly, I'd like to do a lot more of that. I love to travel and I would love to get involved with more of those things. But somehow or other you have to have the connections to be able to do it, and it hasn't always worked out.

I do enjoy teaching. I taught at University of California, Riverside, as an adjunct professor. You know, because after I gave the job up I asked you to do it. But bottom line is, that was an exciting thing. I taught a law school course at one time, and I've been on numerous panels and groups lecturing to attorneys and judges. Yes, I absolutely love the teaching thing.

Betty Richli: Do you believe that your judicial philosophy had developed fully by the time you became an appellate court justice, or do you think that it continued to evolve during your tenure on the appellate court bench?

James Ward: Oh, no, clearly it evolved. You know, you don't . . . a leopard doesn't change his spots. But my basic philosophy in life and all—developed through the years in legal practice—probably

stuck with me. But one thing that evolved, and I think it's important to point out, and I don't think people really appreciate the need for dissenting and concurring opinions from justices. I'm a huge believer in that. As I earlier said, I think if all justices in all courts are just on the same page and they're always in agreement, something is wrong; and if people don't disagree, something's wrong, because it just can't be that clear that everything is one way.

When a justice has an opinion that is slightly different or nuanced in some way different than the prevailing opinion, he or she ought to write a concurrence; and definitely when there is a disagreement, he or she ought to write a dissent. I had an interesting career in that the very first civil case that I had in this court, the author, who will go unnamed, wrote the opinion; I read it; and I thought, yeah, it's got that right, and I went along with it—until I heard oral argument. That oral argument, one counsel, really convinced me that we had it wrong. And so being unable to talk a justice into changing the case, I couldn't believe that this had happened to me.

I thought, what kind of a guy am I going to be considered at this court? But fortunately for me, it was sort of a highlight in my legal career. The Supreme Court bought my view of the case as opposed to the other justices' view, and so this court had to reverse its position in order to go along with the way I saw it. Of course, that gave me a great comfort level. But the funny thing about that is it occurred on my first case; if I have any regrets, it was that I didn't do more of that later.

(00:34:54)

There would often be times that I would say well, I guess that's that law, and I would go along. And as I look back on it, I wish I had dissented more. And that's an odd thing to say, but I just really do believe that differences of opinion are the strength of the process, and we really need them. The thing that is so troublesome is this court is so tremendously impacted; it's been the most impacted court in the state for a number of years, and its volume of work has been huge, and the caseload per justice has been huge. And when you have that huge kind of caseload, you just don't have time for the niceties of concurring opinions and dissenting opinions, and regrettably you can't spend as much time as you really wish you could. And that's one thing I wish would change, would be that they would be able to lighten the caseload of the individual justices in this court.

Betty Richli: What other qualities, other than collegiality, do you believe an appellate jurist should possess?

James Ward: Well, one of the major ones is "see the big picture," because let's face it, a large part of what appellate justices do is pretty routine. I'm always reminded of Oliver Wendell Holmes's

famous quotation about his time as an intermediate justice of the court in, where was it, Massachusetts? Anyway, where he said he looked back on 1,000 cases, "Here's 1,000 cases," and he kept repeating that and referring to how mundane they were and how unimportant they were and so on and so forth. Of course, he went on to great things in the United States Supreme Court. That was a different time, but bottom line is, there's a lot of stuff that justices do that is just routine and not all that important and the cases never should have gotten here; but then there is that percentage of the cases that are so important and it's so important to evaluate where you're going to go. And while we operate on a case system whereby you have to live with the facts of the case as it appears in front of you, bottom line is that you want to look at the big picture. If we write this rule in this case, how is that going to impact the law for the next 5, 10, 20, 50 years?

And to me, looking at the big picture is really an extremely important thing. And that gets back to life experience and the ability to identify with community and all of that. And that's why scholarship is important as it is, I think is submerged next to those qualities that I just mentioned.

Betty Richli: Do you remember the best advice you received as a justice or a judge that related to being a justice or a judge? *[laughing]*

James Ward: Oh, yeah. Well, the biggest one is, don't take yourself too seriously. I remember when I was sworn in as a judge, somebody gave a talk—you know, several people give little talks—and one of them brought the story, and I don't have it exactly right; I wish I could go and look it up. But it was about the Roman Caesar or legionnaire or whatever, who whispered in his ear. They had someone ride on the chariot with him always to whisper in their ear that they were human and that they were mortal, et cetera, et cetera. And that's something that all judges have to do, lest we get "robe-itis" and become too impressed with ourselves. Don't take yourself too seriously; that's probably the best advice I have.

Betty Richli: And all glory is fleeting?

James Ward: Yeah, right, exactly.

Betty Richli: And I suppose that would be the advice you would pass on to newer members on the bench?

James Ward: Oh, absolutely. I try to do that all the time when I talk to . . . I'm beginning to get to the point, though. I've been off the bench now for a year and a half and I'm beginning to get the feeling that I'm getting far away from it. But to the extent that I still do talk to prospective jurists, I give them the same advice: don't take yourself too seriously, look at the big picture, and those other avuncular bits of advice that I can give. It's

wonderful to reach my age, because you can then start being very avuncular with everybody, so I love it.

Betty Richli: Well, aside from being very avuncular you also were very productive in terms of your leadership and the things that you did as an appellate court jurist that really moved beyond deciding cases and writing opinions. And I think now of your chairing of the commission on the plain-English jury instructions for the civil jury instructions. Tell us about that.

(00:39:53)

James Ward: Well, that was really a highlight. I spent 10 years, actually, involved in that. Earlier I had chaired a commission, given the task of rewriting the civil discovery laws of the state. Chief Justice Rose Bird and the president of the State Bar at the time asked me to do that, and we accomplished it in . . . oh, I don't know how long it took us, three years or so, to rewrite the civil discovery laws. And perhaps based on that, when Justice George decided to do something about writing plain English jury instructions, he got me involved in it. And Justice Corrigan, of the California Supreme Court, and I split the job; she took the criminal, I took the civil. And we started back in—

Betty Richli: When you were a baby.

James Ward: Yeah, when I was still wet behind the ears, back in 1996, 1997 that we started doing it. We had to—because of circumstances with BAJI and with the jury instruction committees in Los Angeles—we had to start from scratch. So we wrote on a blank slate and completely wrote new jury instructions. I took a little pride in the fact that we completed the civil ones before they did the criminal, but they had really a tougher job in many ways. The bottom line was it was really a labor of love and you had to be dedicated. And my job was to be the leader of the band; and to be frank with you, that was a lot easier than the job allocated to people who were the members, because they had to do the academic grunt work and they had to do the study. And all I had to do is get everybody to schmooze and have dinner on Thursday nights in San Francisco or elsewhere. *[laughing]*

Nah, I'm kidding, I did have to work very, very hard to develop a consensus. And that was always my style, was that we would hammer on sometimes a single point, a single sentence, for an hour or more and looking always for a consensus. And then sometimes my fellow . . . the commissioners on my commission would finally say to me, "Why don't you go to a vote?" And I would go, "Well, let's see if we can get a consensus."

Sometimes we had to . . . and I'll never forget, one of the most dramatic votes involved an extremely significant point that went across the board, and the split was 12-12, so it was left to

the chairman. Well, I had anticipated it and I was able to decide that I'm missing a beat. I decided the issue, and we went on from there. But not very often did we have to vote, because normally I would hammer out a consensus. And in my opinion that helped us do a good job of writing those instructions, and they are marvelous.

I'm still involved nationally, in fact, with the National Center for State Courts. We're holding a conference in Ohio in March, which I just had a conference call on yesterday morning, as a matter of fact. I've spoken in Washington, DC, and New Orleans and elsewhere on the topic of jury instructions because of my involvement here in California. And California is looked to as the leader in the nation for having done this job, and everybody says "Wow, you really did a great job of it." And I take a little bit of pride in the fact that we did; in fact, we were laughing earlier that right behind my head, coming out of the top of my head, these are the volumes that are on the shelf. And somebody said—I think it was a Chief Justice who actually said—"Well, that's going to be your legacy." And I guess in a way it is. But I know full well that it was the work of my committee; it wasn't me. I was just the guy who shepherded them around; that was what my job was.

Betty Richli: The work that you did on the California jury instructions, you also had worked with the Judges Association; we talked a little bit about that. But since you've left the active pursuit of appellate work in terms of the bench, it's sort of going back to the future for you. And what are you doing now with regard to that?

James Ward: Well, that was really an interesting development in my life. I didn't really understand what happened after you quit being a judge; I always thought that you were just a retired judge. But there has been a lot of debate of late about the role of retired judges and the role of mediators and arbitrators. I've gone to work with JAMS as an active mediator and arbitrator and I work quite a bit doing that.

(00:45:03)

But vis-à-vis the State Bar, I was required to become a member of the State Bar again, and coincidentally I—

Betty Richli: So you're a lawyer and a retired jurist.

James Ward: I'm a lawyer—well, an attorney and a retired jurist. My good friend Manny Real in Los Angeles corrected me on that while saying to me, "Jim, we're all lawyers—whether we're an attorney or a judge, we're all lawyers." Anyway, the bottom line was, I'm back to being an attorney and member of the bar, which is kind of an interesting thing. And some of my former colleagues take great umbrage of that and don't like the idea of

having to become a mere attorney again. I don't have that attitude at all. My attitude was I remember how thrilled I was when I became an attorney, and I remember in those days there was something a lot more prevalent than there is now: that they have to have that sort of symbolic little fence in the courtrooms that would have a swinging door on it. Some courts still have it, but others it's not as apparent; and I always felt that when you passed the bar that was kind of what you did, you got to cross that bar, you got to go into that area. And I thought that was really neat. I was thrilled to be an attorney when I became one and I'm thrilled to be one again—not that I want to go out and practice and have clients, but I'm very content with that.

Coincidentally, through some friends in the litigation section of the State Bar, I went to England and studied over there for two weeks, and a week in England and a week in Oxford. And kind of an offshoot of that, I'm now an advisor to the litigation section of the State Bar; and in other small ways, lobbying efforts in Sacramento and otherwise, I'm back active in the State Bar again. It presents a problem at the annual meeting, because do I sign up as a judge or an attorney? I choose to only pay one registration fee, but I've become involved again; and much to my wife's chagrin, I'm buzzing around the state again, going to meetings again. I'd like to do other things, frankly. I know it was your intention to ask me about—

Betty Richli: I wanted to talk a little bit about, at some point in time in this, and may I just simply lead into that? You are a prolific essayist, writer, and continue to write.

James Ward: Well, that's about where I was about to go, is one of the things I enjoy the most is writing, and I've written . . . It started I don't remember how many years ago, about the time I was on the Board of Governors in the '80s. I was in a doctor's office and there was some crummy, beat-up old magazine there. I picked it up and read the article and I thought, "I could do better than that." So on my next trip to San Francisco I wrote, I just happened to be there when Prince Charles was in town, so I saw him and I wrote a little essay about it. And then I was flying home on the airplane, and I saw there was an editor in this airplane magazine, so just on a whim I sent it in to him. Instantly they called me and wanted to publish my article and wanted to pay me, which just blew me away. I thought, "Oh, my god, I get paid for doing this?"

But bottom line was, that started kind of an avocation of writing. I've published a number of things through the years, and as you say, they are generally sort of personal-essay type things. A lot of them had to do with the Jenny Commission, jury instructions, discovery laws, et cetera; a lot of them are academic of sorts. But I enjoy the personal ones perhaps the most, and I have shared them with a lot of people—including

your father, by the way, which always pleased me that he enjoyed reading what I wrote. And I just love to do that. And then I'm also a compulsive journal keeper, and I have volumes of journals that I've written; but I've—

Betty Richli: And a photographer.

James Ward: Yeah, there you go. But I've published a lot of articles, but I've also sort of self-published some books. And they're just nothing—they're family stuff and essays and that sort of thing—but it's a real passion of mine, and I really enjoy it.

Betty Richli: What did you enjoy most about your judicial career?

James Ward: The thing that comes to mind, frankly, was my association with my colleagues. I thought long and hard before I quit because I knew that even though we would still see one another I didn't want to give that up.

Betty Richli: We didn't want you to either.

James Ward: Oh, well, thank you, you've very kind. But the bottom line was . . . I've got to think of something more weighty than the association. I think it was just the ability to make a difference. It was remarkable becoming a judge, the effect that that had on my life that I really hadn't expected. Instantly I would go to . . . I would always go to a lot of meetings—the rubber-chicken circuit has always been part of my life—go to meetings, but instead of just being there . . . Certainly I was always being introduced, and that could be a heady experience, but frankly you get a little bored with it. But anyway, that sort of was indicative of the attitude of the community; people viewed me differently. I mean, maybe I had some success as an attorney, big deal, or doing cases before the U.S. Supreme Court. But becoming a judge, suddenly people . . .

I have a very dear friend; I take her to lunch at least once a year or maybe twice a year when I can. She refuses to call me "Jim," she calls me "Justice Ward." *[laughing]* I can't get over that, but that's sort of indicative of the attitude that the community develops towards you and you get those perks and so on. Then it kind of puts you apart; you can't be quite as friendly with a lot of people that you used to be friendly with too. And in a way I didn't like that; that was something that kind of bothered me. But it was certainly an impact it had on my life.

Betty Richli: Do you think after you became a judge that it affected your ability to serve on community boards? You've always been so active in Riverside, people refer to you and your colleague Judge Miceli as "Mr. and Mr. Riverside." But do you feel that it's helped you, hindered you, or been a benefit?

James Ward: Well, a little of all of the above. When I went on the bench, I had to resign from a number of organizations—one because it didn't allow women; and another because it was a lobbying group; and others, they were political in nature. And I had to abandon all of those things, and I can only get back into them partially as a retired judge too, frankly. And so to that extent I had to pull away from the community a bit, which bothered me, frankly, and now that I'm more free to get back involved again, it's kind of fun. I just have been serving on a commission that's investigated the election procedures in the county of Riverside. We just rendered our report as to whether we ought to have paper ballots or electronic voting. And that sort of thing is fun for me; I really, thoroughly enjoy being involved in the community in that way, and I'd kind of welcome being able to get back into doing that. So it's a mixed bag as to when you're a judge. I think some of the rules regarding judges are a little too tightly drawn, that they ought to be able to be more free to be out and about.

Betty Richli: They isolate you too much from the community you're sworn to serve.

James Ward: Yeah, isolation is a bad thing for judges, in my mind, as I previously expressed. In any event, it's been a great run. I think being . . . You asked what I liked; I hate to say it, but I did like some of the perks, getting to ride with the CHP and so on and so forth. Now I have to make my own way. But the fact is that being a judge was a wonderful life and it was a real highlight; it was interesting to me. I have a philosophy on it. When I became a trial court judge, which was beyond anything I ever imagined I would get to be, I quickly learned that it was easier to be a trial court judge, as hard as their job is; I mean, they have a tough, tough job, hour by hour, minute by minute, making decisions and nobody else to help them. Trial court judge is a very lonely job in many ways, and a tough, tough job. But as tough as it is, it's easier than being an advocate and being an attorney, because all you have to do is seek the right and make the right decision and listen to, hopefully, two capable advocates on both sides of the issue and then make the decision.

(00:55:19)

I never had trouble making decisions, and so that was easier for me than taking maybe kind of a bad case or a bad client and trying to make satin out of a sow's ear, you know, and try to develop that. The advocate job is the toughest, and a judge's job was in that sense a little bit easier. The interesting thing then was when I made the next transition. As to being on the Court of Appeal, in my opinion as tough as your job is and as tough as the job of being an appellate justice is, it was easier than being a trial judge. And why? Because of the association with other people. You never did anything alone; you always

made a decision with two other justices. You never were alone in making decisions; you always had at your elbow wonderful research attorneys.

Betty Richli: And that's an interesting distinction, because I think lay people, people in the community, don't have a sense of what it is the appellate court does, what the justices do. We hope these interviews will help that perception a bit; but that you really don't work in isolation, you . . . Unlike the trial court, where I always thought it was more like being an independent contractor, on the appellate court you have to have at least one other vote; there has to be some consensus. And to me it was a much easier transition and in a way more enjoyable because you're right, you're not isolated. Although most people think we work in an ivory tower, it really isn't isolated.

James Ward: It isn't that way at all. Also, you talk about the ivory tower aspect of it, I always find it regrettable when judges, to the extent they do . . . And I'm not critical of anybody, but some of them have a tendency just to want to say, "Well, I'm a judge and I'm an appellate court justice, I'm going to retire to my position." I think they've got to go to bar association meetings, they've got to go to community affairs, they've got to get out in the community and feel the pulse. To me . . . and that's all part of the other philosophy that I expounded on earlier. I think it's very, very important for them to keep in touch.

Betty Richli: What qualities—we alluded to these, but if you could sort of synthesize it—do you think you have, and that you demonstrated, that made you such a successful jurist, both at the trial level and at the appellate court level? I'm not assuming facts not in evidence here, I hope. *[laughing]*

James Ward: *[Laughing]* I was afraid maybe you were. I was going to say the premise is that I was successful, I don't know. But I don't know whether I was or not; time will . . . somebody else will make that evaluation. But all I know was that I tried to bring a sense of humor, a sense of collegiality, an involvement in the community; and I tried to bring a look at the big picture. I really . . . only rarely did I ever get to expound in an opinion about the-way-I-thought-the-law-ought-to-be kind of thing—because you just don't do that, because you're dealing with the case-by-case basis and you can only address the facts of the case.

But if I had any qualities at all, it was at least I had a fervent desire to bring those attributes to the bench. There are probably people out there who don't think that I was successful at doing it—but anyway, that's their opinion.

Betty Richli: Okay. What impact do you think your judicial career has had on your personal life, your family, and your community? And then before I forget, I also want you to start thinking about—and

this is a part of this—it's not a part of your judicial career, but your legal career and your judicial career spans a large amount of time. And when you started practicing law, we had what most people wouldn't even recognize today, don't know about: justice court.

James Ward: I did practice in front of justice courts. So it was the first lawyering that I ever did—as a matter of fact, fresh out of law school. And in those days, particularly in Riverside County, more so than in other parts of the state, we had a number of justice courts in small communities. The judges were lay judges. One of the ones who was the most interesting to me was a man in a nearby community.

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His day job was, or his regular job was, the projectionist in the movie theater. But he got elected justice of the peace and he was in the court that they had that kind of the interesting history. You may be familiar with the saga of Willie Boy, the Indian, the renegade Indian, and then a very bad movie was made out of it with Robert Redford. But one of the posse in that thing was a colorful character by the name of Joe Toutain. Well, he was the bailiff of this court that I was referring to, and I had a chance to meet him, and I found that amusing.

But going in front of this particular judge was always an interesting experience; as a deputy DA I had to be really careful, because he just thought that we walked on water and anything we said was the law. And the first time I was ever out there he was reading from a case; the attorneys would occasionally take a case to him. He was, "I can't see; this doesn't seem to say that." And then he was reading . . . well, he was reading the dissenting opinion. *[laughing]*

But the most fun, though, that I had in the justice court involved yet another colorful judge who was older, shall we say; very old. And he . . . I had some interesting times when I was there as a deputy DA, but shortly after I left the DA's office, I went out to try a defense case, as a defendant was a client of mine. And we got ready to go to trial, and I'd asked for a jury trial, which he couldn't imagine why anybody would want a jury trial, but I prevailed on that point. And so we got there and I arrived that day for the jury trial and I looked out in the audience, and there were the 12 old men sitting out there in the audience. So I said to the clerk . . . he says, "Clerk, call the jury."

So they called each name and then they sat all in a row and then he turned to the district attorney and says, "Well, you may call your first witness." And I said, "Wait a minute, Your Honor." I said, "I want to question the jury." The judge said, "Why would you want to do that?" And I said, "Well, perhaps at least

some of them have prejudices or biases, there's some problem here." He says, "Well, what would you do?" And I said, "Well, I might ask to excuse some of these gentlemen." And he said, "Well, you can't; we don't have any more jurors." So in the end I was stuck with those 12 jurors. But be that as it may, that was kind of a fun experience.

There was another judge out in the county at that time who was notorious. He hated jury trials, and so what he would do is if they insisted on having a jury trial, he would put up with it for a short while in the morning and then he'd invite everybody, the DA and defense counsel and anybody else that happened to be around, up to his ranch. And everybody would go up to his ranch; and he believed in drinking, so he would serve drinks to everybody. And I was never a party to this, but I understood that sometimes counsel got a little bit inebriated by the time they came back, and often cases settled or got resolved short of that.

But we had a lot of fun in the justice courts in those days. I tried a case against . . . probably shouldn't mention his name, although he's already famous in another way. He wrote a famous song with which we're all familiar; that was his biggest claim to fame. But at this time here he was trying misdemeanor cases in the court in another small community. He came out and he was going to teach this young whippersnapper DA a thing or two, but he didn't know how to voir dire a jury. He was in my domain at that point.

And as I say, that was an interesting time in the justice courts. And that's where I cut my teeth, where I interrogated my first witness, where I made my first argument to a court, and that kind of thing. It was an exciting and interesting time. And they're gone now, the justice courts, and I understand why; but in many ways I miss them, because I think they provided sort of a hometown justice of a good brand.

Betty Richli: Well, we have now in our court system—which is so large and diversified, and those were all wonderful aspects of it—but the idea that we have to have or do have community outreach. And yet the justice courts, ironically that was just—

James Ward: That was the ultimate outreach, yeah.

Betty Richli: Yeah.

James Ward: Yeah. Well, things are so different now with the unification of the courts, which I supported at the time that it came about but I've since begun to wonder, frankly, whether it was the wise thing to do. It seems to me that intermediate or stair-step courts had certain advantages. And then the other thing is the centralization of the courts in one place—specifically, San Francisco. I supported a lot of those movements too. But

sometimes I rock back and wonder whether local court control isn't a better way to go. And I don't want to create a storm of controversy, and I'm not about to start throwing my body in front of the Caterpillar tractors, but the point is I sometimes wonder with this monolithic control of the court system, whether it's all that good. I think it has an effect on the perception that the community has about the courts.

In the old days, when in many communities there was only one judge, people looked at that person as that . . . It was always, in those days, it was always a man, white male. And fortunately that's all changed; but I mean, in those days "That's our judge." And anymore today the community doesn't have that sense of it. They don't know who the judges are, there are so many of them, and then the courthouses . . . like here in Riverside we have a wonderful historic courthouse, and there's a certain community pride and involvement in it. And this is our courthouse, and of course it was built in a controversial time just over 100 years ago, when Riverside wanted its own courthouse; this is our courthouse.

Well, anymore, courthouses aren't going to belong to the community, they're going to belong to the state. Well, they do already, in effect. I guess I'm old-fashioned, but in a way I kind of miss the old way of doing it a little bit.

Betty Richli: Well, we're talking about, or at least I alluded to the fact that, your judicial career had to have some kind of an impact on your personal life, your family, your relationship to the community. And we get back to that idea of the community. And how did your career . . . or what impact do you think it had on those various aspects of your other lives?

James Ward: When I started out in the community, I was eager. Frankly, always a little bit a young lawyer wants to make a mark in the community in order to get business. That was one dimension of it. Maybe I'm conceited and it's silly, but I really kind of thought, "Now I want to make an impact on the community." And I got involved and I was president of a lot of local groups and did a lot of work locally and in the Kiwanis Club and blah, blah, blah, and the whole shot. And I really was interested in doing things in the community; I have this in a way sort of the unfortunate result.

In the '80s, when I got involved in the State Bar and I started getting appointed to statewide commissions, my work began to focus more on a statewide level than on the community level. And I'm finding that now in a way I'm trying to come back home a little bit and get a little bit more involved back again with my community. And that's just been kind of unique in my career; that isn't the case, I think, with the typical judge. But the judges . . . I don't want to go over it again, but the judge

has to beware of being appointed to the position and then getting alienated from the community.

Betty Richli: During the span of your legal career and your tenure on the superior court and the last 10 years that you spent on the appellate court, have you noticed or seen or perceived a shift in the attitude of the public toward the legal profession and the bench?

James Ward: There's a little bit more of this remoteness in the court process—not a little bit more, a lot more. The court is just another bit of big government out there. When you have a bench of dozens and dozens of judicial officers and a huge bureaucracy that's running the system, it's a little hard for the community and individuals that have to come into this system to feel warm and fuzzy thoughts about it. The old days of the sort of the avuncular, to use the word again, judge propping the little juvenile who's had a scrape with the law up on his—of course then it was always a "he"—but his knee, and talking no-nonsense to the child, and in an extension to that, in a way talking to the community, we've lost that.

And we now are enmeshed in a giant system, a huge court process. Obviously we're the biggest court system in the world, far and away, and we have a public philosophy in this country that matters ought to be referred to courts. I've traveled a lot, and that's not universally true in the world. Our courts here are so much more active, and we have so many more courts and so much more involvement. It puts a huge burden on those of us who are judges and those of us who are lawyers or attorneys, whatever the case may be, because we as a society are . . . we become involved in the justice system so much more. And we live in a very complex society where things aren't figured out quickly or in an easy way, and so we go to courts all the time. That isn't true around the world, but when things get big they get impersonal and it gets difficult. So that's part of what I see.

And I mentioned before about seeing the big picture. I think the other thing that a person has to do is see the little picture too, because you've got to look down at a person who is appearing in front of you. They're the 10th matter on your law and motion calendar of 26 matters, and that person, it's the first time they have ever set foot in a courtroom, and you're going to make a decision that's really going to impact on their lives. And you got to look down and say to yourself, "Am I doing the right thing for that person?"

And it's hard to do, but I think we have to overcome the bigness of it. And that's what I worry about in today's judicial system versus the one that I came into, because I knew the judges when I came onboard and I knew them. I had a distance; I was a counsel appearing in front of them. But now you just don't know the judges because there are so many of

them. And that change is a little tough for me to take and it raises all kinds of issues.

Betty Richli: Do you think that in the judicial education arena those issues should be addressed? And if you were king of the world, how would you deal with that?

James Ward: Well, it's interesting that you say that. I kind of got discharged out of doing that training in judicial college because the topics that I used to teach, some dean of the college phased them out. I miss that teaching there, because I'd always tried to impart a little of that philosophy to judges that I encountered. And I tried to impart it to judges that I know that come onboard that . . . Nobody listens to me anymore; I'm an old has-been. But bottom line is I think judges really kind of have to very often rock back and look at their impact in the community. Maybe there would be a way that judges in retreats or in special kinds of gatherings and seminars would listen to the public and ask the public the questions you're asking me: what's your view of the judicial system; how do you feel about it? If they knew how they felt about it.

It's always interesting to be a witness. I don't know if you've ever been a witness; I've been a witness in various cases. I've been an expert witness too. But I mean, when you're called to testify and you're brought into that grandeur and power of the court, that gives you a different view of it than when you're sitting there with the black robe on. So I think it would be good periodic . . . I loved a segment of some TV show—I don't remember what it was—where all the doctors and a chief resident or whatever it was made all of the residents wear that stupid gown, hospital gown, because his point was get the feel of the way patients feel. And maybe we ought to do more of that; we ought to put ourselves in the shoes of the poor litigants and the poor attorneys that regularly have to come and appear in front of us.

Betty Richli: What do you consider to be your greatest legal achievement?

James Ward: Oh, brother, I was afraid you were going to ask me that.

Betty Richli: You know this is the summing-up question. *[laughing]*

James Ward: *[Laughing]* Well, from the standpoint of summing up, when I started out in the practice of law, I looked with such awe at appellate cases that I'd read. And the thing that just stuck with me was that on the page there a name appeared and whether I knew them or not—and for the most part I didn't know them when I first started, of course—that was a name of a person who had authored that opinion and so impacted on my life, my client's life, and the community's life. And it just was awe-inspiring to me that anybody would have that amount of knowledge, power, whatever it was to be able to do that, never

in my wildest dreams assuming that I would one day have my name on opinions like that.

I've had the good fortune of giving a lot of speeches and lecturing a lot through the years, and one of the speeches that I've tried to give as often as possible to attorney groups emphasizes the grandeur of the legal profession. And to me it's just a marvelous profession for dozens . . . don't get me started on that. But anyway, it's just a wonderful profession, and it's a noble tradition and a noble pursuit, and no lawyer ought to forget that. One of the things that I try to emphasize when pointing out why that is so, is because the lawyer—whether it's an attorney or a judge—has the ability to impact on and change the laws that make the fabric of our society, that make the glue, that make the societies stick together and make a wonderful system work that's just a marvelous democratic society. It's the legal system that provides the rules that we all live by, and the profession is a place where attorneys and judges have the ability to impact upon that very, very, very important part of our society. And I knew that a little bit when I started out practicing. I would try to make an impact with a case and win a case, and winning the case might result in winning in the appellate court and thereby impacting on the system. And I try to convey to particularly attorneys—well, and judges—that it's important that they recognize their role in that regard.

Then, of course, there's always the legislative dimension and then creating laws as well. But then, of course, there is being an appellate court justice as well. I have had the enormous good fortune of influencing legislation, not only in the civil discovery laws but in other legal areas that I've lobbied and worked in Sacramento. Not only in legislation but in representing clients, such as cases before the United States Supreme Court and the California Supreme Court, too, for that matter; and this court, the appellate court. Then finally being on the appellate court myself.

So I've had the wonderful advantage and opportunity to make an impact on the law that I think is so important in those three very important ways: the legislation, advocacy, or being on the court itself. Now, whether I did a good job or not I don't know; but I do know that I had the impact and I was there and I did the job and I did the best I could. And that to me has always been my philosophy—just, I'm not too smart, but I do the best I can. And I tried hard to make an impact and do the proper thing in connection with the law.

Betty Richli: I'm not going to ask you the Barbara Walters question "If you were a tree what tree would you be?" But I will ask you this.

James Ward: Well, I'm glad you're not going to ask me that. *[laughing]*

Betty Richli: *[Laughing]* How would you like to be remembered in terms of your professional legal career?

James Ward: Probably for that last sentence that I said before you started talking about what kind of tree you wanted to be. The fact is that I had the marvelous opportunity; and frankly, it was just wonderful luck. And I guess I worked hard to get some of the things I got, and maybe I have some small degree of talent; but I mean, I had a lot of luck too. But I had this wonderful opportunity to make this impact; and maybe not everybody has the same opportunities that I do, but if whatever part of it they get to do, I just want them to think about the importance of what they're doing and do the best that they can. And then if they look at me as having that philosophy, that's what I want to be remembered for.

Betty Richli: Justice Ward—Jim—thank you so much for allowing us to memorialize some of the highlights of your singularly impressive legal career and its intersection with the California appellate court. You have been described as the quintessential lawyer and jurist—and I know you want to be modest, but you can't here. And I think, as our conversation today illustrates, that is really an accurate assessment. It has been a pleasure to interview you.

James Ward: Well, thank you. To get the last word, I'll say thank you and you're too kind. You may be not too accurate, but you're very kind. Thank you very much.

Duration: 81 minutes
July 20, 2007