David Knight: Justice Peterson, whenever you are ready, I'd like you to just give me your name, spell your last name and tell me your title when you were on the bench?

J. Clinton Peterson: J. Clinton Peterson; S-O-N. My title on the bench was Presiding Justice of Division Five, First District Court of Appeal.

David Knight: Justice Reardon, I'm ready anytime you are.

Timothy Reardon: Today's date is April 19th and this interview is being conducted as part of the Appellate Court Legacy Project, the purpose of which is to create an oral history of the appellate courts in California through a series of interviews of retired justices who have served on our court.

I'm Tim Reardon, an associate justice of the First District Court of Appeal, and we are honored to have with us today the Honorable John Clinton Peterson, who served on the First District from 1988 to 1998. Welcome, Clint, and thank you for participating in this project.

J. Clinton Peterson: Pleasure to be here.

Timothy Reardon: Clint, you were born in Winchester, Idaho. Maybe you can tell us a little bit about Winchester?

J. Clinton Peterson: It's a north Idaho metropolis of about 700 people.

Timothy Reardon: *[Laughing]* You were born there. Tell us maybe a little bit about the Clinton family?

J. Clinton Peterson: Well, my father worked in the woods. This was Middleton, a logging town. The first six years of my life were spent in a logging camp before I came to town to go to school. I had a paper route there, a small high school. Everybody could do everything: dramatics, basketball, football—a very pleasant place to grow up.

Timothy Reardon: Now, Clint, in 1951 you graduated from the University of Idaho, School of Law. What caused you to choose a career in the law?

J. Clinton Peterson: I've often asked myself that question. *[laughing]* I'm really not sure. My mother had a cousin who was a lawyer and I originally started to get a degree in business, but in those days, in the late '40s, law school was crowded with veterans returning from World War II.

By the time I graduated from high school in '46, I was one of only four members of this class that was not a veteran of World War II. And these guys were lean and hungry, very

competitive. It was quite an experience to be exposed to that kind of competition.

Timothy Reardon: So there was no . . . aside from the relative you mentioned, in terms of being a lawyer, that was it?

J. Clinton Peterson: That was it.

Timothy Reardon: Now I know you mentioned military service. Of course you've served in the Air Force as a second lieutenant and a first lieutenant during the Korean War. What was that experience like?

J. Clinton Peterson: Well, it was actually a pretty good one, and for me it had been preceded by an appointment as an assistant attorney general in Idaho by the then attorney general, later governor, Bob Smylie.

I got initiated into some trial work as a staff judge advocate; I was a staff judge advocate at the Travis Air Force Base. And there was a real shortage of legal officers at that time, and then I went as the adjutant of a B-36 outfit to England for about four months.

Timothy Reardon: How long were you at Travis?

J. Clinton Peterson: Two years, except for the time I was stationed at Lakenheath.

Timothy Reardon: Following your discharge you took the California bar exam and readmitted to practice here in 1954.

J. Clinton Peterson: Actually I took the bar exam, I registered for it, the last day registration was available in December of '53. I took it while still in the service, and I didn't know that I had passed the bar examination till after my discharge.

Timothy Reardon: In those days . . . I don't mean to make it sound that long ago.

J. Clinton Peterson: It was a long time ago. *[laughing]*

(00:04:58)

Timothy Reardon: Did you have bar preparation or did you just kind of—?

J. Clinton Peterson: Well, I started a bar prep course, but I couldn't keep it up here in San Francisco, so I just got Witkin's—then four volumes of California law—and I crammed on that. That was all.

Timothy Reardon: You were mentioning earlier off camera here about Witkin; and this was limited work in those times, those days.

J. Clinton Peterson: It's really kind of interesting when you walk into a law library now and you see volumes and volumes of Witkin. His initial effort was a book that was less than an inch thick called Witkin, *Summary of California Law*.

But by the time I was studying for the California bar with Witkins, a very propitious aid, we had four volumes of *Summary of California Law,* and that's what I studied.

Timothy Reardon: All right. After you passed the bar . . . and then should I ask you, did your service bring you to California, or—?

J. Clinton Peterson: Yes.

Timothy Reardon: Okay. Having passed the bar, then you served in the Solano County District Attorney's Office.

J. Clinton Peterson: Well, I went back because I'd been called up with my reserve commission; I went back and worked for the attorney general of Idaho, who was a new man then, and I came back to California to the DA's office in Solano County in 1950—I think it was '56.

Timothy Reardon: How long did you serve as a deputy district attorney?

J. Clinton Peterson: A little over two years. The first jury trial I ever saw was the first one I ever prosecuted.

Timothy Reardon: And you enjoyed that experience, I take it?

J. Clinton Peterson: Yeah, I did. It was a great experience. I like working with people in law enforcement. We had some very good defense attorneys at that time. It was a small, closely knit legal community in Solano County then. Fairfield at the time, the county seat, was only about 4,500 people.

Timothy Reardon: Gee, that's amazing.

J. Clinton Peterson: Now all the small towns are—well, around 100,000.

Timothy Reardon: Now, after you were in the DA's office, you left and you went into private practice.

J. Clinton Peterson: I did.

Timothy Reardon: And you were in private practice, according to my research, for about 30 years.

J. Clinton Peterson: A long time.

Timothy Reardon: What type of practice did you have?

J. Clinton Peterson: A general trial practice; it was a general practice. We did everything. I had a partner, Henry Kilpatrick, and we were together beyond his death. And up to then for a number of years, and at that time, there was no public defender's office in Solano County.

So we, the members of the bar, were appointed kind of seriatim for indigent defendants. I did a lot of that. I did a lot of personal injury work, eminent domain—just about across the board. Will contests. So I have a very varied experience as a lawyer.

Timothy Reardon: So you feel, or at least it's your view, that that experience helped you with ultimately your service on the Court of Appeal?

J. Clinton Peterson: Well, it made me sympathetic to lawyers' problems, I'll tell you that. *[laughing]*

Timothy Reardon: That's important.

J. Clinton Peterson: It is important, I think; but yeah, I had experience. And one of the most unusual experiences I had just before I was appointed to the superior court in Solano County by Governor Deukmejian where I was there, I guess, about a year, a little over a year, a year and a half, before I came up to this court. But I was the class counsel for an action in Guam, the roots of which emanated from World War II . . . asked me to become his lead trial counsel in a case out there. And Judge Bob Peckham of the federal district bench here came out and presided over the case.

We ultimately got it settled for almost $40 million. But it was a case with several thousand plaintiffs, and the interesting part of it was that this was a case in which the claim had been made by Guamanians that at the tail end of World War II, when Guam was liberated, the government had the Navy.

(00:10:11)

Guam was run like a . . . it was run by a member of the Navy, and President McKinley had established the basis for that kind of political arrangement. The Guamanians were very much dependent upon and addicted to their relationship with the Navy, and their contention was that the Navy came in and took a lot of their land and underpaid them.

Guam and the Virgin Islands are two territories that have representatives in Congress, but they're nonvoting. But one of them persuaded Phil Burton here in San Francisco to initiate some legislation to waive the statute of limitations and open up

this question of the alleged underpayment for the lands that were taken to trial. So they were consolidated into a class action, and that was the case.

Timothy Reardon: How long were you over there?

J. Clinton Peterson: I was over there parts of three years: from about ’82 to not long before when I was appointed to the superior court in Solano County.

Timothy Reardon: You mentioned the Superior Court of Solano County; I assume you handled a variety of cases on the trial court.

J. Clinton Peterson: Unfortunately I thought at the time, although it didn’t prove that way. The presiding judge put me on the family law calendar, and that is . . . even to those who find it distasteful, you realize that that’s a very important part of people’s lives. And the custodial problems with children; and very frequently, as I’m sure you know, dealing with people whose emotions run the case as opposed to their logic.

Timothy Reardon: Right. Did you have an experience from your private practice with family law or was it just kind of a new experience?

J. Clinton Peterson: No, I had done quite a bit of that; you had to eat. *[laughing]*

Timothy Reardon: *[Laughing]* Because I know a lot of assignments now are made, they seem to be made, to the family law department with judges with no experience at all in family law, which I assume would be a real—

J. Clinton Peterson: Well, I say candidly that probably a lot of judges do not want to take a family law calendar; but when a presiding judge tells you you have to do it, you don’t have any choice.

Timothy Reardon: Exactly. You mentioned you spent several years or a couple of years on the trial bench. And in 1988, you were elevated to the First District Court of Appeal, Division Two, by Governor George Deukmejian. And when you joined Division Two, who were your colleagues on that division?

J. Clinton Peterson: Anthony Kline was the presiding judge and John “Dick” Benson and Jerome “Jerry” Smith were the other two associate justices.

Timothy Reardon: We’re going to be talking to Jerry a little later today.

J. Clinton Peterson: Well, I wish you a lot of luck.

Timothy Reardon: *[Laughing]* We’ll make sure that there are no inconsistencies here. Well, you mentioned Dick Benson.

J. Clinton Peterson: He became one of my closest friends. I still miss him to this day.

Timothy Reardon: I knew Dick pretty well; he went to the same high school I did a few years ahead of me. But he was quite a guy.

J. Clinton Peterson: He really was, wasn't he?

Timothy Reardon: Yeah. I think you mentioned to me—it may be not particularly relevant—but Dick of course passed away a number of years ago and isn't able to be interviewed, obviously, but I think you said your wife is still in contact with Dick's wife.

J. Clinton Peterson: Yes, routinely.

Timothy Reardon: Good. I know you were very, very close to Dick and you guys had lunch probably every day or close to every day. He, like yourself, had a very good sense of humor. He, like yourself, spoke his mind, and I assume those qualities endeared you to each other.

J. Clinton Peterson: He had one of the keenest senses of humor of anybody I've ever known. He was just a complete joy to be around.

(00:15:03)

Timothy Reardon: So that made Division Two a pleasurable place when you talk about Jerry Smith and Dick Benson.

J. Clinton Peterson: It does.

Timothy Reardon: Now, you were in Division Two for . . . I guess it was in 1992, you were in Division Two from '88 to '92; and then in 1992 you were elevated, appointed to be presiding justice of Division Five.

J. Clinton Peterson: Yes, replacing Harry Low, who was another rare gentleman.

Timothy Reardon: I was going to say another character, if that's not improper to say. And on that division who were your associate justices?

J. Clinton Peterson: Don King and Zerne Haning. I saw Haning the other day. As a matter of fact he stopped by to see me and we were laughing about, commenting about, our experiences together, and he made a very notable remark. He said, "You know, as I thought about our experience on Division Five, I don't ever remember us exchanging a harsh word."

It was a very, very compatible group of people. We disagreed at times, and sometimes we disagreed with some rather

expressive language; but we never abandoned our friendship and we still are friends to this day.

Timothy Reardon: We'll be interviewing Don King and Zerne Haning as well, I think in a few weeks, so that will be a pleasure too.

J. Clinton Peterson: It will be.

Timothy Reardon: Now, when you moved from an associate justice in Division Two to presiding justice of Division Five, were there any changes or significant changes that you made in the administration as a presiding justice?

J. Clinton Peterson: No. Both Don and Zerne were very experienced jurists; I really had the least experience as a jurist of any of the three. And we had a practice of conferring regularly with each other—stop in the office, talk about this case or that case.

We regularly attended writ conferences together. We would, as I say, have disagreements at times; a couple of cases I can think of where I wrote either dissenting or concurring opinions. But King, of course, was and is one of the foremost experts in family law in the state, and Haning was a very unique man.

I don't know that many people knew this about Zerne, but he was a Navy SEAL. And he went ashore as a Navy SEAL to clear the minefields when MacArthur made his landing at Inchon harbor during the Korean War. But he is a no-nonsense and direct sort of fellow, and I appreciated him as well as Don very much.

Timothy Reardon: Yeah, he's a very good guy. Was the transition from associate justice to presiding justice . . . Sounds like it went very smoothly and you had a good—

J. Clinton Peterson: Very smoothly and very happily.

Timothy Reardon: *[Laughing]* One thing I remember, because I think I sat once or twice with Division Five, and I think the only thing that annoyed me a little bit is that, as I recall, Division Five would run right through the lunch hour. There were basically no stops; and maybe that was just the day or days I was in there.

J. Clinton Peterson: Well, sometimes we did that, but as we all started getting older, we had more frequent stops.

Timothy Reardon: *[Laughing]* I saw an article once relating to Division Five and how oral argument was conducted. In your view, were all the attorneys given a fair shake? I'm sure they were directed to address the issues that were—

(00:19:50)

J. Clinton Peterson: I usually started out by summarizing the issues that we particularly wanted argument on. As you know, the issues that are raised, there are a lot of peripheral issues frequently raised in the briefing that you get. And in our conferences we would pretty well hone in on what we considered to be the critical issues.

Some lawyers did not like this. They had their set piece ready and they were ready to argue, but they would be told, "These are the issues that we think are pivotal in this case and we would like to hear argument on that."

I think that Barbara Jones, who succeeded me as presiding judge of Division Five, has pretty much continued that practice, but I've read some articles in which counsel much prefer to argue before her than before us.

Timothy Reardon: *[Laughing]* Well, I haven't seen any of those. I know she does have . . . because I sat on a case with Justice Jones presiding. She has a pre–oral argument conference to discuss the cases, I guess the day before oral argument. Did you have that?

J. Clinton Peterson: Yes, we conferenced on cases before argument.

Timothy Reardon: Okay, that made it that everyone's on the same page as to what the important issues are.

J. Clinton Peterson: Yeah, we reached a . . . Well, sometimes we would have divergent views as to which issues would be fairly labeled the predominant issue, but we generally followed that same practice; we conferred prior to oral argument. But we were the smallest division; we were only three justices. And I think as a result of that, that we perhaps handled our conferences a little more informally than some divisions. We would . . . if you had a question, our chambers were all right next door and we were in and out of each other's offices with some frequency.

Timothy Reardon: Right. And it wasn't until fairly recently that Division Five went from a three-judge court to five judges. Now, again my research discloses that during your time with the First District Court of Appeal, you authored a significant number of opinions. I think I've got you down for about 155 published opinions; that's only published—

J. Clinton Peterson: I think if I had to do that over, I'd probably restrict that a little bit.

Timothy Reardon: *[Laughing]* As you sit here now, were there any that kind of stand out in your mind from your perspective?

J. Clinton Peterson: Well, I wrote the original decision in *Warden v. the State Bar,* which addressed the MCLE program; and Justice Haerle and a visiting judge, Snowden, a superior court judge from Napa County, were on the panel.

We all agreed that the manner in which that program was established—with a number of exemptions that it offered, particularly to legislators who happened to be lawyers—we all agreed that that denied active lawyers equal protection of the law. When it went to the Supreme Court, we were reversed, and I think that there were two—I know Justice Kennard dissented and Justice Janice Brown. So by a 5-2 decision we were reversed.

And now I understand that a program had been established by which, strangely enough to me, all appellate court judges and justices of the Supreme Court have to take mandatory legal education. They are the ones who pass on the lower courts, and the lower courts are all exempt from it—unless they volunteer, which I'm a little troubled by that. It seems to me that that raises some very serious questions; but I don't know that there are similar questions raised in connection with retired judges doing mediation and arbitration work.

(00:25:03)

Those of us who do that—and I'm one—we do that work sometimes in conjunction with, but actually side by side with, a lot of lay people, architects, doctors, engineers, real estate appraisers, real estate agents.

The State Bar takes the position, as I understand it, that we're not practicing law when we do that; but because we pass on questions of law, we have to become members of the bar to do this kind of work. So it's kind of unique to be sitting beside an engineer or an architect to arbitrate in a given case and you're the only one on the panel who has to be a member of the bar in order to do so, but you're doing the same work with them.

Timothy Reardon: Yeah, that is a little ironic.

J. Clinton Peterson: Well, it is, and the upshot of it is that in order to maintain your bar membership as a necessary condition to performing this kind of work, if you're a member of the bar you have to do the MCLE courses just like other lawyers do as we discussed in *Warden*.

Timothy Reardon: Is it, Clint, is it the same amount of hours that—

J. Clinton Peterson: Yes.

Timothy Reardon: Okay, so it is—

J. Clinton Peterson: It's the same amount of hours every three years; and some portion—as I recall—some portion of those hours concern legal ethics. The gender discrimination instruction, for example, I think is included in that.

Timothy Reardon: This is a fairly recent requirement?

J. Clinton Peterson: Yes, my recollection is that the requirement became effective approximately maybe two years ago. The upshot of which was, and a kind of ironic conclusion one draws from it is, that Walt Croskey wrote a case down in the Second District in which he flatly held—and Witkin cites him, cites this case for this purpose—he flatly held that anybody who does ADR work has qualified judicial immunity.

So you have the ironic situation where you are a lawyer, you are said not to be practicing law. If you do mediation and arbitration work, but that nonetheless is a condition to doing it as long as you are a lawyer, you have to take the mandatory MCLE courses and you have to become a member of the bar, an active member of the bar, in order to continue doing this.

As far as I know, retired judges are perhaps the only group that have to be bar members in order to do ADR work of the type that organizations such as the American Bar Association, JAMS, and others perform.

Timothy Reardon: Some interesting developments.

J. Clinton Peterson: It is.

Timothy Reardon: The *Warden* case, as I recall, received quite a bit of press coverage.

J. Clinton Peterson: The lawyers were very happy with it at first, but the Supreme Court concluded that it was wrongly decided; that, as I recall, we had applied the wrong standard of review to examine the constitutional question of whether or not the equal protection clauses of the Constitution was invaded by means of this.

Timothy Reardon: As I recall, Warden was an attorney in the East Bay.

J. Clinton Peterson: In Oakland.

Timothy Reardon: Oakland, correct, yeah.

J. Clinton Peterson: Interestingly enough, when legislation was first passed, or first proposed, all lawyers were required, including lawyer members of the Legislature, to do the MCLE work.

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And then the Legislature amended it, amended themselves out, sitting judges. Sitting judges were ruled out, as I recall, and the people who worked for the government were ruled out.

Timothy Reardon: I think that's right, yeah.

J. Clinton Peterson: I do not think the deputy DA's, county counsels, et cetera, were required or AG's had to take it. You were in the Attorney General's Office then yourself, were you not?

Timothy Reardon: Yes, yeah, for 17 years.

J. Clinton Peterson: You did not have to do it.

Timothy Reardon: We had no requirement of MCLE.

J. Clinton Peterson: Not required, yes.

Timothy Reardon: Well, that is certainly an interesting area.

J. Clinton Peterson: It was an interesting area. And then there was a case, Paul Halvonik had the case. He was formerly on the Third District Court of Appeal I think.

Timothy Reardon: He was also, when I first joined the AG's office he was the deputy attorney general.

J. Clinton Peterson: He went back to Alameda County, where he practiced privately. And this was a case in which it had been through two or three, at least two, trials; and it was a punitive damage question.

This came on the heels of that U.S. Supreme Court decision, *RAV,* where the cross was burned in Minnesota on the lawn of a black family. I think Kennedy wrote the decision, in which he concluded that the issue of freedom of speech was involved.

Then they had another. Then the Supreme Court, you remember that case from, I think it's from Alabama, where the doctor had the automobile that was slightly damaged and there was a big punitive damage award in Alabama; and then the Supreme Court established and it finally got to them some kind of a formula what was characterized by some authorities on that.

In Paul Halvonik's case—I'm trying to remember the name of it, I can't. *Hilgedick* I think was the name of the case. That case had been through a court trial, been through a jury trial; and the various juries and courts who looked at it in terms of punitive damages ranged from almost zero to millions of dollars. And I wrote a concurring opinion in that in which I addressed the problem that I saw—that we pay homage to the old shibboleth that punitive damages are not awarded to reward the plaintiff, but to punish him.

The irony is that you punish him by putting all the punitive damages in his pocket instead of giving it to the public or devising some means of not violating that canard; that you don't award punitive damages to reward him—that is, to reward the plaintiff who has successfully obtained the verdict.

Dick Benson wrote the majority opinion in that case; that came out of Division Two. And my recollection is that the Supreme Court reduced the amount but didn't address that question. And my theory was that they had already established the precedent in *Li v. Yellow Cab* when they went from an absolute contributory negligence bar to recovery to a system in which comparative negligence . . . And having made that kind of a drastic change, there is some great language in that *Li v. Yellow Cab* about the Supreme Court's authority to do so; that they could do the same thing with punitive damages and stop this what I consider to be foolishness of continually parroting the idea that you don't award punitive damages to reward the plaintiff, but to punish the defendant—but at the same time you give all the money to the plaintiff.

(00:34:57)

Timothy Reardon: Haven't there recently been some proposals about where the punitive damages should be going?

J. Clinton Peterson: I think that this case triggered quite a bit of comment on that point. I don't know what the present status of that is, frankly. Punitive damages, though, are still alive and well. As far as I know there's never been . . . Maybe there has been a legislative move, but there's never been any court decision that changes where the punitive damages ultimately wind up.

Timothy Reardon: Right now that's true. It's a hot area of law, very.

J. Clinton Peterson: And it still is, I guess, but the courts—at least in California—the courts seem to take the position that the way to handle it is to reduce them. But even the reduced amount sometimes runs into millions of dollars.

Timothy Reardon: Sure, sure.

J. Clinton Peterson: And it still goes into the pockets of the plaintiff; not intended to reward him.

Timothy Reardon: And I know with that many cases that you've authored, published opinions . . . and then the number would obviously increase dramatically if we included the unpublished.

J. Clinton Peterson: Yeah, what's the ratio do you think—about maybe 5-1?

Timothy Reardon: I was going to guess 5-1.

J. Clinton Peterson: I would think at least that, yeah.

Timothy Reardon: There has been, as you have probably read, I won't say pressure, but some feeling that we should have more published opinions. As I look around my chambers here with the bound volumes of the cases, it seems to me I don't know if we—

J. Clinton Peterson: Well, I agree with you. I think that these people who are vying for a position that all cases should be published, there are a lot of them that don't need to be published at all.

Timothy Reardon: No.

J. Clinton Peterson: They just reiterate things that have already been done. One of the last cases that we wrote was a case where I think the guy who, the person who, actually decided the case was a pro tem juvenile judge; and he said, this kid threw an apple core into a classroom and hit the teacher, and they charged. And this guy found him guilty of . . . This judge pro tem, I think he found him guilty of assault with a deadly weapon. *[laughing]*

We took a little heat over that one on the theory that we were being too humorous about our disposition of that case, but—

Timothy Reardon: The apple-core case.

J. Clinton Peterson: The apple-core case.

Timothy Reardon: *[Laughing]* We have hit on a number of issues here. I was going to ask you whether you've noticed any changes in the judiciary over the years. Maybe we've covered a lot of them already. Are there some changes—and I don't want to make this too controversial—but are there are some changes that you have seen? Again, maybe you've already indicated those.

J. Clinton Peterson: One of the things, one of the things that I see at the trial bench level . . .

Timothy Reardon: Okay.

J. Clinton Peterson: . . . is that—and my experience there is rather limited—but it seems to me that we're seeing a situation in which a person comes to the trial bench, having had some specialty, family law, for example, and are immediately assigned to the family law calendar, and they don't particularly want to get out of that. They now have that niche in an area they're comfortable in. And instead of throwing them into the criminal case or an eminent domain case or some such thing . . . a lot of them don't seem to make it. But if they manage to stay in the areas of their expertise . . . And I think you have a better trial bench if you circulate these people so that they get a variety of experiences.

Timothy Reardon: I couldn't agree with you more. And I think—well, I guess it depends on the county you're in—but I think there's been recently some efforts by presiding judges to make sure the trial judges get a variety of cases.

J. Clinton Peterson: I think that there's some resistance to that, however, I think; it may have been the people who are in those positions.

(00:39:54)

Timothy Reardon: Right, there is, but that's something that I happen to agree with you on; and I think that it's invaluable to the court as a whole if you can have trial judges that can take basically any case.

J. Clinton Peterson: Benson was a good example of a guy who could do that, incidentally. He could try anything.

Timothy Reardon: He could. *[laughing]*

J. Clinton Peterson: He was locally famous here and around really the entire state of California for the rules that he constructed that were applied here in San Francisco and adopted by the superior courts in many other counties in connection with the asbestos cases; I agree to those.

Timothy Reardon: You are absolutely right.

J. Clinton Peterson: And he spent a lot of time on those.

Timothy Reardon: I remember because I was with him briefly on the superior court, but there was a story that he got little bit behind on some of his cases.

J. Clinton Peterson: Yeah. *[laughing]*

Timothy Reardon: And—

J. Clinton Peterson: He wouldn't take his money.

Timothy Reardon: He would not take his money. I don't know how many paychecks there he missed, but somehow he survived.

J. Clinton Peterson: Till he got all of them done.

Timothy Reardon: Right, right.

J. Clinton Peterson: Yeah, he was . . . the lawyers . . . There were numbers of asbestos cases when I was on the trial bench venued in Solano County because of the number of people who were victims of mesothelioma or the like that worked in the Mare Island Naval Shipyard during World War II and afterwards.

And there were a lot San Francisco Bay Area lawyers who would come up there with those cases, and they all uniformly spoke of him with highest regard as a hard worker, smart guy; and he was.

Timothy Reardon: And very conscientious.

J. Clinton Peterson: Yes.

Timothy Reardon: I remember he was doing an MCLE course, and he was on the panel and I happened to be riding down the elevator with him once. And I forget the exact area of the law, maybe it was insurance, but he had this binder and he had his own handwritten notes and everything. And I said, you know, "Is this for the Rutter Group?" And he said, "Yeah."

I said, "Don't they give you all the material?" And he said, "Oh yeah, they've given me the material, but I want to do my own." And that's the kind of guy he was.

J. Clinton Peterson: Yeah, he was sui generis, as they say.

Timothy Reardon: Yeah. Well, Clint, you've been retired, I know, since 1998 and we've already mentioned the private judging; I might as well get a plug in here. Who are you with?

J. Clinton Peterson: The American Arbitration Association; I did some work for them for ADR. But most of the trial courts now have a policy—maybe all of them, I'm not really certain of that—but they have a policy by which before they set the civil cases down for a trial there has to be a mediation. And the counties have adopted local rules regarding that.

Timothy Reardon: That requirement.

J. Clinton Peterson: And I've been doing quite a bit of that work.

Timothy Reardon: Right. How about aside from the law, anything? I know you're a very good golfer, so . . . *[laughing]*

J. Clinton Peterson: *[Laughing]* That was probably the most gross misstatement that you've made since we started this interview.

Timothy Reardon: *[Laughing]* And I know Pat, your wife, plays, so that's something you're doing in retirement, I know.

J. Clinton Peterson: Well, I spend some time with my grandchildren.

Timothy Reardon: Right.

J. Clinton Peterson: I've got some little guys that love to paint with their grandmother.

Timothy Reardon: I know you have a number of . . . four kids.

J. Clinton Peterson: No, I've got five.

Timothy Reardon: I know. I was going to say, I have four, but you have five.

J. Clinton Peterson: Yeah.

Timothy Reardon: So it's always bothered me. But I met one of your sons, as I recall, the coach up at USF, is he still?

J. Clinton Peterson: Still coaching.

Timothy Reardon: Still coaching, right.

J. Clinton Peterson: He coaches over at . . . he is the head basketball coach at Ohlone College over in Fremont.

Timothy Reardon: Any attorneys?

J. Clinton Peterson: No, none of them. I've often pondered that; I think that's because I spent too many weekends in the office. But one of my sons is . . . well, two of my kids have doctorates. One has a doctorate in biochemistry and the other one has a doctorate in anthropology. My anthropologist is a daughter; she teaches at Michigan State. And my son, my oldest son, is in San Diego County, where he has a vice-president's position in a biotech firm down there.

(00:45:02)

Timothy Reardon: They've all done very well.

J. Clinton Peterson: Pretty well, yeah.

Timothy Reardon: Good. And you get a chance to see and visit with them and see them in your retirement?

J. Clinton Peterson: I do, I do.

Timothy Reardon: That's great. How many grandkids do you have?

J. Clinton Peterson: Six.

Timothy Reardon: Okay, that's good. We've got 10, so I can re-up, one-up you in that regard. But it's nice in retirement to have a chance to spend some time.

Well, this is kind of an Oprah Winfrey question. But you have been a trial judge and an appellate court judge for close to 15 years; how would you like to be remembered in terms of your judicial career, which has been a very distinguished one?

J. Clinton Peterson: I don't know. I just . . . you know, Benson was always kind of my model. He had a reputation of being a very hard-working, thoughtful, and considerate guy, and I tried to model myself after him; whether I made it or not, I don't know.

Timothy Reardon: Yeah, I would say that you certainly made it. You both have very similar qualities which have served you well as a judge. There's no question about that.

Any parting comments you would like to make? I think we've covered—

J. Clinton Peterson: No, I don't think so. One of the things that I think is happening is that the judiciary is coming more and more under centralized control than was the case when I was on the bench—and whether that's good or bad I don't know. I think some good things have come out of it. I think there's some resistance to others.

Timothy Reardon: Yeah, kind of on that note, I'm sure you can appreciate, coming from the trial bench where you kind of make your own calls, on the appellate court you work with a panel of judges. And it's a little different operation, but—

J. Clinton Peterson: Well, it is.

Timothy Reardon: But I think it serves the people well, the people of the State of California. Well, you've had, as I said, a very, very distinguished career. We appreciate your participating in this Appellate Court Legacy Project.

J. Clinton Peterson: It was my pleasure.

Timothy Reardon: Thanks. Thanks very much, Clint.

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