Timothy Reardon: I'm Justice Timothy A. Reardon, R-E-A-R-D-O-N, Associate Justice, California Court of Appeal, Division Four.

Robert Dossee: Justice Robert L. Dossee, that's spelled D-O-S-S-E-E, Retired Associate Justice, California Court of Appeal.

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

Timothy Reardon: Today's date is June 5, 2007. 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. We're honored to have with us today the Honorable Robert L. Dossee, who served on the First District from 1990 to 1998. Welcome, Bob, and thank you for participating.

Robert Dossee: Thanks, Tim. Thanks for having me.

Timothy Reardon: All right. Bob, you're a native San Franciscan and you still reside in the city. Can you tell us a little bit about the Dossee family and growing up in the Excelsior district of San Francisco?

Robert Dossee: Sure. Let's start at the beginning. My great-grandfather came over from northern Germany; it was actually part of Prussia at that time, in 1852, and settled in the San Jose area. My mom, my dad, all my grandparents were born in the San Jose area. I was the first Dossee to be born here in San Francisco. On my mom's side, her family came over in the 1850s as well, from County Cork, which is a county that your family came from.

Timothy Reardon: Correct, yeah.

Robert Dossee: And that was Sullivans and Crawleys, who probably knew each other. Anyway, I grew up in the Excelsior or Outer Mission. Our parish was Epiphany parish, which was right smack in the middle of the Excelsior, so I adopted that as a designation. It's kind of a clouded issue, however.

Timothy Reardon: It's a very sizable parish, though.

Robert Dossee: It is. It's a big parish. And I have four children. They were all born here in San Francisco, all four in Saint Mary's Hospital. I have nine grandchildren, one of whom is here today with me, looking at us as we go through this, Andrew Nunes, who's my oldest grandson. He's 14.

Timothy Reardon: Welcome, Andrew. It's nice to have you here. Now your dad . . . tell us a little bit about the Dossee family. You probably have . . . but your dad worked here in the city as well?

Robert Dossee: Yeah, he did. He was in the automobile business. He had a number of lots in the Bay Area and he worked up and down Van Ness Avenue for years as well.

Timothy Reardon: Having spoken to you about him over a number of occasions, he sounds like he was quite a character.

Robert Dossee: He was, yeah, an interesting fellow.

Timothy Reardon: Bob, you attended St. Ignatius High School, my alma mater as well, and then you continued your Jesuit education at Santa Clara University. How is it that you chose Santa Clara?

Robert Dossee: Well, partially because it's a natural transition from St. Ignatius, which is a Jesuit high school, to a Jesuit college. Santa Clara had a great reputation. My folks coming from that area held it in high regard, and of course the Jesuits at St. Ignatius were very directive about it as well.

Santa Clara for some reason had some interest in me as a football player at that point, and they played big-time football at that time. The year before I went down there to Santa Clara, they had won the Orange Bowl. They were the last team to beat Oklahoma, before Oklahoma went on that rampage that Bud Wilkinson, I think, who had won about 30 games or close to it . . . that they had a loss.

Timothy Reardon: Yes, Notre Dame, I think, stopped the winning streak there.

Robert Dossee: *[Laughing]* You had to get that in, didn't you?

Timothy Reardon: Yeah, I did. *[laughing]* But you went down to Santa Clara. Then at some point, as I understand it, Santa Clara quit football?

Robert Dossee: Yeah. That's my second year. They decided that, like everybody else had—U.S. Ed had dropped the year before; Saint Mary's had dropped Loyola; Gonzaga; and a number of other schools had dropped football the year before I graduated from high school. And I think economically it was just a decision they felt was sound. And they gave it up and abbreviated my football career, which probably was a good thing. *[laughing]*

Timothy Reardon: *[Laughing]* No injuries this way, and—

Robert Dossee: There were less.

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Timothy Reardon: Now, let's see, upon graduation from Santa Clara University, you went to USF Law School. And what would cause you to pursue a career in the law?

Robert Dossee: I think part of it was indecision as to what else to do. Like most of us, when we're seniors in college we're looking around, we engage in these on-campus interviews with big corporations. I wanted something that would give me a lot of independence, and it didn't look like the people that I . . . the corporations that I was looking at had that kind of a profile. I wanted a job that I could pick what I wanted to do and where I wanted to live, and I think working for the corporate sector didn't really satisfy me, that that might have . . .

I was blessed by having a mentor at Santa Clara. He was the dean of our political science group; that was my major. Father Patrick Donohoe, who ultimately became the president of Santa Clara . . . but Father Donohoe gave me some direction. He recommended that I try law school, and it was a good suggestion. That's primarily why I did it.

Timothy Reardon: I remember reading in one of your many profiles that you were influenced by Father Patrick in that regard.

Robert Dossee: Yes, tremendously.

Timothy Reardon: So you were at USF Law School and you obtained your law degree and then were admitted to practKice in 1961. Your first legal position was as a law clerk for Judge Koelsch in the Ninth Circuit and you then entered private practice with a firm in San Francisco. What type of practice did you have?

Robert Dossee: It was a small firm by today's standards; it was minute. There were four partners and three associates. The one-year appointment I had with Judge Koelsch on the Ninth Circuit, my predecessor was a fellow named Ed McFetridge, who I know you knew and most of the community knew. He was a fine lawyer. Ed clerked for Judge Koelsch, and we overlapped for about two or three weeks, became fast friends. And Ed went to the Hauerken office, and he thought I would be a good fit there as well.

So I went down, interviewed, got the job. And they did primarily insurance defense work. They did quite a bit of admiralty work, which I enjoyed as well, and they did a smattering of other things. It was a smorgasbord of other things like . . . we did some probate work there—some, but not much; domestic relation, family law things; but primarily insurance defense and policy interpretation, which gave me a background for what I ultimately did a lot of when I was in the Court of Appeal, in superior court.

Timothy Reardon: I know you had a great respect and high regard for Judge Koelsch, so that experience was a good one, I take it?

Robert Dossee: Oh, it was a wonderful one. I was again lucky to have a wonderful mentor. Let me go back to a question—and I think

you'll be amused by this. When I told my father that I wanted to go to law school he said . . . he did everything in his power to discourage it. He said, "You know, if you're going to be a lawyer, you're going to be dealing with unhappy people all the time. Why don't you go, why don't you sell cars?" *[laughing]* "When you deal with people in selling them a car, they love the car the day they buy it. They might not like it in two weeks, but be a salesman. It's a happy profession; being a lawyer is not."

The thing that's really funny, he came down when I was with the Hauerken firm and watched my first jury trial, and he sat in the back. It was just a very small case. He sat in the back of the courtroom with his arms folded and kind of a grumpy look on his face, but at the end of it—thank god my client won, as a plaintiff; thank god she won a very modest verdict—he simply came to me and he said, "That's just like selling '47 Chevys." *[laughing]* He said, "I could do that." And he probably could have; he would have been very good at it.

Timothy Reardon: *[Laughing]* So at least that first case had a happy ending and it was witnessed by your dad; that's good. Then after, I guess you were in private practice from about 1961 to 1966, and then you did something I guess might be considered unusual: you went from private practice to practice with the State of California?

Robert Dossee: I did. As much as I liked the Hauerken firm—and George Hauerken became like a father to me and I loved working with Ed, because we were so close—I wasn't getting enough trial experience. And in order to become, like for a lack of a better word, salable, and then progress in your career, I knew that if I wanted to be a trial lawyer, I had to start trying some serious cases, and I wasn't.

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I was preparing and helping, sitting in the second chair on serious cases, but not trying them myself. About that time this Division of Highways became liable for injuries on California highways, and there was a firm, Holloway Jones, which was right down the street at Pine and Montgomery, that was handling all the condemnation cases for years. They were assigned a number of personal injury cases, very serious cases, and they didn't have lawyers with experience in there. And for some reason I was offered the job. And I sought it quite actively, moved over there, and I got my wish almost instantly. Within I think a month I was trying a very serious case down in Southern California, and that continued during my . . . I guess next six years that I was there.

Timothy Reardon: So you felt you got the necessary experience with the—

Robert Dossee: Yeah. I was very young to be trying that kind of cases that I was trying. But for that opportunity . . . and that just fell out of the clouds. It was a very lucky break for me.

Timothy Reardon: A friend of mine, Dave Schreck, I think was a colleague of yours.

Robert Dossee: Yeah. Most of the fellows did condemnation, eminent domain cases there. I did the personal injury, although I did volunteer to do some of the—we called them dirt cases—the condemnation cases, just to find out what the rest of them were talking about at coffee breaks.

Timothy Reardon: Now, your judicial career commenced in 1972 with your appointment to the San Francisco Municipal Court, an appointment by Governor Reagan; and during your time on the municipal court you served as presiding judge. What caused you to seek an appointment? This is after how many years with the division of Hauerken?

Robert Dossee: I was there for six or seven years, and I was with the Hauerken firm for four, so a total . . . I was in practice for 10, 12 years, something like that, counting Judge Koelsch's year.

Timothy Reardon: Right. So what prompted you to apply for the bench?

Robert Dossee: I had co-defended a case with Ira Brown. He was with Thelen Marin, and he, after the case was over, he was appointed to the San Francisco Superior Court. And we became friendly during this defense of this case. We ran into each other one day and he said, "You know, Governor Reagan is interested in getting young trial lawyers to go on the bench, would you have any interest?" And I thought . . . I was 38 years old at that time. In those days, unlike today, most of the people were well into their career when they were appointed to the bench. And I thought, that sounds like it would be a wonderful change.

When I was doing this heavy trial work I was doing an awful lot of traveling. I found myself waiting for courtrooms being . . . we've all gone through this as trial lawyers, where you're assigned for a date of trial and have everybody ready to go—your experts and whatnot—and then had the presiding judge come out and after three days of waiting in the courtroom and say to come back in six months, you've been preempted by some criminal case. I thought it would be wonderful to work in a courtroom and not wait for one—number one, not taking all these depositions and writing status reports; that I could be in a courtroom all the time and doing something on a net basis. I thought it would be very satisfying. So I put the application in, and to my surprise I was appointed.

Timothy Reardon: How many years were you on the muni court, and did you enjoy the experience?

Robert Dossee: Yeah, it was six years. And I did enjoy the experience, every part of it. I even liked . . . a lot of people didn't like small claims. I loved small claims court. You could really talk to the people.

Timothy Reardon: Dealing with the real people—

Robert Dossee: Yeah, dealing with people and showing them respect. And I think it's a great thing for the courts, I think, the judicial system. I really wish . . . I think a lot of that is done by commissioners now, or pro tems, and I think it would be important to have judges do that still.

Timothy Reardon: I happen to agree with you on that.

Robert Dossee: But the rest of the muni court I liked as well. I had some interesting cases; preliminary hearing courts, as you know, were testing felony cases. One of the cases I had was a real security risk case: it was the Golden Dragon massacre. And the first defendant to be found was brought in and his preliminary went forward and we had . . . I mean, the security issues on that with the Wah Ching and Joe gangs were tremendous.

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So it was an interesting job, and I enjoyed it. I was happy to percolate up to the superior court, however. *[laughing]*

Timothy Reardon: *[Laughing]* And that would have been in 1979 when you were elevated by Governor Jerry Brown. And I know from your background and experience you had numerous assignments, a variety of assignments; I know criminal and civil. I still recall one major criminal case that you were handling when I was down at the Hall of Justice, and that involved the Cabarga, "Tree Frog" Johnson case, which was a lengthy, complicated trial, an emotion-packed type of trial. Do you have any recollection of that particular case?

Robert Dossee: Yeah, I do, and unfortunately it comes back to me too often. It was that vile. It was a horrible scenario, tragic. A little baby girl was kidnapped from her mom's car over in Concord and was kept by these two defendants for about 11 months. It was miraculous that she was found. But it was very sordid and got an awful lot of media attention, which I think aggravated a lot of things. But nevertheless she was found. It was a trial. I recently met with one of the attorneys and I said, "Wasn't that horrible for three months?" And he corrected me, he said, "It was for five months." It went on forever. The graphic exhibits and whatnot were such that . . . and the defendants were sentenced . . . one defendant was sentenced; I think it's probably the highest sentence in the history of the California courts.

Timothy Reardon: I do recall that as well.

Robert Dossee: And there were others in the criminal courts who were . . . in one case, a murder case where the jury foreperson, a woman out in Parkmerced, her life was threatened, but wanted to stay on the jury anyway. My life was threatened. I had a lieutenant in police intelligence come down and meet me in my chambers. We both know him from high school—that is, he went to Reardon High School *[laughing*]—and advised me that there was a contract out on my life. And at that time my four little kids were still in school, so that was rather distracting. And a number of other cases that were pretty sordid.

Timothy Reardon: You had, of course, civil trials as well, and I know you handled the complex civil litigation calendar and specifically numerous asbestos cases as they were traveling through the court.

Robert Dossee: Yeah, I was responsible for the asbestos, complex litigation asbestos, and which I followed Dick Benson, who started that department. And after he went to the Court of Appeals I was assigned complex litigation. We always had an inventory of at least 2,500 cases that we were responsible for. So that was a management case. It was also the work of . . . you had to be a magician to figure out how to get courtrooms for all these cases to go out to trial, and somehow we were able to keep the calendar at a steady point. We never did cure the problem of getting them all out in a timely fashion, but it was . . . we managed it.

Timothy Reardon: Right. I still recall, you mentioned Dick Benson, and some difficulty he was having with respect to the 90-day rule and went months as I understand it without getting a paycheck; it's pretty conscientious, he's a pretty conscientious guy.

Robert Dossee: That type of litigation—and we're going to find it in other substances too—really does create huge problems. So the thing that's interesting, as an aside, there are about seven or eight "asbestos czars" that we were called for a while, that were doing the same kind of complex litigation around the country. And we all met in Chicago; some governmental agency brought us all together in Chicago to discuss the different things that we had done, to see if we could get through these calendars and manage these things. It's a great lesson or proof that there's a human nature, that we all have a common denominator at some place.

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Because each of us went around the table, had tried the same things in almost the same order, to try to attack the problem; none of it really worked to perfection, but we all benefited, I

think, by at least knowing that we've done everything that everybody else had tried. *[laughing]*

Timothy Reardon: Well, in addition to the complex litigation, Bob, you're also known as a great settlement judge, and I know when you were on superior court settled many, many cases. I recall one specifically; that was the paint company explosion.

Robert Dossee: Oh, yeah.

Timothy Reardon: Over at Bayview, which was—

Robert Dossee: The Bayview-Hunters Point explosion. That was an interesting case; we had . . . there was 150 claimants in the case. There were nine deaths and the rest were injuries and severe property damage. What had happened is that the synergism between an illegal car-painting outfit and an illegal fireworks factory next door blew up a couple of blocks out on Bayview-Hunters Point and created horrible havoc.

The only possible recovery would be against the owners of the property, and they were limited to a $13 million policy, which was a self-burning policy—one that diminished for every dollar of the attorney's fees that were paid on the policy . . . came off the principal and wouldn't be available to the victims.

So everybody stipulated that I could handle the case from beginning to end. All the attorneys, all the parties, said I could be right from day one through trial on that case and all settlements. So I stopped all discovery; nobody, we didn't take any depositions, we didn't do anything. That's because everybody in the world investigated it. The FBI investigated, the local police, the state police, you name it, fire departments. So we had all kinds of reports.

And it took us a year, but we settled every single case. I'd bring them in in waves, and it was a . . . and I'll have to give credit to some very good lawyering. And at the Ropers Office had, the defense, Mike Ropers himself was there, along with a couple of his associates. Two of the lawyers that really helped get the plaintiffs group a process where we could deal with the enormity of this was Martin Blake and Bill Smith, and we were able to get it done.

Timothy Reardon: Yeah, well, that was a massive case, and there were serious bodily injuries and some deaths I think.

Robert Dossee: Nine, yeah.

Timothy Reardon: Nine.

Robert Dossee: I liked settling cases on the superior court. I remember we would have, we'd usually have—at least during my tenure there—we would have one come in the morning and I'd volunteer for one in the afternoon and keep them there until it was done. And we got rid of a lot of cases that way. For a while I was on that fast-track experiment. There were four of us, and it was a direct calendaring situation; we'd get a file right out of the clerk's office, and so I would get the lawyers in there within 60 to 90 days after the filing of the complaint and start. And Mike Hannan did the same thing. We would settle 30 percent or a third of the cases on the first calling of the case.

Timothy Reardon: Yeah, wrap it up.

Robert Dossee: Wrap it up right now.

Timothy Reardon: There was another case that I'm somewhat familiar with, and that was a—in terms of your settlement abilities here—that was a class action brought against Kaiser concerning, which you had mentioned earlier, a coverage issue and—

Robert Dossee: Yeah, it was in vitro fertilization and whether or not that was in the experimental stage. And we had a . . . there was about 10,000 or more claims or claimants within the class; that took some time to put together, but we were able to settle that as well.

Timothy Reardon: You mentioned you enjoyed the settlement process; obviously you were very successful on the superior court in resolving many, many cases, and that benefited many parties as well as the court system itself. You served—let's see, on the superior court, including a stint as presiding judge of the criminal courts—for over 11 years. Is that your recollection, about?

Robert Dossee: Yeah, that was about 11 years.

Timothy Reardon: And then in August of 1990, you were elevated to the First District Court of Appeal, Division One, by Governor Deukmejian. And when you joined the appellate court, who were your colleagues in Division One?

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Robert Dossee: John Racanelli was a presiding judge; Bill Stein, who I had also served with in the superior court; and Bill Newsom, whose son is now our mayor in San Francisco. Bill Newsom and I incidentally went to high school together; he was a year ahead of me. He was the first one—and he had the honor of being the first one—to break my nose, in scrimmage in high school. *[laughing]*

Timothy Reardon: *[Laughing]* Football. We have, just for your information, we have interviewed Bill Newsom.

Robert Dossee: Oh, did you? I bet that was a colorful project.

Timothy Reardon: Yes.

Robert Dossee: After that Gary Strankman replaced Racanelli as presiding judge and did a magnificent job; what a great administrator. And then Doug Swager then came in and replaced Bill Newsom.

Timothy Reardon: Okay, we've interviewed Swager—not Swager; he's still with us—but Strankman has been interviewed as part of this project as well. Was the transition an easy one for you from the trial court to the appellate court?

Robert Dossee: Academically, yes. I mean, when you're sitting there, when you've had a trial practice and you're sitting on the trial courts for as many years as you and I did, you know the rules and you can . . . I think it helps; you can see things happening when you read a brief, where it's happening.

That experience helps from another . . . one thing that was hard for me though, and that was that it's a brand-new discipline, sitting down without people around you except your staff and your colleagues. I missed the reaction or the interaction with the people a lot at first, and it was very difficult for me to adapt to that.

I got used to it probably within three or four months and it was fine, but I wasn't utilizing the resources initially, I think. I mean, I would have more conferences with my staff later. I would . . . we'd conference every case in Division One at least twice, so that made up for a lot of it.

So I got to a point where I really enjoyed it, and I knew—I walked into it knowing—it was going to be somewhat solitary. Judge Koelsch, that year, was a good experience; I knew what kind of job he had and I was able to deal with it.

Timothy Reardon: Right. I think you, like myself, I felt the same way with respect to the bit of isolation when you first came onto the Court of Appeal in contrast to the activity in the trial court; but you get used to it and go on. But we've done a lot of research concerning your eight years on the Court of Appeal, and you've authored over 100 published opinions, according to our research. You think you could name each one of those opinions at this time? *[laughing]*

Robert Dossee: I could lie. *[laughing]*

Timothy Reardon: No, but are there some, one or two, that come to mind, stand out from your perspective?

Robert Dossee: Yeah, I mean the one that everybody who would know about, who would know it, that's in our line of work, would be the *Armstrong v. Aetna*; it was a very interesting case. My background helped me appreciate just what a neat case that it was. It was an asbestos-related case dealing with general liability insurance. A group of suppliers, manufacturers, were looking for insurance from their companies, going way back and trying to establish a trigger for personal injury and property damage.

Ira Brown had that case in the Superior Court of San Francisco and it was in trial for five years, five years in trial. We built a courtroom for that one case, in old Commerce High School across the street from City Hall.

Timothy Reardon: That's right.

Robert Dossee: It was a surrealistic courtroom; every attorney had a computer, and exhibits were called up on the screen as opposed to shuffling back and forth by a clerk. Five years.

Timothy Reardon: Right, I remember this.

Robert Dossee: And so when it came up to us on appeal—

Timothy Reardon: Just to interject, I still remember, I think the PJ at the time or a portion of the time was Vic Campilongo, and he would grouse I think on a daily basis, asking, what's Judge Brown doing over there?

Robert Dossee: Yeah, well, Judge Brown was hard at work.

Timothy Reardon: I know he was. *[laughing]*

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Robert Dossee: *[Laughing]* Hard at work. Yeah, Vic was the presiding judge of the superior court, and he wanted all of the judges he could get to assign cases to. And this case preempted Brown for a long time, and necessarily. The exhibits in that case and the transcripts filled a room probably twice the size of your chambers here.

Timothy Reardon: Yeah.

Robert Dossee: An enormous case. It took me . . . I'd devote . . . I was still carrying a regular calendar in the Court of Appeal when I was writing that. I said I was going to devote at least 20 hours a week to it. And we segmented the oral arguments; I think we

set them up in five separate oral arguments on all kinds of issues. I mean, you name it, that issue was in that case. And I had it for a year.

Timothy Reardon: I remember.

Robert Dossee: And a year we went through oral argument by oral argument. And I had the help of an excellent research assistant, Susan Miner. She devoted full time to that case and no other case during that period. I devoted, I'd say, probably half to a third of my time, 20 hours a week. I was pretty . . . for one thing, I'm pretty Teutonic about things. *[laughing]* I wanted to do that case and get it on. We had great lawyers on both sides of the case, really wonderful; the briefs were fantastic. The oral arguments were . . . we had the crème de la crème of lawyers, and that always makes it a lot easier. So anyway, it's survived scrutiny by the Supreme Court and to my knowledge it's still the law.

Timothy Reardon: I know it was a monumental effort and everyone's support involved in the case, and you . . . Actually this case started, in terms of your involvement with the Court of Appeal, fairly early on in your appellate experience—about midway, I don't know.

Robert Dossee: It was about midway, I think.

Timothy Reardon: Okay, all right.

Robert Dossee: If I remember correctly, it was about 1995. It takes up a hundred and something pages in 35 Cal.App.4th 1.

Timothy Reardon: Doesn't do the whole volume? *[laughing]*

Robert Dossee: *[Laughing]* No.

Timothy Reardon: Now there was, I guess, some recognition of your settlement skills and ability; you were appointed by Chief Justice George to a mediation task force. And I know before our interview here you visited briefly with Justice Ruvolo, who's kind of taken over that now. But you were really the one that got it going—would that be a fair statement?

Robert Dossee: Well, I was the chair of the task force; there were six of us on it and everybody worked hard on it. The Chief Justice wanted to investigate mediation at the appellate level. And there are some districts in California that had already tried something, and he appointed us to see if we could search out something. It was a lot of fun, I'll have to say it. When he made that appointment, I would settle cases . . . we had a settlement committee before that; that was maybe a preface to this program. But I was never really comfortable at first in settling cases on appeal. I always felt that maybe it would be better just to let them go, because judgment day meant judgment

day at the superior court—and if people thought they had another crack at settlement after a judgment, it might not be good for the system.

Well, I completely changed my mind; I completely changed my mind. It was a good thought and it was a great idea to start this program. We got a lot of help from a woman up in Oregon who put together a program, which we didn't . . . it's not congruent; we didn't copy it right down to a "T." But it was a good structure. And there was another woman in Hawaii, both trial lawyers, well-recognized trial lawyers. They put something together and we used some of her things. So it started going. We got John Toker to be our director; he's done an excellent job from what I understand. This program involved training of people, selecting people, going out into the other areas other than the San Francisco Bay Area, finding people that would help.

And it's been tremendous. I was talking to Nace Ruvolo, who inherited the chairmanship of this task force after I left it, and he said that it's just going terrific.

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Timothy Reardon: Yeah, well, the statistics show that it has been a very, very successful program. And as you mentioned, John Toker's very instrumental in making it so.

Well, after a good career on the Court of Appeal, I guess it was in 1998 that you decided to retire. And before asking you what you've been doing in retirement, what was the process you went through in deciding whether or not to retire? I know you enjoyed the Court of Appeal here. And the work of the Court of Appeal, it kept you interested in continuing in the judicial career. But at some point you just decided, just maybe a new challenge or a different challenge.

Robert Dossee: Yeah, you know, I never thought I would retire. I loved the job, I had a great staff. I loved the offices that we had, the collegiality. My division and the other divisions, it was a wonderful place to work and I never thought I would go on. But one morning in January of 1998, I got up and I thought, I need something different; I think it's time for another chapter in my life. I wasn't thinking about retiring, I just wanted to do something else. And I'd been with the Court of Appeal for eight years and I think I wanted some more flexibility in my structure, my personal structure. So I waited a while to see if that was an abiding distraction, and it was. And sometime in maybe March I was still feeling the same way; I announced that I would be leaving in June of 1998.

And I'll tell you, Tim, I haven't looked back once. I miss seeing people like you, friends that I have here and the staff that I had; of course I miss that, but I've been very happy doing what I'm doing now.

Timothy Reardon: And that's what you're doing now, is the private judging with JAMS.

Robert Dossee: Yeah, I'm with JAMS, and I went to them maybe a month after I left the Court of Appeal. And it gives you an awful lot. For the first time in my judicial career, I can say "no" to a case or I can say, "I don't want to hear it on that day." I mean, as a judge you get the next one off the top of the deck; you usually . . . or whatever the presiding judge is going to throw at you. This way you can be very selective if you want to, and it's a good organization.

Timothy Reardon: Yeah, you have . . . I know your good friend and former colleague—present colleague, I guess—Mike Hanlon is down there with you.

Robert Dossee: Yeah, people that I've grown up with.

Timothy Reardon: Right.

Robert Dossee: Like Gene Lynch is down there, who was . . . we were on muni together, we were on superior together; he went off to the federal system and came . . . . But I've been following him around all my life; he was three years ahead of me at St. Ignatius, he was three years ahead of me at Santa Clara.

Timothy Reardon: Yeah.

Robert Dossee: And so the people that are there, there's a lot of collegiality.

Timothy Reardon: That's great; I can tell.

Robert Dossee: Continuity in career, too.

Timothy Reardon: Well, Bob, you've had a very long and illustrious career, both on the trial court for many years and the Court of Appeal, and now in the area of private judging. And this is kind of an Oprah Winfrey question, I guess, but how would you like to be remembered in terms of your judicial career, which is still very much active here?

Robert Dossee: That's something you ask somebody that's on his deathbed. *[laughing]* Do I look that bad?

Timothy Reardon: *[Laughing]* No, you look very good, I was going to say that.

Robert Dossee: Oh, god, what a question. Yeah, I hope everybody thought I was fair. I think, I hope, that the way I was appointed and by whom might demonstrate that I didn't enter into this profession or this position or positions with some sort of a bent or ideological type of agenda. I mean, Governor Ronald Reagan appointed me initially; some people say he was conservative.

[laughing] And Jerry Brown appointed me to the superior court, and I've heard some people opine that he was liberal.

(00:40:04)

And then Governor Deukmejian put me on the Court of Appeal. So I hope that proves to some degree that I was politically celibate. And as far as how to be remembered, when I was trying cases, I had an idea of what a good judge was. A good judge in my opinion is a judge that works hard, that knows the case, who reads the material, who is prepared. A good judge is someone that respects the attorneys. They'll allow an attorney to try his or her case, but at the same time keep control of the courtroom. Don't let it fall into a free-for-all. And that can happen; but establish lines, let the lawyers know where the lines are and let them try their case.

And I think a good judge is somebody that shows respect to everybody, his staff . . . doesn't become some imperious wizard with a flowing black robe. That he is respectful to his staff, to witnesses, to the public, to jurors. I think that's very important for . . . as a trial lawyer I wanted that too, because it creates the right climate for a fair trial. I think you have to be respectful, even in the criminal courts. I think you have to be respectful to the defendant, even if the defendant is charged with a serious crime. When you're respectful to that person, you're respectful to the system.

So if I'm remembered as having any of those qualities, I'd be very happy.

Timothy Reardon: Well, I'll tell you, that was . . . I'm glad that we have that on videotape, because it was a very excellent and eloquent statement. And I know you hadn't given that a lot of thought, so I'm exceedingly impressed by—

Robert Dossee: It's the first time, huh? *[laughing]*

Timothy Reardon: *[Laughing]* Must be the judge, with education, that's all I can say. Well, Bob, I know . . . maybe just one final note. You're a real family man, I know that. I assume in retirement . . . you're close to your kids and your grandkids; you mentioned you have nine grandkids, which is great.

Robert Dossee: And they're all in the Bay Area, which is miraculous these days. I'm very lucky. Andrew and I went out and had dinner last night and he can eat more than you can, and you can eat a lot. And tonight I'm going to my daughter's house, Katherine's house, because it's Taco Tuesday night. So I see a lot of my family. I'm lucky.

Timothy Reardon: And that's great. It's nice to have Nicholas.

Robert Dossee: Andrew.

Timothy Reardon: Andrew, with us here today. Nicholas is the extern that we have here.

Robert Dossee: Well, it's nice to have Nicholas around too. *[laughing]*

Timothy Reardon: *[Laughing]* But Bob, It's been a pleasure for me, and I appreciate your involvement and subjecting yourself to this interview for the Legacy Project and—

Robert Dossee: I'm flattered that it took place. Thank you.

Timothy Reardon: It's good to see you. I wish you the best of luck.

Robert Dossee: Thanks, pal.

Timothy Reardon: Thanks, pal.

Duration: 43 minutes
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