David Knight: Tell me your last name, and the bench that you served on.

Robert Puglia: Well, my name is Robert K. Puglia. That's spelled P-U-G-L-I-A -- obviously Italian. And I served for 24-1/2 years on the Court of Appeal, Third Appellate District. And before that for about three years on the superior court here in Sacramento.

David Knight: All right. If you could tell me, Justice, from your personal experiences *[inaudible]* quick question. If you could just, from your recollection, describe a significant opinion or case that in your opinion had an impact onto the California justice system.

Robert Puglia: Well, Court of Appeal decisions by definition don't have that kind of an impact because the Supreme Court ultimately declares the law. But I had a case in the 1970s which involved - it was the SLA (Symbionese Liberation Army), and they had murdered the Oakland school superintendent. It was moved up here and the appeal came to my court. And because it was such a lengthy trial, it took several years to get the record prepared so that the appeal could go forward. In those several years, the California Supreme Court decided a case which substantially changed the law which impacted on this appeal. Courts were prone to do that, particularly in those days – they were constantly changing the law after the fact – and frankly I became rather upset about that because there were two defendants and it did impact the result as to one of the defendants. The case had to be reversed, and I saw no real reason why it should have been reversed or any real reason why the Supreme Court should have applied that rule retroactively. So I spoke my mind in rather pungent terms and proceeded to do what I had to do. The case made a big impact around the state, and . . . No one presently on the Supreme Court was there at that time, but I do understand that there was a great deal of concern at the Supreme Court and a great deal of reconsideration of how they ought to apply a rule – new rules – whether fully retroactively or limited . . . with limited retroactivity. So I don't know that that's a landmark decision – I think it's probably not – but it did get a lot of attention and I think it did a lot of good, in an area that really needed to be reexamined.

[laughter] I took *[inaudible]* off.

David Knight: Yeah, yeah, it's true. I'm gonna . . . just to get a slight variation, I'm going to ask that question again. And I'm not looking for anything really different, but if you want to maybe impact the . . . or comment again on the reaction of the high court to your opinion – their off-the-record reaction I would guess I'm asking you. So tell me again about the ruling you made in the SLA defendants' case and how the high court reacted to that or responded to that. 3:52

Robert Puglia: Well, I knew a number of people on the high court, including those who dissented. And the high court didn't take this case – they let it stand. They never . . . they didn't review it, and it's on the books. But the high court was divided even then between a left wing and a right wing, if you will. And Bill Clark and my predecessor as PJ at the Third District – Frank Richardson – were the two . . . the anchors on the right, and I talked to them a lot. And that's how I knew of the impact that that case had, that decision had directly on the members of the court. They were . . . they kind of hunkered down, because it was played up in all the papers in the state. And it was played up from the angle that I emphasized in my opinion that this was just ridiculous to apply a new rule to overturn an important trial – a conviction that had been tried according to the rules that applied at the time the trial was held. And so there was a great deal of consternation on the court, so I understand from people whom I talked to.

David Knight: In your view, can you describe a couple of the benefits of the Courts of Appeal to the people of California? What role do they serve and how do they benefit the citizens?

Robert Puglia: If there were not a Court of Appeal in California, there would not be a system of appellate review of cases emerging from the trial courts, the superior courts. It would be absolutely impossible for the Supreme Court to review every case that needed review, much less every case, as is now the case. Every case that emerges from the Court of Appeal – from the trial court – may be appealed as a matter of right to the Court of Appeal. The Supreme Court could . . . doesn't have the resources to provide that kind of a service. So the Court of Appeal is really the backbone of the appellate system in California, and without it, cases emerging from the superior court would be final and there would be no means to appeal or to challenge the decision. So, I think . . . And as a matter of fact, a great deal of the law in California is actually made by the Court of Appeal. If it's important and trend setting, the Supreme Court inevitably will pick up on it, and expand upon it, and speak to it. But initially, much of the law is made by the Court of Appeal.

David Knight: Personally, why did you choose to devote yourself to a career in public service and the law for the people of California?

Robert Puglia: That's what I always wanted to do. When I came out of law school I was a prosecutor for a number of years, trying criminal cases. I suppose I could have made more money doing . . . in private practice, but I really enjoyed being a prosecutor trying cases. And when you do that you get to spend a lot time in court, and you get to see how judges work, how they think. And you take a pretty critical view of judges. Some are good, some are bad, and some are in-between. And after a while you begin to think, "Well, I can do that better than they can." 8:11

And that's what I thought. And so I did spend a couple of years after I left the D.A.'s office in a very fine firm here in Sacramento – McDonough Holland & Allen – trying civil cases. But I never did like the business aspect of it, and when the opportunity came – I hadn't even been there two years quite – when the opportunity came to take an appointment on the superior court, I jumped at it. And I never made a mistake, I never looked back. I've always enjoyed that kind of work – that kind of problem solving. And that's . . . that's what I think I do best, and that's what I wanted to do.

David Knight: Just to follow up on that, you mentioned that you kind of see your role as a judge as a problem solver. Can you just expand on that just briefly in your role as a justice on the Court of Appeal? Do you see that as problem solving?

Robert Puglia: Yes, problem-solving and explication of what you do, because that's what the Courts of Appeal do. They could say yes or no on every case and go on to the next one. But the development of the law requires a clear explanation of why a court has decided a particular case in the way that it does. And . . .

David Knight: You mentioned that you saw your role as a judge as being a problem solver. Does that . . . is that throughout both the superior court and the Court of Appeal?

Robert Puglia: Yes, yes. Of course, you take a different approach on either court because on the trial court – the superior court – you have to yourself either resolve the conflicting facts or guide a jury in doing the same thing. Whereas on the Court of Appeal, the facts that were found to be true in the trial are those which govern the appellate court and those are taken as a given. So what is applied at that level to the case -- the resolution to the case -- is the law. And there's always, among lawyers, an argument on what principles of law apply to resolve the case. And I really loved, I really loved, dealing with those kinds of problems. And working through them requires a reading of the record, or a familiarity with the record; it requires a reading of the briefs of counsel; and almost inevitably there is a wide gulf between the briefs as to what ought to be done in the case and why. So, the decision is up to the court, then, of which you are one of the three members sitting. And it requires an understanding of the law, a knowledge of the law, and its application to the facts of the case. And . . . My wife is an artist – I'm not an artist, I'm not a poet, I'm not a writer in the general sense. In other words, I don't have any creative impulses except writing appellate opinions. And I maintain that in that respect I am creative. And it's kind of an outlet to exercise a creative impulse.

David Knight: Excellent. The last question I've got is: please share a personal anecdote from your years on the bench – it could be significant cases or opinions, arguments, characters – whatever just 12:47

grabs you and just kind of sticks in your mind as a really interesting moment in your career.

Robert Puglia: Well, I remember one occasion. There are occasions – not frequent – when I was presiding over an argument, where all the members of the three-judge panel, in advance of the case, having familiarized themselves with the materials, talked among themselves and decided that the appeal was a meritorious appeal and the conviction or the judgment ought to be reversed. And so typically, when we had one of those situations, I would . . . the appellant's attorney would stand up when it was time to argue, to deliver his disquisition, and typically I would say after he had introduced himself, "Mr. Smith, we have your arguments well in mind, and we don't think they need any expansion. We understand exactly what you're saying, and I think it would be more helpful at this time to hear from the respondent." And of course the appellant's attorney would break out in a big grin because he would recognize that he probably had a winner. And the respondent's attorney in this particular case – and this is typical – looked perplexed and rattled and unhappy and even angry. He stood up and started his argument in a rather disjointed way, but as time went on it he became more organized and more persuasive. And we sat there listening to this particular – this did happen in a case, that's why I'm telling it – and at the end of the response argument he'd convinced us we were wrong! So we got up from the bench and went out the door, and the minute the door closed we all looked at one another and said and agreed, "Hey, we were dead wrong in that case." So what we had to do . . . I mean, it wouldn't have been fair, having signaled to the appellant that he had a winner and not even hearing his argument, to affirm the judgment against him. So a couple of weeks later I noticed a new argument and we did it over again. I suppose things like that wouldn't happen if we were more careful.

Another thing that happened – and this lawyer is a very well-known lawyer in Sacramento, very capable and competent and experienced – but he has reminded me of this story, it's some years ago and the opinion is a published opinion. But he came in, arguing on behalf of the appellant, and we had a very active exchange, I did, with him about the case, as a result of which, he concedes, and he conceded at the time that I convinced him that he was 100 percent wrong. To his credit – that happens very rarely, if at all – but to his credit, he was a good trouper, you know. He's got a great reputation, so it's really not going to hurt his reputation.

I remember a . . . We used to have problems with . . . some problems with the lawyers from down south because the plane schedules would get 'em here about 8:30 or something like that, and they were lucky if they got to court by 9:00. And of course we had a . . . at least an implicit dress code. No 17:18

male, anyhow, appeared in court without a coat and a tie. And this L.A. lawyer appeared one . . . stood up to argue and he had on a white shirt and a tie . . . .

David Knight: *[discusses microphone problem]*

Robert Puglia: Oh, I'm sorry. He had on a white shirt and a tie . . . .

David Knight: Let's start that again.

Robert Puglia: Okay. This L.A. lawyer showed up in court to argue a case and he had on a white shirt and a tie, no coat, and I'm wondering, "Geez, should I hold him in contempt, or what?" So I just asked him, I said, "Mr. So-and-So, where's your coat?" And he said, "Well, the airplane didn't get here until 8:30 and I was in a hurry, my coat was in the overhead, and I ran off the plane and forgot to get it!" He said, "It's on the plane!" So I, of course, said, "Proceed with your argument."

David Knight: That's all the prepared questions I had. Is there anything else you'd like to add? Again, this is going to be seen by judges, justices, CEOs, various dignitaries. Any last comments you'd like to make on the passing of 100 years for the Courts of Appeal?

Robert Puglia: Well, I think the . . . as I say, the Courts of Appeal are the backbone of the justice system in California, because without a system which afforded meaningful review, it wouldn't be much of a justice system. And that's the function and the office of the Court of Appeal.

On a personal basis, I feel very, very fortunate to have participated in the process as a justice of the Court of Appeal for almost a quarter century. And I served with a number of different justices on that court, I respected them all, and there was a mutual respect. We had a great court. Even though we disagreed on issues, we got along fine personally. So it was always a great pleasure to work there. And again, I just consider myself so fortunate to have had that opportunity.

David Knight: Wonderful.

Duration: 20 minutes
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