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

Robert Timlin: On the appellate court?

David Knight: Yes, on the California appellate court.

Robert Timlin: Timlin, T-I-M-L-I-N, Robert J., formally known as Bob; and Associate Justice, Fourth District Court of Appeal, Division Two. Rah rah rah! *[laughing]*

Thomas Hollenhorst: He has his letterman sweater. *[laughing]*

Robert Timlin: Yeah. *[laughing]*

Thomas Hollenhorst: Okay. Well, we're here today to talk to Judge Robert Timlin, formerly of the Fourth District Court of Appeal, Division Two. Bob joined the court in 1990; left the court to go onto the federal trial bench in 1994; was with the court for about four and a half years. This interview will be done fairly familiarly, because the interviewer—myself—and Bob Timlin have been friends for well over 30 years. Our careers have paralleled each other. We were bench-mates on the superior court. Bob was the presiding judge when I joined the superior court and told me I would have three days to learn the ropes; however, within an hour, I had a 30-count trial to do . . . said, "Well, that's your three days." And Bob and I were again bench-mates on the Court of Appeal for the four and a half years that Bob was there.

And let me welcome you back to the fold for the state court, Bob.

Robert Timlin: Let me say right now, this is really going to be a treat for me, primarily because I'm able to talk to you . . .

Thomas Hollenhorst: Well, thanks.

Robert Timlin: . . . whom I consider a friend, and so this should be enjoyable as a conversation.

Thomas Hollenhorst: I think we're two colleagues talking.

Robert Timlin: Right.

Thomas Hollenhorst: Okay.

Robert Timlin: And I appreciate you coming from Los Angeles, too. You came quite a distance today, from Riverside.

Thomas Hollenhorst: Riverside, right. And I guess for the record, I should identify myself as Tom Hollenhorst. I'm an Associate Justice on the Court of Appeal and have been on that court for about 19 years.

Bob, I know from your early days that you grew up in Washington, D.C. You weren't born in Washington, but you moved there at a fairly young age.

Robert Timlin: I was born in Buffalo, New York. As a child—an infant, really—my dad and mom moved to D.C.

Thomas Hollenhorst: Okay. Your early education looks like it was mostly parochial.

Robert Timlin: It was totally parochial. Well, I think I went to kindergarten in a public school, and then from first grade on was Sacred Heart and then Gonzaga High School, a Jesuit high school, and Georgetown University, a Jesuit college.

Thomas Hollenhorst: So would it be fair to say that you didn't spend much time in the public schools?

Robert Timlin: I don't know, but I had a lot of buddies and good friends from the public schools.

Thomas Hollenhorst: Okay. Your undergraduate degree is from Georgetown. Did you deliberately want to stay in the Washington, D.C., area to do your education after high school, or was there something about Georgetown that attracted you? Why did you choose Georgetown?

Robert Timlin: Well, then going to a Jesuit high school, you sort of steered towards a Jesuit college/university; and there are a number of them in the East and Midwest, and even the far West. But the relationship between Georgetown and Gonzaga High School was, a Gonzaga graduate who carried a certain grade at high school and carried a certain grade at Georgetown University, the undergraduate school, would get a half scholarship, so to speak.

Thomas Hollenhorst: Wow.

Robert Timlin: So the economies drove that decision. But I would have been inclined to go to Georgetown anyway, because I had a lot of friends who went to Georgetown. My dad was a graduate from Georgetown Law School.

Thomas Hollenhorst: Your father was a lawyer as well.

Robert Timlin: Right.

Thomas Hollenhorst: What kind of law did your father practice?

Robert Timlin: He was primarily in the civil service. He was in practice a little bit in Albany, New York, some years back; but then he worked for the federal government for 35 or 40 years.

Thomas Hollenhorst: Did that drive your decision yourself to go on to law school?

Robert Timlin: No, not at all. You know, my mom was also an attorney.

Thomas Hollenhorst: Wow! So you didn't have much of a choice.

Robert Timlin: But there was no . . . well, there wasn't any discussion about the law with lawyers in the family. There was no pushing it.

Thomas Hollenhorst: Uh-huh. They didn't push you, but they talked about law at home.

Robert Timlin: No, not really.

Thomas Hollenhorst: Really?

Robert Timlin: It was amazing.

Thomas Hollenhorst: Were they disappointed when you chose to be a lawyer?

Robert Timlin: No. They said, "Well, fine." They never talked up the legal profession or any of its emphases or strengths or—

Thomas Hollenhorst: Well, when did you decide to go to law school?

Robert Timlin: Well, when I left Georgetown I decided what I'm going to do. With a master of arts in history and government, there was only one thing I could see—well, two things: to go to law school or try and get a graduate degree and then go in the government. But there weren't many choices out there, because the degree wasn't that practical. So I decided to go to law school, because a lot of my friends were going there; and I'd taken a course in the history of constitutional law at the undergraduate school and I really enjoyed it. I had a great professor, Father Durkin.

(00:05:01)

Thomas Hollenhorst: So did you have a burning desire to be a lawyer, or was it something you chose to support yourself?

Robert Timlin: No, not particularly. I chose to take a look at it and see if I would enjoy it.

Thomas Hollenhorst: Okay. And you did.

Robert Timlin: And I did.

Thomas Hollenhorst: Yeah. At that time Georgetown Law School was not where it is now in downtown Washington. Was it on the campus?

Robert Timlin: No, no, it was downtown.

Thomas Hollenhorst: Oh, it was?

Robert Timlin: It's always been downtown, yeah.

Thomas Hollenhorst: Okay. So was that a great place to go to school?

Robert Timlin: Yeah. It was in a little . . . well, it wasn't little, really; but it was much smaller than where the campus is now.

Thomas Hollenhorst: Uh-huh.

Robert Timlin: It was in a four-story, red-bricked building at I think it's 4th and E Street. But now it's got a major campus downtown, dormitories and library and all that.

Thomas Hollenhorst: It's huge, yeah. It's beautiful. And a student workout center.

Robert Timlin: They do?

Thomas Hollenhorst: Oh, yeah. It's amazing.

Robert Timlin: Now, how are you acquainted with them?

Thomas Hollenhorst: I've done some classes at Georgetown . . .

Robert Timlin: Oh, have you?

Thomas Hollenhorst: . . . some educational programs, which, in fact, I'm going to do another one in June. And I'm in awe of the facility. It's just amazing. They keep adding to it and making it even more beautiful.

Robert Timlin: Well, it has some good benefactors and they've put a lot of money into it.

Thomas Hollenhorst: People have done well who went to school there.

Robert Timlin: So far, so good.

Thomas Hollenhorst: Okay. *[laughing]* Now, your early time was actually as a government lawyer as well.

Robert Timlin: Well, I graduated from law school and I went to Chicago. I spent one year with the Pennsylvania Railroad General Counsel's Office.

Thomas Hollenhorst: Uh-huh.

Robert Timlin: Then I left and came back to D.C. and went with a sole practitioner, a fellow who did CAB work. CAB no longer exists.

Thomas Hollenhorst: Civil Aeronautics Board.

Robert Timlin: Right. I wasn't interested in routes and rates. It just didn't appeal as normal. The economy, there was more a need for an economist or statistician than a lawyer. It just didn't appeal to

me. So at that time, the Kennedy Administration had just taken over, so to speak, the new frontier.

Thomas Hollenhorst: Yep.

Robert Timlin: So I applied for a position at the Justice Department, Criminal Division.

Thomas Hollenhorst: So Robert Kennedy was the new Attorney General.

Robert Timlin: He was the Attorney General, and fortunately I was hired.

Thomas Hollenhorst: Okay.

Robert Timlin: So there I began my first governmental experience, as a lawyer.

Thomas Hollenhorst: And what division were you assigned to?

Robert Timlin: Criminal Division.

Thomas Hollenhorst: So you did criminal cases.

Robert Timlin: Well, did criminal cases; didn't try cases, but we did criminal cases and, as you know by reason of the discussion now on the national scene, the AUSAs being fired, so to speak, by Attorney General Gonzales, because they weren't adhering to the policy of the Administration.

Thomas Hollenhorst: Right.

Robert Timlin: Well, the Department of Justice was composed of a lot of career attorneys who do the day-to-day, the real daily work. So I was a basic career attorney. So we just didn't get involved in the policy and the political aspect of it. But we wrote memos concerning new legislation, memorandums on particular issues of law that the Attorney General was interested in. I should say Jack Miller was the assistant attorney general in charge of the Criminal Division—he's a political appointee—so I worked directly with him. I worked with the Organized Crime Section for a while in the anti-Hoffa unit.

Thomas Hollenhorst: Uh-huh.

Robert Timlin: There was such a unit, and I remember one experience where Marilyn Cohen—I still remember her name; she was a Yale grad—and I spent the weekend down at Justice, trying to work out a theory of prosecution against Jimmy Hoffa and the Teamsters.

Thomas Hollenhorst: Wow.

Robert Timlin: And we did find a couple of cases which we developed and analyzed and cited to the Attorney General a possible theory of prosecution, and they bought it.

Thomas Hollenhorst: So that led to the prosecution of Hoffa?

Robert Timlin: In Tennessee. And he wasn't convicted—they bought off the jury—so eventually he was convicted for bribing the jurors.

Thomas Hollenhorst: For tampering with the jury.

Robert Timlin: Tampering with the jury, yeah.

Thomas Hollenhorst: Wow. You ended up on the West Coast. How did that happen?

Robert Timlin: Well, I wanted to try cases. I had had experience . . . primarily my work at Justice was assisting the federal grand jury in Washington, D.C. That's the investigative grand jury, as opposed to the daily grand jury. We conducted a major investigation of the . . . well, there were two investigations at this point that took two and a half years at the U.S. District Court in D.C. One was investigating a bribery and corruption conflict of interest involving the approval of certain antibiotics by the Federal Drug Administration. And the fellow who handled that approval, a division of . . . I still remember the name, Dr. Henry Welch, who was tied in with a guy named Felix Ibanez in Madison Avenue advertising. What the scheme was, as we saw it, was to establish . . . see, the Kefauver Committee had a major investigation for about 14 months. It was all over the newspapers, and they thought they'd developed enough for prosecution. So they sent it to Justice.

(00:10:14)

Justice didn't get on it for some reason for a number of months, even over a year. That's when Bobby Kennedy came in, I guess, and decided he was going to rev it up.

Thomas Hollenhorst: Uh-huh.

Robert Timlin: So I was assigned to the trial attorneys at Justice, career trial attorneys. So Max Goldschein was the attorney during this time, and he wanted some help; so they assigned me to him. So I was working with Max on this grand jury; we spent, I'd say, about 14 months investigating that thing.

Thomas Hollenhorst: Uh-huh.

Robert Timlin: And I thought we developed enough evidence to indict, but Max was convinced we hadn't, and his was the mature senior judgment. I don't criticize his decision at all. But he did give me a chance to write a counter-memo.

Thomas Hollenhorst: Okay. But you decided then to go with the government to the West Coast?

Robert Timlin: Well, no. Well, I went to the courthouse for about two and a half years. I'd wander into these courtrooms when I had a break and watch prosecution cases. So I became enamored with the idea of being a prosecutor.

After the investigation was concluded, I went back to main Justice again to do the work that I'd been hired to do early on, and it was done by the trial workers. At Justice at that time there'd still be . . . they'd got some real good trial attorneys, senior trial attorneys who they'd farm out all over the United States to try cases that the U.S. Attorneys can't handle for whatever reason; at that time, they didn't have the personnel to handle long, lengthy, complicated cases.

Thomas Hollenhorst: Uh-huh.

Robert Timlin: So these senior attorneys would go all over the United States. But I wasn't a senior attorney, so I was going to be back doing desk work.

Thomas Hollenhorst: Uh-huh.

Robert Timlin: So then I went back and started to do it, and somehow the word came out that Francis Whelan, who was the U.S. Attorney in Los Angeles with the Justice for the annual meeting between all United States Attorneys, and he was interested in any attorneys at Justice that were interested in becoming AUSAs out here in L.A. This was in the '60s, and they couldn't keep the AUSAs because there was too much money in the private sector.

Thomas Hollenhorst: Uh-huh.

Robert Timlin: So they had a real turnover of attorneys; young attorneys would come in, spend two or three years, get the trial experience, off they went to the big firms. There was a real problem.

Thomas Hollenhorst: Uh-huh.

Robert Timlin: So he said he'd like to . . . and if you knew anybody in Justice. Now, somehow the word came to me that he was interested, so I went upstairs and met with him. And he said, "Well, I'll let you know; maybe next week I'll give you a call." Next week, he gave me call: "Make an offer to you. But you'd better get out here within a week because the Chief Judge is switching." And Peirson Hall, who was the Chief Judge at that time, had no problem swearing non–California-bar-approved attorneys as long as they were admitted to another bar.

Thomas Hollenhorst: To another bar.

Robert Timlin: But we don't know about the next Chief Judge.

Thomas Hollenhorst: Uh-huh.

Robert Timlin: So Carol and I, we closed up shop, so to speak . . .

Thomas Hollenhorst: And one week later.

Robert Timlin: . . . hopped in the Nash Rambler and hustled out here, and we got here in a four-day trip; that's all we did was drive that damn car.

Thomas Hollenhorst: Four days in a Nash Rambler, and then you ended up in L.A.

Robert Timlin: Got out here, got sworn in in front of Peirson Hall. A new Chief Judge came on the next day—the next week, rather . . .

Thomas Hollenhorst: Uh-huh.

Robert Timlin: . . . and he said, "Yeah, I'll follow Peirson Hall's policy." We didn't know that.

Thomas Hollenhorst: Yeah.

Robert Timlin: If we had known it, we would've come out more leisurely.

Thomas Hollenhorst: Probably seven days instead of four.

Robert Timlin: So to answer you, the bottom-line answer to you, the reason how I arrived here was, I wanted to prosecute cases.

Thomas Hollenhorst: And how long were you in the U.S. Attorney's Office?

Robert Timlin: Two years.

Thomas Hollenhorst: And then you matriculated up to Corona.

Robert Timlin: Well, to Riverside.

Thomas Hollenhorst: To Riverside.

Robert Timlin: Yeah. See, I followed the pattern of the other AUSAs.

Thomas Hollenhorst: The grass was greener and more money.

Robert Timlin: Yeah, I wanted to go into practice.

Thomas Hollenhorst: Okay.

Robert Timlin: We had a great U.S. Attorney's Office at that time, though, when I was there; we had guys like Tom Sheridan . . .

Thomas Hollenhorst: Uh-huh.

Robert Timlin: . . . Dick Murphy, John Van de Kamp, Burt Pines, Steve Miller, Tony Glassman, Bob Talcott. All these fellows went on and did very well.

Thomas Hollenhorst: Sure. They had big legal business.

Robert Timlin: Fantastic, fantastic office; but they all left like I did, eventually.

Thomas Hollenhorst: Yeah.

Robert Timlin: So when I left, Caroline said—Caroline's my wife, you know that—

Thomas Hollenhorst: Yeah.

Robert Timlin: . . . decided where will we go. I had no contacts out here at all. I had just come out two and a half years and settled in. Well, we lived in Santa Monica; I commuted downtown.

(00:15:00)

So we decided we wanted to go to growth areas, where we could go in an area and grow with the community, rather than go to San Francisco or even Santa Barbara, which was old-school law firms. We had graduated from the right school and got to know the right—

Thomas Hollenhorst: Know the right people.

Robert Timlin: Know the right people, yeah; sort of WASPish.

Thomas Hollenhorst: Yeah.

Robert Timlin: So we picked out Ventura and the Riverside area. So I interviewed with a couple of firms in Ventura; also, I interviewed a little bit in San Bernardino. And it was an interesting experience. Bob Bloud, B-L-O-U-D, he was a person I might have gone with. But do you know Dave Hennigan?

Thomas Hollenhorst: Sure, very well.

Robert Timlin: Yeah. Well, I heard about Dave Hennigan's office looking for somebody; so I went over there and interviewed with Dave and Fred Ryneal, Charlie Hunt.

Thomas Hollenhorst: Right, one of the most colorful group of lawyers, probably, in the history of Riverside.

Robert Timlin: And damn good trial lawyers.

Thomas Hollenhorst: Very good lawyers, brilliant people.

Robert Timlin: And I really liked them. They were really nice people.

Thomas Hollenhorst: Yeah. They're very dynamic lawyers, both of them.

Robert Timlin: Yeah, and down-to-earth, you know.

Thomas Hollenhorst: Yeah.

Robert Timlin: And they were very well respected.

Thomas Hollenhorst: Oh, yes.

Robert Timlin: Dave was impressed, so they hired me. So I joined the . . .

Thomas Hollenhorst: And so that's how you got in the inland area.

Robert Timlin: . . . private practice.

Thomas Hollenhorst: Yeah, how did you end up as the city attorney of Corona?

Robert Timlin: Well, that firm I went with—and I was enjoying it—all of a sudden they decided to split.

Thomas Hollenhorst: Then was it Hennigan, Butterwick & Clepper?

Robert Timlin: Yes. Doug Butterwick stuck with Dave Hennigan. Fred Ryneal and Charlie Hunt left and went off on their own and went to the new Swarner Building.

Thomas Hollenhorst: Uh-huh.

Robert Timlin: And I didn't know where I would go—whether I'd go with Dave, whether I'd go with Fred; I was unsure what I would do. And I heard there was an opening in Corona for a full-time city attorney. So I applied for it.

Thomas Hollenhorst: Had you been doing municipal law at that time?

Robert Timlin: No, I had not.

Thomas Hollenhorst: So you applied for the city attorney's job without any background in the area.

Robert Timlin: A full-time city attorney, yeah. Right, right.

Thomas Hollenhorst: That's kind of learning on the job.

Robert Timlin: Yeah. Tom White had left. Did you know Tom White?

Thomas Hollenhorst: Yes.

Robert Timlin: Tom White had left, and they needed a new city attorney. So I applied; they hired me. So I was a full-time city attorney in Corona for about three years or more; and I represented the Redevelopment Agency also.

Thomas Hollenhorst: Right.

Robert Timlin: So the city and the Redevelopment Agency kept me going full time.

Thomas Hollenhorst: Did you go directly from the city attorney's job to the municipal court?

Robert Timlin: No. Then I went into private practice. But when I left the full-time city attorney's position in Corona, they hired another attorney; but after a year with him, they'd asked me if I would take the city as a client on contract, and I said I would.

In the meantime, I had taken the City of Norco as a client; so there were two adjacent cities.

Thomas Hollenhorst: Right.

Robert Timlin: So I represented both cities till I went on the bench in '76.

Thomas Hollenhorst: In 1976 you started your judicial career.

Robert Timlin: There you go.

Thomas Hollenhorst: So that was—

Robert Timlin: On the municipal court.

Thomas Hollenhorst: So that was 30 years ago, 31 years ago.

Robert Timlin: Well, I was a part-time magistrate, United States magistrate, for four years.

Thomas Hollenhorst: Before that?

Robert Timlin: Yeah, when I was with . . . well, when I went into practice on my own in '70, my offices were with Fred Ryneal and Charlie Hunt. They leased an office to me, and I had access to their library.

Thomas Hollenhorst: Was Corona its own judicial district when you joined it, or were you the first judge in the judicial district?

Robert Timlin: No, Bill Warner preceded me.

Thomas Hollenhorst: Right. Did you replace Bill?

Robert Timlin: I did replace Bill and Flynn, Mike Flynn?

Thomas Hollenhorst: Mike Flynn.

Robert Timlin: He filled a vacancy that had just been created.

Thomas Hollenhorst: Right.

Robert Timlin: So Mike Flynn went on about four months ahead of me.

Thomas Hollenhorst: Okay, so that was a new position.

Robert Timlin: That Mike filled, yeah.

Thomas Hollenhorst: That Mike filled. And you replaced Bill Morton when he got elevated to the superior court.

Robert Timlin: And Bill Morton replaced Strasser. Remember Judge Strasser?

Thomas Hollenhorst: Right. A colorful gentleman.

Robert Timlin: Very colorful. *[laughing]*

Thomas Hollenhorst: Yeah. So how long were you a municipal court judge?

Robert Timlin: Well, '76 to 1980.

Thomas Hollenhorst: So, about four years.

Robert Timlin: Yeah.

Thomas Hollenhorst: And did you think at the end of the day after you went on the municipal court bench that it was a good decision to pursue it?

Robert Timlin: You know, I had been working hard as a . . . during private practice primarily representing two cities, and enjoyable work; I really enjoyed it, but it was a getting a little burdensome and I'd always . . . I was trying cases, too, prosecuting cases for the two cities; so I was in trial, and I was in the civil courts also. I was doing litigation for the cities and the Redevelopment Agency, a lot of condemnation work.

(00:20:04)

Thomas Hollenhorst: You probably had a young family at that point as well.

Robert Timlin: Right. We adopted our two kids, one in ’67 and the other in ’68; so one was nine and one was eight at the time.

Thomas Hollenhorst: Okay.

Robert Timlin: And I thought I might like to become a judge.

Thomas Hollenhorst: And it was a good decision?

Robert Timlin: Rather than being an advocate, you know, advocating one position, I'd like to sit there and maybe make a decision after hearing both advocates.

Thomas Hollenhorst: And in 1980, you went to the superior court.

Robert Timlin: Right.

Thomas Hollenhorst: And what was the adjustment like from municipal court to superior court?

Robert Timlin: Not a great adjustment insofar as you tried cases. The same way you tried them in municipal court, you tried them the same way in superior court.

Thomas Hollenhorst: Right.

Robert Timlin: The only adjustment is that the cases were more complex, of course . . .

Thomas Hollenhorst: Right.

Robert Timlin: . . . pretty kind of civil side.

Thomas Hollenhorst: And more personalities.

Robert Timlin: Well, the attorneys were more skilled, also.

Thomas Hollenhorst: Yeah. In municipal court you trained a lot of young lawyers.

Robert Timlin: Well, I have to tell you, remember those DUIs where they go four days, two and a half days picking a jury, and then maybe a day in hearing it?

Thomas Hollenhorst: Right. The budding Clarence Darrows. *[laughing]*

Robert Timlin: Right.

Thomas Hollenhorst: Because that's the way they saw it on TV.

Robert Timlin: Well, I know . . . remember Bob Keller?

Thomas Hollenhorst: Sure.

Robert Timlin: We had a lot of preliminary hearings here, and Bob was assigned to Corona . . .

Thomas Hollenhorst: Right.

Robert Timlin: . . . a very close friend of Mike Flynn's; Mike was his employer.

Thomas Hollenhorst: Mike was his employer, yeah.

Robert Timlin: At the PD's Office, the Public Defender's Office.

Thomas Hollenhorst: Who was the PD?

Robert Timlin: So I did . . . I exposed Bob Keller [laughing] . . .

Thomas Hollenhorst: Yeah.

Robert Timlin: . . . and a lot of other skilled lawyers in the sense of experience on the criminal side.

Thomas Hollenhorst: Right.

Robert Timlin: Civil side, not much at all. I got to superior court, excellent lawyers on both sides.

Thomas Hollenhorst: On both sides.

Robert Timlin: Criminal and civil.

Thomas Hollenhorst: Right.

Robert Timlin: And the cases were more involved.

Thomas Hollenhorst: You probably enjoyed the intellectual challenge more in superior court.

Robert Timlin: Right, because Jake Hewes was presiding judge at that time. Neal and me and Dave Hennigan, he was on the bench at the time, too, to do law and motion.

Thomas Hollenhorst: Right. That's sort of up your alley, though—things that you had been doing for a long time.

Robert Timlin: Right, and I enjoyed law and motion; but it's an extremely heavy burden.

Thomas Hollenhorst: Right, lots of reading to do.

Robert Timlin: Taking files home every night. Dave and I were just hauling those things home . . .

Thomas Hollenhorst: Right.

Robert Timlin: . . . and spent the night reading them and neglecting our families in a way.

Thomas Hollenhorst: Yeah. Yeah, people don't recognize, particularly in the civil division, how much extra stuff you take home night after night after night.

Robert Timlin: It was night after night after night, week after week, month after month. It's good experience, and I did enjoy that work; I did enjoy law and motion.

Thomas Hollenhorst: You did, though, a little bit of everything when you were on the superior court bench in Riverside.

Robert Timlin: Yeah, at that time we weren't specialized, as you may recall.

Thomas Hollenhorst: Right.

Robert Timlin: We did, all the judges did anything and everything; we did criminal, we did civil. Family law was on Fridays; we spread those cases, family law cases.

Thomas Hollenhorst: It wasn't until about—

Robert Timlin: There was only one specialty court, which was juvenile court.

Thomas Hollenhorst: Right. And I think Ron Deissler was out doing juvenile in those days, or Woody Rich?

Robert Timlin: Jack McFarlane may have been out there at that time.

Thomas Hollenhorst: Yeah. But that was a dedicated court, and one person did it and it didn't get moved around very much. Did you like the idea of splitting the court up and then specializing in things, or did you prefer it the other way?

Robert Timlin: Well, probate was . . . I should back up. Probate was specialized. Leo Deegan had that for years, I remember that. And then I think you're right, Woody Rich was out there on duty for a while; I'm not sure he was enamored with it. So I think he came back and Jack McFarlane went out there.

Thomas Hollenhorst: Yeah.

Robert Timlin: And Jack sort of enjoyed that work.

Thomas Hollenhorst: Right.

Robert Timlin: So he stayed out there for a while.

Thomas Hollenhorst: Right. And when Jack passed away, I replaced Jack on the . . .

Robert Timlin: Oh, you did?

Thomas Hollenhorst: . . . on the superior court.

Robert Timlin: On the superior court, right.

Thomas Hollenhorst: Yes. Yeah.

Robert Timlin: But all the other work was done by all the judges. The family law, as I remember, was on Fridays.

Thomas Hollenhorst: Yeah. And when I was there, I used to be a backup for family law; so I got the cases nobody else wanted to try.

Robert Timlin: Right.

Thomas Hollenhorst: It was pretty ugly. *[laughing]* You were on the superior court from about 1980 to about 1990.

Robert Timlin: Ten years, right, right.

Thomas Hollenhorst: And you were the presiding judge.

Robert Timlin: For two, I think from '84 to '86, two years.

Thomas Hollenhorst: I can tell you it was, because when I joined the court in ’85, you were the presiding judge.

Robert Timlin: Right, '84 to '86.

Thomas Hollenhorst: And the trains, as I recall, ran pretty much on time in those days. *[laughing]* The cases all got out, and they got tried.

Robert Timlin: Well, I was the first one to do a two-year term.

Thomas Hollenhorst: Yes.

Robert Timlin: The move was on, you know, statewide to not replace presiding judges every year . . .

Thomas Hollenhorst: Sure, right.

Robert Timlin: . . . because it takes a year to learn what’s going on and get to the program, in a way, as far as expansion and development.

Thomas Hollenhorst: Uh-huh. And in those days, presiding judges didn’t really have much authority. As I recall, you used to describe the presiding judge as the first among equals and, you know—

Robert Timlin: Power of persuasion.

Thomas Hollenhorst: Power of persuasion, yeah.
(00:25:04)
Robert Timlin: So you had to be able to get along with most of the personalities.

Thomas Hollenhorst: And there were a lot of personalities in those days.

Robert Timlin: There were.

Thomas Hollenhorst: People who saw things very differently.

Robert Timlin: And then we had the Desert Branch, remember?

Thomas Hollenhorst: Yes.

Robert Timlin: Those people looked at life differently than we did. *[laughing]*

Thomas Hollenhorst: Yeah, it wasn't like being part of the . . . they were not really part of the program; they had their own program.

Robert Timlin: We had fun going to Banning, didn't we?

Thomas Hollenhorst: Yeah, that was the neutral ground. *[laughing]*

Robert Timlin: Right, I remember going out there and having meetings with those folks.

Thomas Hollenhorst: Yeah, and sometimes they were quite raucous, actually. *[laughing]*

Robert Timlin: Yeah.

Thomas Hollenhorst: When you applied for the Court of Appeal, was that for a change of pace, was it for career advancement? Why did you think that—

Robert Timlin: Well, it was new work I thought I would like to do. I guess it was career advancement as well as to . . . well, I wouldn't say I was tired of the trial court.

Thomas Hollenhorst: You'd been a trial judge at that point for 16 years.

Robert Timlin: Sixteen years, yeah.

Thomas Hollenhorst: And the work on the Court of Appeal was very different than the trial bench. What was your perception when you went over to the Court of Appeal? Was it what you thought it would be?

Robert Timlin: Yeah, I spent 60 days with the Court of Appeal.

Thomas Hollenhorst: On assignment.

Robert Timlin: Early on, yeah. So I knew what it was about.

Thomas Hollenhorst: You had a little flavor of it.

Robert Timlin: Right.

Thomas Hollenhorst: So what was your reaction to it? Were you glad you did it? Was it a mixed bag? Were you disappointed?

Robert Timlin: I was glad I did it, and one of the reasons I was glad I did it was that I could work with you and Howard Dabney.

Thomas Hollenhorst: Oh.

Robert Timlin: As I recall now, you and Howard were very instrumental in me getting appointed, to start with.

Thomas Hollenhorst: Well, we wrote some letters.

Robert Timlin: Yeah, you sure did. You talked to some people, too.

Thomas Hollenhorst: Yeah, we talked to some people, people who were instrumental in the appointment of justices. *[laughing]*

Robert Timlin: Right.

Thomas Hollenhorst: Well, it was our gain, because we got somebody who had a lot of trial experience and could see things through the eyes of a trial judge. And sometimes you have to have been there to understand what exercises of discretion and how judges do things to understand—

Robert Timlin: You can read between the lines in the record, absolutely.

Thomas Hollenhorst: Yeah, as to what really happened.

Robert Timlin: You have a sense of what the judge was attempting to accomplish at the trial level, even though he didn't say it; he or she didn't say it.

Thomas Hollenhorst: What was your . . . what are some of the best memories you had of the appellate court?

Robert Timlin: Well, the colleagues. You and Howard, and Manny Ramirez came on later . . .

Thomas Hollenhorst: Right.

Robert Timlin: . . . and Art; and the clerks, the law clerks, a big family.

Thomas Hollenhorst: It was a very . . . it was and is a very collegial environment.

Robert Timlin: Right.

Thomas Hollenhorst: Not everybody saw things the same way at the end of the day, but everybody got along.

Robert Timlin: Oh, we sure did know how to agree to disagree, and nobody that I can recall in the four and a half years developed any personal hostility based on—

Thomas Hollenhorst: Nope. There were dissents, but we disagreed agreeably.

Robert Timlin: Yeah, I think we all understood the role of . . . each justice had to make their own decision. We did agree most of the time, of course.

Thomas Hollenhorst: What were the frustrations that you had on the appellate bench?

Robert Timlin: I'm not sure there were any particular frustrations. We had some administrative problems, and I probably ought to avoid discussing that.

Thomas Hollenhorst: Yeah.

Robert Timlin: It was sort of frustrating in a way and disappointing, but . . .

Thomas Hollenhorst: Right.

Robert Timlin: . . . but in the overall picture, very minor.

Thomas Hollenhorst: Was it a good move for you personally? Were you glad that you were on the appellate bench as opposed to the trial bench?

Robert Timlin: Absolutely. I was happy. I was happy being there, I enjoyed the work; had great clerks.

Thomas Hollenhorst: Had great law clerks.

Robert Timlin: Had Doug Elwell and Letitia Pepper, and then Donna Hecht came out.

Thomas Hollenhorst: Right. And of course—

Robert Timlin: Great, great, great clerks.

Thomas Hollenhorst: Doug Elwell is now a judge, and Donna Hecht is currently working still on the court . . .

Robert Timlin: Right.

Thomas Hollenhorst: . . . producing fabulous work.

Robert Timlin: Yes.

Thomas Hollenhorst: She is actually one of your legacies, I think. She's—

Robert Timlin: And, you know, I got to know some of the clerks for the other justices, who I enjoyed talking to.

Thomas Hollenhorst: Right.

Robert Timlin: We were all a big family, as you know.

Thomas Hollenhorst: I know. And the clerks who worked in the court were actually really interesting people personally. They all were very different. They had interests that were sort of uncommon, and it was always interesting to talk about what happened during the weekend because it wasn't your same old weekend there. People were into lots of different things.

Robert Timlin: Very eclectic. Some of those clerks, you know, we had seen at the trial level.

Thomas Hollenhorst: Yes.

Robert Timlin: Greg Reimer was one and—

Thomas Hollenhorst: Jody Isenberg . . .

Robert Timlin: Jody Isenberg.

Thomas Hollenhorst: . . . was another one.

Robert Timlin: Yeah.

Thomas Hollenhorst: Yes, I think we were very blessed in having some really, really excellent staff.

Robert Timlin: And the writ attorneys were fantastic.

Thomas Hollenhorst: Yeah, and still are.

Robert Timlin: Yeah. The same ones, I guess?

Thomas Hollenhorst: Same ones, and they're still as good.
(00:30:02)
Robert Timlin: Yeah. Carolyn was and still is the best writer ever.

Thomas Hollenhorst: Ever, ever, ever seen, yeah; and still to this day produces some opinions that are just gems. So that hasn't changed.

Robert Timlin: I'm surprised she's still there, but . . .

Thomas Hollenhorst: Well, she loves it; and we love her, so it's a good situation.

Robert Timlin: Yeah.

Thomas Hollenhorst: Now, you liked the appellate bench so much and you fit in so well because of the academics.

Robert Timlin: So the next question is, why did you go? *[laughing]*

Thomas Hollenhorst: Next question is, why did you leave?

Robert Timlin: *[Laughing]* Well, they opened up the new . . . why shouldn't they open . . . George Brown, you know, carried a bill that was passed establishing an Eastern Division of the U.S. District Court, the Central District of California, federal court. When I was on the paper, both communities, Riverside and San Bernardino, wanted to flesh it out and get a court down there and a judge. So I guess the bar association is, too, particularly interested in it, and I was asked to apply for the position by a representative of the Riverside County Bar Association, who

told me that the San Bernardino Bar Association would also support.

Thomas Hollenhorst: You got drafted.

Robert Timlin: I got drafted, so to speak; but not reluctantly, because you know, again, I'd been on the appellate court for four and a half years; I enjoyed that work. But I thought, well, I'd do this because I didn't know whether I'd succeed or not; but, you know, I was sort of appreciative of the fact that the legal community would personally ask me to do this.

Thomas Hollenhorst: It's an honor.

Robert Timlin: An honor, and to some extent maybe I had a duty to do it if I could enhance the community with the administration of justice, because the community had been good to me since '76.

Thomas Hollenhorst: But you, you had the honor of being drafted to be the first federal judge in the Inland Empire.

Robert Timlin: Right, so I said, "I'll do it." And I wasn't reluctant to do it; you know, I was sort of excited about it, you know, "Well, let's see what the federal court is all about" . . .

Thomas Hollenhorst: And—

Robert Timlin: . . . even though I'd been prosecuting for two years here and I knew what the federal system was.

Thomas Hollenhorst: And a lot of people don't recognize that the federal system was actually your roots.

Robert Timlin: I started there, sure.

Thomas Hollenhorst: That's right. You know, so people were asking in the legal community why would Judge Timlin, who obviously loves the scholastic part of the law, why would he leave to go back to the trial bench? And the reason was, is that work—that really was your roots.

Robert Timlin: That's true. And I remember the days in the Justice Department and the U.S. Attorney's Office and how that life was; and so I was sort of interested in getting back into the federal milieu, so to speak.

Thomas Hollenhorst: Was it a hard choice?

Robert Timlin: Not particularly. I was in favor of going on the trial bench because I had been there.

Thomas Hollenhorst: Right.

Robert Timlin: So I said, "Sure, I'll try it."

Thomas Hollenhorst: So what do you remember about the federal selection process compared to the state selection process?

Robert Timlin: *[Laughing]* The federal process was much more paper-oriented in the sense you had to fill out forms and brew up everything and verify. There were piles of paper you sent in. You had to fill out forms for the Judiciary Committee, the FBI, or the . . . well, the Senate Judiciary Committee or the Department of Justice. Each one had a form requiring specific documentation; tremendous, everything you had to go through going back almost to your childhood.

Thomas Hollenhorst: Wow. So you found it very—

Robert Timlin: Very time-consuming and burdensome. And then of course, you had to bus in one of the senators at that time.

Thomas Hollenhorst: Right.

Robert Timlin: And Senator Feinstein became my mentor, so to speak; my sponsor, I guess would be the more appropriate word. So she's the one that spoke for me and recommended me. Then you go through the process of waiting and waiting.

Thomas Hollenhorst: Right. And in your case, it was almost a year?

Robert Timlin: At least a year.

Thomas Hollenhorst: At least a year. And do you—

Robert Timlin: I was filling one of the four newly created positions; and the court here was screening for, you know, nominees, because they were really getting a backlog here.

Thomas Hollenhorst: Right. That was President Clinton's term.

Robert Timlin: Right.

Thomas Hollenhorst: And not a particularly hostile Senate they were confirming—

Robert Timlin: No, no problem. At that stage we didn't have what we're experiencing today in the confirmation process.

Thomas Hollenhorst: Right.

Robert Timlin: And I was considered not a controversial, sponsored by the two legal communities, San Bernardino and Riverside.

(00:35:03)
Thomas Hollenhorst: Right, and a senior, respected U.S. senator.

Robert Timlin: Right, so it was just a matter of waiting and waiting and waiting.

Thomas Hollenhorst: Right.

Robert Timlin: And then we went through the process and had go back to D.C. and be interviewed by the . . . we had to be recommended by the Senate Judiciary Committee to the full Senate.

Thomas Hollenhorst: Right. Do you remember the confirmation hearing before the Senate Judiciary Committee?

Robert Timlin: I do.

Thomas Hollenhorst: Something you'll never forget?

Robert Timlin: Yeah, there was only one senator . . . well, there were two senators, Senator DeConcini and Senator Feinstein. She was a member of the Judiciary Committee, as well as DeConcini from Arizona?

Thomas Hollenhorst: Right.

Robert Timlin: And they were the only senators that appeared. There were about four or five nominees there. DeConcini was interested in one nominee, Judge Hawkins, who was on the Ninth Circuit Court of Appeals, and he had been nominated for that position. So Senator Feinstein was chairing it, I think; so in deference to him, she called Judge Hawkins before, and DeConcini said real nice things about . . . they're both from Arizona.

Thomas Hollenhorst: Uh-huh.

Robert Timlin: Hawkins was a U.S. Attorney there for a while. And asked a few questions, and Hawkins retired, as well as DeConcini. *[laughing]*

Thomas Hollenhorst: So you were left with your sponsor.

Robert Timlin: Yes. *[laughing]*

Thomas Hollenhorst: So was there any dissent? *[laughing]*

Robert Timlin: No dissent. And she asked me some interesting questions; but we had been what they call vetted by the Department of Justice attorneys in Janet Reno's office as to what type of questions might be asked. We were sent before the hearing, before the committee, transcripts of prior hearings. So we had an idea generally of what the questions might be. There were only about three or four questions, I think, and that was it.

Thomas Hollenhorst: After you were confirmed and after you started, any regrets of leaving the appellate court and going onto the federal trial bench?

Robert Timlin: No, not really.

Thomas Hollenhorst: Did you enjoy working—

Robert Timlin: In the appellate work, I enjoy, you know, the research and the writing and all, and all that is here in spades, so to speak, in the law and motion work that we get at the federal court. I was doing the same type of work.

Thomas Hollenhorst: I think that there were a number of judges who were reluctant to apply for the federal bench after they had a lot of time in as state judges because of a then-existing provision that you couldn't draw a state retirement if you went onto the federal bench. As I recall, you were kind of the Norma Rae of the judicial labor union that took that on.

Robert Timlin: I challenged the constitutionality of that section. I'd heard about it when I was on the state bench at one of the California judges' meetings where they have an annual meeting and they have a lot of topics for discussion.

Thomas Hollenhorst: Right.

Robert Timlin: And Judge Lu . . . Lui, not Judge Lu; Elwood Lui?

Thomas Hollenhorst: Elwood Lui.

Robert Timlin: Yeah, he was a judge at one time when I was in practice.

Thomas Hollenhorst: Right.

Robert Timlin: As a matter of fact, his son is now an assistant U.S. attorney here.

Thomas Hollenhorst: Yeah.

Robert Timlin: And he was very well respected at that time, he was a CPA.

Thomas Hollenhorst: Right.

Robert Timlin: And he was talking about retirement benefits, and he commented on that section in passing. And at that time, you know, I had no idea I was going on the federal bench, and I remember it just hit me between the eyes: what is the purpose behind that section? Where'd that come from? It was just totally unfair.

The section was, as you know, that if you left the state bench and took a lucrative position with the federal government, which we'd presume would be a federal judgeship, you would not be entitled to your retirement that you'd been paying into . . .

Thomas Hollenhorst: Uh-huh.

Robert Timlin: . . . for years and years and years. And in my case it was 16 and a half years, I believe. And I didn't know what the hell the public purpose was. What was the public policy behind that section? I thought it was just totally unfair.

So I decided to challenge it, because I was told . . . you know, I checked with the state retirement people and they said, "No, that law is in effect and . . ."

Thomas Hollenhorst: So you'd get your money back, but you wouldn't get a retirement.

Robert Timlin: Yeah, you could get your deposits back, right.

Thomas Hollenhorst: But you wouldn't actually get a pension.

Robert Timlin: Right.

Thomas Hollenhorst: So you took them on.

Robert Timlin: Well, I took that section on, and I had a very good . . . Gilbert Gaynor was the attorney, and he used to work for the DCA. He was a constitutional lawyer. I don't know whether you knew Gilbert or not.

Thomas Hollenhorst: Just by reputation.

Robert Timlin: And he did an excellent job. And we challenged it on constitutional grounds, primarily equal protection law.

Thomas Hollenhorst: Uh-huh.

Robert Timlin: And Judge Coughenour, C-O-U-G-H-E-N-O-R, from the State, the District of Washington, State of Washington, heard the case because all the judges down here disqualified themselves.

(00:40:09)

Thomas Hollenhorst: Uh-huh.

Robert Timlin: He ruled that it was unconstitutional, so I could draw—

Thomas Hollenhorst: And it's never been challenged since?

Robert Timlin: No, we didn't appeal it. I mean . . .

Thomas Hollenhorst: Well, they didn't.

Robert Timlin: . . . they didn't appeal it.

Thomas Hollenhorst: The State didn't appeal it.

Robert Timlin: We could have gone for attorney's fees if we wanted to. It was a 1983 act's action.

Thomas Hollenhorst: Right.

Robert Timlin: And I decided to talk to my wife about it and we decided we wouldn't go for the attorney's fees; and in exchange for that, they decided they wouldn't appeal it, the State wouldn't.

Thomas Hollenhorst: So it's basically the law right now as I understand it, and anybody who goes up from the state bench to the federal bench gets their state retirement.

Robert Timlin: The State of California judiciary retirement system is adhering to that, except for that opinion.

Thomas Hollenhorst: Right. So for judges who go from the state system to the federal system, they ought to think about Judge Timlin and the kinds of—

Robert Timlin: Oh, I get calls from them all the time.

Thomas Hollenhorst: Yeah. *[laughing]*

Robert Timlin: Dave Carter, remember Dave?

Thomas Hollenhorst: Sure.

Robert Timlin: He's now taking advantage of that.

Thomas Hollenhorst: Yeah.

Robert Timlin: Do you know Judge Miller, Jerry Miller, in San Diego?

Thomas Hollenhorst: Yes, in San Diego.

Robert Timlin: Yeah.

Thomas Hollenhorst: Well, Dave Carter and I were appointed the same day.

Robert Timlin: Oh, really?

Thomas Hollenhorst: Yeah, to the municipal court.

Robert Timlin: Municipal court?

Thomas Hollenhorst: In 1981, uh-huh.

Robert Timlin: He's doing a heck of a job down in San Ana.

Thomas Hollenhorst: Yeah, he's one of my judicial heroes.

Robert Timlin: Yeah.

Thomas Hollenhorst: I'd like to ask you maybe a question that you haven't heard before. And I think being somebody who has known you for a long time, you know, if there's such a thing as hero worship, you're one of my heroes in the business.

Robert Timlin: Oh, really?

Thomas Hollenhorst: Yeah.

Robert Timlin: Well, thank you.

Thomas Hollenhorst: You're known as a judge who's very thoughtful and very courteous and has an air of judicial deportment about him that is second to none. Where does that come from? Is that just you, or is that learned behavior?

Robert Timlin: I don't know, Tom. I like people. I think they ought to be treated decently. And when people come into court—and these are nonlawyers; these are the litigants themselves—they're entitled to deference, respect, and understanding that they're in a stressful situation. They've never been there before, most of them; don't want to be there and never wanted to be there.

So you've got to be decent and nice to them, and you've got to treat lawyers in the same manner, really. They're working very hard for their clients and other clients, and they're under a lot of stress, too. So you have to be respectful of them and listen to them.

Thomas Hollenhorst: Who were your judicial heroes? Who did you look up to as a lawyer in the business?

Robert Timlin: Oh, as a lawyer, as opposed to a judge?

Thomas Hollenhorst: Yeah. Who did you seek to emulate?

Robert Timlin: As a lawyer.

Thomas Hollenhorst: As a lawyer, I mean, which judges did you seek to emulate?

Robert Timlin: Oh, I see. As a lawyer, which judges would I say if I took the bench, I would like to be like that judge.

Thomas Hollenhorst: Right.

Robert Timlin: Well, one that comes to the fore right away is Judge Gabbert.

Thomas Hollenhorst: And of course, he was one of . . . I guess he would be the John Wooden of judges in Riverside County.

Robert Timlin: Very thoughtful, very intelligent, and a nice demeanor and worked very hard and a true gentleman; yeah, John Gabbert.

Thomas Hollenhorst: In every sense of the word.

Robert Timlin: Yeah.

Thomas Hollenhorst: Yeah. Anybody else?

Robert Timlin: I'm just thinking. On the federal bench . . . you know, a fellow I prosecuted a number of cases in front of was Judge Irving Hill. He'd just come on the bench when I was in the U.S. Attorney's Office. And I respected him because he's very intelligent, he ran a tight ship; but he would give you an opportunity to present your case. And if he would intend to criticize you, positive criticism . . .

Thomas Hollenhorst: Uh-huh.

Robert Timlin: . . . he wouldn't do it in front of everybody else and embarrass you. He'd wait for the break and then call you up to the bench, sometimes call you into his chambers; positive criticism, constructive criticism. So Irving Hill and Judge Gabbert come to mind right away.

Thomas Hollenhorst: If you were to speak to a group of lawyers whose careers were just getting started, what advice would you give them in terms of developing their careers?

Robert Timlin: Well, it would depend upon whether you're going to be in transactions or litigators, I guess.

Thomas Hollenhorst: Let's assume that they wanted to maybe even follow a career path onto the bench. What would you say as far as the career development?

(00:45:02)

Robert Timlin: And they would be going into private practice, as opposed to government practice?

Thomas Hollenhorst: Either.

Robert Timlin: Well, those who are interested in going with a law firm and developing from that springboard, I'd say, prepare, prepare, prepare.

Same with the government attorneys: prepare, prepare, prepare. In other words, always be ready; work hard. Hopefully you'll love what you're doing, so it will be an inducement to work hard. Get to know your community. Join service organizations, bar associations. Become friendly with your colleagues, and don't have a hard-nosed approach with them; otherwise it comes back and it can bite you.

Thomas Hollenhorst: Right.

Robert Timlin: So develop a good relationship with all those people you're associated with. And get into the niche, the specialized area that's where you'd like to be, and work that area. Look to your senior partners for assistance and help. Don't hesitate to ask them. Because I think a lot of senior partners would like to help, but they don't know that an associate needs help, and they're so doggone busy doing their work that they sort of don't give any consideration to it. But I think a lot of the senior attorneys would consider it an honor and work with a young attorney.

Thomas Hollenhorst: Well, you're now a senior federal judge, and your plans at this point are to continue to try cases?

Robert Timlin: Hopefully after I wind up some of the work I have from when I was an active judge, I would like to be available to try cases.

Is this it? This ends it, huh?

Thomas Hollenhorst: Thanks.

Robert Timlin: Okay, Tom, thank you.

Thomas Hollenhorst: Okay.

David Knight: All right.

Duration: 47 minutes
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