EILEEN MOORE: I'm interviewing you now as part of the California Court of Appeal oral history project. So as a disclaimer, I want to say that you and I have been close friends for decades and we haven't planned any of these questions and I think I know a lot of the answers that you'll give but I don't know all of them. So, if one listens very closely to you there's just a hint of an accent every so often that can be detected. Can you tell us a little bit about your background?

BILL RYLAARSDAM: Well, I'm a foreigner. I was born in the Netherlands and my family came to the United States in 1953 when I was 16 years old. I've been back to Holland quite a few times since then. I still have family there I visit from time to time. But I got all of my university and legal education in the United States, and probably speak better English than Dutch right now. When I get back to Holland I can still speak Dutch to the family but I have the vocabulary of a 16 year old 60 years ago. It has changed a bit.

EILEEN MOORE: Over the years you've mentioned some of your memories as a child during World War II. Would you mind talking about them a little bit?

BILL RYLAARSDAM: Well I was of course pretty young. By the time the second World War was over I was 9 years old. So most of my memories are really of the last year or so of the German occupation. We lived in what was then a very small village. It's now a pretty large suburb of Amsterdam. So our experiences living essentially in the country were very different from what people experienced living in the city. But we did have a group of German soldiers stationed in our village. And I have some memories of that which are really rather confusing because, for one thing, I remember going over to where the Germans were stationed and they would give us candy. And I think the first orange I ever got I got from a German soldier. But I also have memories… because my dad was hiding at the time… and we had a double ceiling in our house where he and a couple of other young men would periodically hide and I remember German soldiers going through the house looking for my father and being very scared. So those memories are so inconsistent it's really hard to understand them. But those are just some of my memories from that year. One thing that I remember was when we were liberated. It was a huge festival in our city. People dancing in the street and I don't think I've ever seen anything like it before or since.

EILEEN MOORE: What about the Americans? Did they come at some point?

BILL RYLAARSDAM: No, actually, we were liberated by Canadians on motorcycles. And the young women had great fun riding on the back of those motorcycles with the Canadian soldiers. That's mostly what I remember about that.

EILEEN MOORE: I thought you had said somewhere along the line that the Americans had dropped food supplies?

BILL RYLAARSDAM: Yeah, there was some event that was before Germany surrendered. Probably in April of 1945. There was quite a famine in our part of the Netherlands because the Germans had removed all of the foodstuffs from the area in retaliation for the Dutch railroad workers going on strike. There was some arrangement. I later learned it was actually through the Finnish Red Cross… American bombers flew through the area and dropped food packages. I remember getting chocolate… there was chocolate in there. There were cigarettes in there for the people who wanted cigarettes. I was a little too young to smoke. And they were all packed in tin cans, about 5 gallon size. We used those cans to make drums and rafts and there were a whole lot of those cans left over after these food drops.

EILEEN MOORE: After the Germans left was there… did you observe… any of the retaliation against Dutch who had collaborated?

BILL RYLAARSDAM: I remember the girls who had consorted with the German soldiers being marched through the streets with their hair shaved off and everybody yelling at them. It was pretty gruesome I suppose.

EILEEN MOORE: What do you remember about how it came about that your family decided to immigrate to America?

BILL RYLAARSDAM: Well, actually, my grandfather had originally come to the United States in 1898 as an 18 year old man with a brother who was, I think, 20 at the time. And they were here for about four years. And then they decided they wanted to get married so they went back to the old country to find wives. They each did. But my grandfather's wife, who also happens to be my grandmother, never wanted to come back to the United States. So he never came back but his brother did return to the United States and they finally settled in the Northern California and Modesto area. And I think that the family pretty much lost contact with each other until after World War II. Two children of my grandfather's brother, so they were cousins of my father, found us and came to visit us and reestablished the connection between the families. Then they ultimately sponsored us for coming to the United States. We were on a waiting list for several years. But finally in '53 we were able to come.

EILEEN MOORE: Were you anxious to come to the United States?

BILL RYLAARSDAM: Oh I thought it was a wonderful thing. I was very much sold on it because I thought it was a great adventure.

EILEEN MOORE: Did you speak English?

BILL RYLAARSDAM: I was the only one in the family that spoke some English. I had about four years of English in school. So I was fairly comfortable with the language, yes.

EILEEN MOORE: In your family, where were you? Oldest… youngest… middle?

BILL RYLAARSDAM: I was the oldest. And then I had a brother who was three years younger. And I have two sisters who were, I think, 7 and 10 years younger than I am.

EILEEN MOORE: Were you on a boat?

BILL RYLAARSDAM: Yeah we came across the original New Amsterdam and we came across the country by train.

EILEEN MOORE: So, how old were you at that time?

BILL RYLAARSDAM: I was 16 then.

EILEEN MOORE: You're a 16 year old boy and you're coming to America. Traveling through America and watching it. What kind of plans did you have for yourself in your own teenage head?

BILL RYLAARSDAM: I don't think I had any particular plans at all. When we first arrived, we, dad and I, picked peaches in the San Joaquin Valley. We got paid by the box full of peaches you picked. It was pretty gruesome work and I didn't particularly like it. Fortunately I was able to then go on to the local junior college in Modesto. And from there I went to the University of California and the rest is history.

EILEEN MOORE: As you were picking peaches, was the Bracero Program going on at that time?

BILL RYLAARSDAM: It was. I guess we were part of it! *[laughing]*

EILEEN MOORE: What other kinds of jobs did you have as a young man?

BILL RYLAARSDAM: Well, when I started going to junior college, I got a job at the Modesto Bee which has been a terrific blessing for me because the business manager at the Modesto Bee, Mr. O'Bryan… He was a big old Irish man… he somehow took a liking to me and I always had a job there. I had so many different jobs there. And even when I was going to Cal I could come back in the summer time and during vacations. Whenever I had time I could get a job. And I did everything. I ran the switchboards. You know, one of those, what was the name, Lilly Tomlin on Laugh-In with the cords? I had one of those switchboards. I worked as a copy boy. I worked in the mail room… in the business office. I worked in the press room. At different times I had all different places to go to and it was really Mr. O'Brien at the Modesto Bee that encouraged me to go on and go to Cal… and really made it financially possible for me because I was strictly on my own financially. Of course, it didn't

cost anything like what it costs these days, but I made enough money at the Modesto Bee during vacations and the like to be able to finish my education at Cal Berkeley.

EILEEN MOORE: Do you think you're being an immigrant effects the way you judge in any way?

BILL RYLAARSDAM: Well that's a really hard question. Probably I need more time to think about it than I have now. But I really don't think so. You know, I'm so identified with America and the culture of the United States where I have now spent 61 of my 77 years that I feel as American as you do. I don't really feel any difference in terms of having been born in a different country.

EILEEN MOORE: I know that you are a brainiac. You are very smart and very wise. Likely any law school around would have loved to have you. How did you make your selection?

BILL RYLAARSDAM: Well I had been out of college for a few years. I was married at that time. I think we had two kids at that time. I had a job that was not very interesting and I decided I needed something else. I didn't quite know what. And I somehow learned that you can go to law school at night. I also learned that you couldn't go to medical school at night. So I decided to go to law school. I didn't know any lawyers. I really didn't know anything about it. But I guess I found out there was something called the California Bar Association. So I wrote the California Bar Association and asked for a list of law schools in the Los Angeles area where we were living at that time. They sent me a list and I noticed there were some ABA accredited schools and some non-ABA accredited schools and was somehow smart enough to realize the accredited was better than non-ABA accredited. There were two ABA accredited schools that had evening programs. USC did, which they don't any more. And there was Loyola which still has a night program. I wrote each of them to find out how much the tuition was and as I recall tuition at USC was $15 a unit and at Loyola it was $12.15. I was pretty poor and that was really my only criteria. I applied at Loyola and I got admitted and that's ultimately where I got my law degree.

EILEEN MOORE: Tell us about your first job as a lawyer.

BILL RYLAARSDAM: Actually my first job was before I was a lawyer. During my last year in law school I had become acquainted with Otto Kaus who, as you know, ultimately ended up on the California Supreme Court. At that time he was a practicing lawyer in Los Angeles. He was also an adjunct professor at Loyola Law School. He had a friend Louis Welsh who had recently started his own law firm in partnership with Joe Cummins and apparently they decided they needed some help. They didn't have a lot of money either so they really weren't ready to hire another lawyer yet. So Otto Kaus suggested that I might be able to work there as a law clerk while I was still in school. And I did.

EILEEN MOORE: What was the name of the firm?

BILL RYLAARSDAM: It was Welsh and Cummins at the time. Louis Welsh, who was really my mentor in law, one of my heroes, ultimately became a judge on the San Diego Superior Court. Actually I was with the same law firm, then after I was admitted to the Bar, I became an associate and a year later they made me a partner and I was with that same firm for 21 years. Although the composition and the name of the firm changed from time to time. Most recently while I was still there it was Bridenbach, Swainston, Yokaitis and Crispo.

EILEEN MOORE: You mentioned Louis Welsh was your mentor. Tell us a little bit more about Louis Welsh.

BILL RYLAARSDAM: Well I viewed him as a great lawyer. He did a lot of trial work. Our biggest client was the Travelers Insurance Company, and they remained the firm's biggest client for the time that I was there. He permitted me to try cases very, very early. Of course back then we tried pretty small cases form time to time. I know the first case I ever tried was in the East Los Angeles Municipal Court and the judge was John Arguellas who ultimately ended up on the California Supreme Court. It was a dog bite case and I lost it for $1,250. You know, I tried a lot of those kind of little cases at first and got a lot of experience doing that.

EILEEN MOORE: Did you just teach yourself how to do it?

BILL RYLAARSDAM: I think so. There wasn't really that much emphasis on teaching courtroom procedure then, as there is now. I think I got a lot of good advice both from Louis Welsh and Joe Cummins. But I don't remember ever sitting in while they were trying cases. I got my file and I got to do my thing.

EILEEN MOORE: Were there ever any achievements as a lawyer about which you are most proud?

BILL RYLAARSDAM: Well I've had some very interesting cases. Mostly in the insurance field. Mostly cases I lost. Probably one of the big ones was the Gruenberg case which really laid the foundation for bad faith litigation. I was on the wrong side of that case. Later on in my practice I did more and more appeals. Although that Gruenberg case, I don't remember when it was... Fairly early when I did that appeal.

EILEEN MOORE: Around 1961?

BILL RYLAARSDAM: I don't know. I was admitted in '64 so it probably was in the late 60's.

EILEEN MOORE: Were there any plaintiff's lawyers that you particularly remember opposing?

BILL RYLAARSDAM: Well, I had some interesting cases against your former employer, Herb Hafif. I tried some cases against Herb. I didn't do too badly actually. But he was a formidable opponent. He really didn't need any witnesses. He did all of the testifying himself.

EILEEN MOORE: You began practicing law in 1964. That's even before the Civil Rights Act was passed.

BILL RYLAARSDAM: Was it before the Civil War I think? *[laughing]*

EILEEN MOORE: I imagine you saw a lot of changes in the law from the days when lawyers and judges were almost entirely composed of white men. Are you able to make any observations about that?

BILL RYLAARSDAM: Well the more obvious ones of course is the number of women that are both on the bench and in the practice of law. When I went to law school there were three women in our class. At least by the time we graduated. Now I understand over half the students at Loyola Law School are women. And as we know, there are quite a few women judges and we see more minorities on the bench. That has changed. I think the whole business of litigation has changed. And not necessarily for the better. It has become so expensive. The kind of experience I had in my first couple of years trying quite a lot of cases… jury trials involving not very much money… it was a great way to get the experience. Unfortunately, I think our younger lawyers just don't get that experience anymore. It's more and more difficult I think for lawyers to really get experience, at least in the civil arena. I think if you want to get trial experience these days you want to go to work for the DA or Public Defender. In the civil arena, young lawyers have a terrible time getting trial experience. It just is too expensive. You have a big case, and it seems like they are mostly all big cases that are being tried, and you're not going to let some kid who's just out of law school try it. You have a $1,250 dog bite case you probably don't care too much if you win or loose.

EILEEN MOORE: I remember appearing before you when you were sitting, in the mid 80's sometime. You were sitting in law and motion in the superior court and you called the case that I was on and you said something like "Oh, Miss Moore, you look lovely today." And then you could almost see the light bulb go off in your head, that you realized, oh my goodness, this is women's lib time. Those were the days that women might bite you in the hand if you tried to open the door for them. And you turned to my opponent and said, "Mr. Brown, I like your tie." *[laughing]* Can you remember any incidents?

BILL RYLAARSDAM: Yeah, I certainly have become sensitized, if you will, to these kind of things. I think we all had to learn a lot. I hope that I have learned most of my lessons, but I still think you look lovely today. *[laughing]*

EILEEN MOORE: You were, I think, at least tangentially involved in politics in Pasadena. Can you tell us about that?

BILL RYLAARSDAM: Yeah, we lived in Pasadena before we moved to Orange County. I was quite involved in local politics. I never ran for office. But Don Yokaitis, one of my partners, was on the City Council and he was Mayor of Pasadena. So I was on the Planning Commission and I was on the Human Relations Commission. I was on the Redevelopment Agency Board and things like that. I was quite involved in Pasadena politics.

EILEEN MOORE: Did you ever think about pursuing politics a little further?

BILL RYLAARSDAM: At some point, I had talked to Joe Cummins, who was one of my partners earlier on and told him I was thinking of running for the Assembly. I don't know what gave me that idea.

EILEEN MOORE: You never told me this before.

BILL RYLAARSDAM: Well… he told me… he very much discouraged me. He said everybody there is very crooked. You're much too honest. You wouldn't want to have any part of that. So that was the end of that career.

EILEEN MOORE: So tell us about your life as a family man.

BILL RYLAARSDAM: A family man. Well, I was too busy to be a family man… unfortunately, when the kids were young. I have four children, three daughters and my youngest is a son. My third daughter was born the day I was sworn in. And then my son was born afterwards. So I had three girls essentially while I was in law school. We lived in Pasadena. We had a very nice place for the kids to grow up in. We had a lot of parties at our house. We were quite involved socially with the children. They all had their friends over and we had a lot of good times there.

EILEEN MOORE: Where did you meet your wife? Where did you go on your first date?

BILL RYLAARSDAM: I met my wife in the most wholesome circumstances, at church. Not quite at church. But back in 1957 in my last year at Cal, the minister of my family's church in Modesto decided to have a party for the kids who were home from college. Janet just graduated from college so she was there and I was there, and a few other people and we struck it off. And that's how we met. That was during the Christmas holiday and the next New Year's Day our church had a service, or maybe it was a Sunday, I don't remember. So I was chatting with her again. And then I had read in the paper that a local hardware store was demonstrating color television, which we had never seen before. So I invited her to go with me to go look at color television in the window of the hardware store. So I guess you could call that our first date. It was a cheep one too. *[laughing]*

EILEEN MOORE: Switching topics, how about your judicial philosophy. You've been on the bench since, has it been 1985?

BILL RYLAARSDAM: In '85 I was appointed to the Superior Court, yes. Actually, I was appointed to the L.A. Superior Court initially. I had… we moved to Orange County in 1980 and I moved my practice to Orange County. We had a branch office of our firm here in Newport Beach. The partners wanted me to go down to Orange County to manage that office. So we moved. Then when I decided to apply for the bench about five years later I really wanted to be on the Orange County Superior court because I was living in Irvine at the time. And I still am. But I also realized most of my contacts, people that knew me best, were Los Angeles based. Basically I had more political support in Los Angeles than I would in Orange County. So I applied for both courts. And Governor Deukmejian appointed me to the L.A. Superior Court and I was assigned to sit in Norwalk which was a great court for a new judge. Those judges there did such a terrific job helping and training new judges. In fact, I understand they still do that. Every morning, all the judges meet for coffee at about 8:00. Then they talk if they have any problems or need any help. That was just a wonderful part of getting started. But I still wanted to be in Orange County. Then after about six months, in Norwalk I get a phone call from a woman I have no idea who. She said are you still interested in being appointed to the Orange County Superior Court? And I said yes I am. She said, if you will tender your resignation, the Governor will appoint you to the Orange County Superior Court. I said well, can we reverse that sequence please? We did. He did, and I came to Orange County. I was in Norwalk about 9 months.

EILEEN MOORE: So your judicial philosophy when you were first appointed, as compared to now, has it evolved? What was it then and has it evolved at all?

BILL RYLAARSDAM: Well, that's another one f these tough questions that I have to take a lot more time to think about than I have now. If I have anything that you would call a judicial philosophy it's probably that I try to apply the law by reading the statute and reading the cases and not to put too much of my own gloss on it. I think that's a constant struggle we have as judges, to separate what we perceive to be the law and the way we would like the law to be. So I guess you might call me a strict constructionist.

EILEEN MOORE: What do you like most about being a judge?

BILL RYLAARSDAM: Well, I think it's the best job I've ever had. It's interesting because everything I've done in the law I have really loved. It's been a great career. And at various stages of my life, I think being a trial lawyer for 21 years - I loved doing that. I felt very good about myself doing that. Then I got appointed to the trial court and I loved doing that. Then I came to the court of appeal. I've been here almost 20 years now. And again, at that stage of my life, I think right now, I would be retired if I was still in the trial courts because

I'm not so sure I could deal with people coming at me all day long. But the court of appeal is just a great job for this stage of my life and I hope to be doing it a while longer.

EILEEN MOORE: Are there any particular memories you have from being on the superior court?

BILL RYLAARSDAM: One very fond memory… I, for two years, when I was on the Orange County Superior Court, I was assigned to family law. There really aren't too many happy stories in family law. It's rather frustrating because you never end up with happy people. But we had a case involving… actually it was a visitation dispute. A mother who had moved her son to New York and basically made it impossible for the father to communicate with the boy or even get to see him. And, then, ultimately, I awarded custody to the father who lived here in California. Because I felt that the boy needed to develop a relationship with his father, which the mother was totally unwilling to do. The boy was very unhappy. He liked his mother and he wanted to Like New York. He was pretty young, like 12 years old or so. He was a very bright young man. And he was very outspoken that he didn't like what I was doing. Then about a year later I got a letter from that young man, which is the only time anything like that has ever happened to me. I got a letter from this boy, basically saying how happy he was that I'd given him an opportunity to get to know his father and so on, etcetera. So, he thanked me, which –

EILEEN MOORE: How old was he?

BILL RYLAARSDAM: Well, 12 or 13 years old I think. So that was a wonderful thing. In family law you don't have too many wonderful things.

EILEEN MOORE: You were a judge at the time… when you were first a judge… it was taking five years in many courts to get to trial. And then we had the fast track kind of courts and efficiency… and there was always this tension between efficiency and giving people their day in court. Can you tell us about your experience in that regard?

BILL RYLAARSDAM: Oh, yeah. In fact, Orange County Superior Court really was a leader in this change. We changed to direct calendering in 1990 and I don't think statewide it was promoted until several years later. We saw a huge change in the Orange County Superior Court to where, with direct calendering, when the judges took control of the calendars, before that it was up to the lawyers. If they wanted to go to trial they tell the court we want to go to trial, we're ready. Then you go on a waiting list. But under direct calendaring, the judge became responsible for moving the cases along. Each judge had an inventory of cases and the length of time that jury trials took under the new system was substantially shorter. I think what happened is under the old system where the judge does a trial then he waits till the next trial gets sent up, there's just not the pressure to get the case done. During the trial the lawyer would say, well my kids having a baseball game this afternoon can we go dark? The judge might be kind enough to say ok. But if this same judge now has five more

cases coming in on Monday morning, he's not quite as likely to do that. I think that was a factor. Whatever the reason was, jury trials went substantially faster under direct calendaring and of course, as everyone knows, the waiting time for getting to trial dropped very much, where most cases got tried within a year or two instead of waiting for 5 years. I remember, I spent weeks in Department 1 of the L.A. Superior Court as a lawyer, just sitting there waiting to be assigned out to trial. That was all wasted time. And they made you sit in Department 1. And then for a while, actually, they put you on beepers. So we got a beeper and then you had to come back. So that was a little more efficient. One time I was on the beeper but I had to take this deposition back east. I thought, well, I'm not going to get called for a week or so. So I took off for Boston I think it was. I left my beeper at the office. But by the time I arrived in Boston, I got a call that said, "Your beeper beeped." So I had to turn right around and go back and postpone the deposition.

EILEEN MOORE: Over these years, 1985 to now, it's 2014, have you ever… has your name ever actually been on the ballot or have you had any interesting experiences from that?

BILL RYLAARSDAM: I have no interesting experience from that. I was on the ballot [for a retention election] several times when I was on the [appellate] court. But no, I wasn't on the ballot because nobody ever ran against me on the trial court. I am going to be on a retention election two months, or three months from now which will be the third time since I've been on the court of appeal. All you need is 50% and I usually get about 55%. I've never campaigned, I've never spent a penny on campaigns.

EILEEN MOORE: Your name is a mouth full and it's hard to pronounce. Do you think that's effected…?

BILL RYLAARSDAM: Probably, Rebecca Wiseman who fairly recently retired from the court of appeal in Fresno, did a study and found that there's a definite correlation between names and percentage of yes votes in a retention election. Anglo names and Irish names generally do better than Jewish names or weird names like mine.

EILEEN MOORE: It was in the mid-90's somewhere that you and I helped each other with our applications for the court of appeal and we got them done and mailed and you said "may the best man win."

BILL RYLAARSDAM: And he did! *[laughing]*

EILEEN MOORE: Can you tell us how and why you made the decision to apply for the court of appeal?

BILL RYLAARSDAM: Well, because it was there. I thought I might have a chance. And it sounded interesting. And I had been on the trial court for 10 years which I thoroughly

enjoyed but I thought it would be a new challenge, having a little more of a hand in shaping the law.

EILEEN MOORE: Are there significant differences between serving on the trial bench and serving on the appellate bench?

BILL RYLAARSDAM: Huge, huge

EILEEN MOORE: Just take your time and tell us about that.

BILL RYLAARSDAM: Well, it's just that, the one thing that you miss here at the court of appeal is interaction with other people. In the trial courts you are constantly interacting with lawyers and litigants. I had… I mentioned family law… I sat in law and motion calendar for several years. So every day you are confronted with people. You have to rule and you have to shoot from the hip and make decisions in very short order. Here, part of the time I'm just sitting in my office reading and writing and thinking. We have the luxury of being able to discuss things. Even on the trial court, as you know, you can talk to other judges about some issues you have. But it's not formalized in any way the way it is here where you always have to deal with at least two other people before you make any kind of decision. I think that's a very nice part of this job. Because I think that three people have more wisdom than any one of them and it makes for a much better product.

EILEEN MOORE: Was there any sort of culture shock to you when you arrived at the court of appeal?

BILL RYLAARSDAM: Well, in the first place I had sat on assignment on the court of appeal for a while the year before I was appointed to the court of appeal. But, the main difference is just that you are much more isolated. Isolated in the sense that you spend a lot of time without interacting with other people when you are doing work on the court of appeal. While on the trial court you are constantly dealing with people.

EILEEN MOORE: If somebody asked me to describe whether you are an introvert or an extrovert I would definitely say you are an extrovert. You really like people. And you enjoy being around people. So would you say that it makes a difference whether one is an introvert or an extrovert regarding the court of appeal?

BILL RYLAARSDAM: You know it's interesting. Even the physical environment has a lot to do with that. We of course moved to this new courthouse now about four years ago. And in our old courthouse somehow the physical facility was such that we saw each other much more often. Now there's long hallways separating us - floors separating us. I used to sit at my desk and I'd look out and I could see my staff and I could see people coming in and out of my chambers. Now I sit at my desk and my door is always open but I can't really see anything. So even, I think, the physical environment- and I think we have a wonderful

facility here from an efficiency standpoint and every other standpoint. But I liked the way we interacted with each other in the old building because it was just easier. If I now want to go talk to Justice Bedsworth I have to walk down a long hallway. I could almost sit at my desk and shout at him the way it was before.

EILEEN MOORE: Would you have… did you get any good advice about, or any advice that you followed about either applying for the trial bench or applying for the appellate bench?

BILL RYLAARSDAM: Well, I don't know, one of the things that I was told, I don't know if it's true or not but when I was told, when I was applying for the trial court was, you know, to find some people who would give good political support but not to engage in a campaign of having dozens of people write the governor but rather to focus on certain people. The other thing, when the JNE Commission sends out that questionnaire to most of the world, I contacted almost everybody whom I thought might get one of those questionnaires and told then that I would appreciate it if instead of just saying well qualified or not qualified, they would write comments on it. Because somebody told me that would be helpful and so I did that. I don't know if it's a factor or not but. Now when I went through the same process when I applied for the court of appeal I basically used the same advice.

EILEEN MOORE: If somebody came to you today to get advice from you regarding whether or not they should apply for the trial court or the court of appeal, is there… would you give them new or different advice?

BILL RYLAARSDAM: No, that's about the only advice I can think of off the top of my head.

EILEEN MOORE: Anyone who's been an appellate justice knows how tense things can get sometimes when members of the panel disagree. How have you tended to approach these tense situations and how do you go forward with the next case with colleagues after you have just done battle over a case?

BILL RYLAARSDAM: I've never really experienced that tenseness, really. I can disagree with my colleagues… either persuade them or not. It's really, one thing that has really surprised me about the court of appeal and I would not have expected this, how rarely we dissent. I mean, even if we start out not quite agreeing we can usually work out some way to have a single opinion. There are very few dissents, at least in this division. And I bet that's not a-typical. So I tend to try very hard to work things out and to come to some sort of an agreement. I was really surprised, in preparation for this program staff prepared a wonderful book and you have a copy of it too. And they list everything, every published case I ever had. And it also lists every published dissent. How many published dissents do you think? I was surprised how few— eight, over 20 years.

EILEEN MOORE: Wow. Do you have a favorite opinion that you have authored?

BILL RYLAARSDAM: I have several. There's a lot of routine cases. But as you know, there are also fun cases where you have an opportunity to declare the law in an area where it's somewhat unsettled. I mean most recently, I was assigned as the author on that case that Justice Gilbert brought on the question of whether retired judges could be eligible for public employment or office. And with the help of my staff, and I haven't mentioned my staff, but I have three lawyers here that are wonderful lawyers and we work very closely together. We came up with an opinion that I think is the right solution for that question and yet we approached it in a way that I don't think anybody ever did. But I have yet to hear a negative comment about it. They didn't ask for rehearing and I think the time for petition to the Supreme Court for review is pretty close to passing.

EILEEN MOORE: But it hasn't passed yet.

BILL RYLAARSDAM: I don't know.

EILEEN MOORE: I think it has a few more days.

BILL RYLAARSDAM: If it hasn't then perhaps it's inappropriate for me to have commented on it. Then we had another case, in fact you were on it, which was really a difficult situation. We have a lot of cases involving arbitration agreements these days. And here was a situation where a law firm had an arbitration clause in their retention contract which required each side to advance the cost of the arbitration. It was a dispute with a client. And the particular arbitration service that had been designated is not knows for its low fees. Anyway, the clients, who had filed the original lawsuit *in forma pauperis,* were in no position to put up the money. So they asked the court to order the other side to put up all of the money for the arbitration which the agreement didn't provide for. Anyway, the way we finally resolved that, it was a question— really, I don't think there was any case law dealing with it so we had to deal with it. And we resolved it basically telling the law firm that they had an election. They could either pay for the whole arbitration if they wanted, but they didn't have to. But if they didn't then there was no basis for the arbitration to go forward. So I don't know how it was ultimately resolved. But that was the kind case that's a lot of fun to work with.

EILEEN MOORE: Backtracking just a little bit. You remarked about you only authored eight dissents over 20 years.

BILL RYLAARSDAM: Published dissents, so undoubtedly there were more.

EILEEN MOORE: Do you see some— is it better for the public in some way to have a single opinion?

BILL RYLAARSDAM: I think so. Although we have in recent years been handling some cases out of the Riverside San Bernardino, but basically most of our cases come out of the Orange

County Superior Court. And I think it is most helpful for the judges, trial court judges, to know where we stand on a particular issue. If we disagree that just creates problems for the trial courts. I mean if you can't agree, you have to write a dissent. But I think you have to really try hard to work it out before you come to that point. Because I think it just creates confusion for the trial judges.

EILEEN MOORE: I looked on Westlaw and from what I could see, you have 1,720 unpublished opinions that you have authored. You have 251 published opinions that you have authored. And you have been a panel member on 3,398 other opinions. And that's not including any of the, I'm sure thousands of writs that you have sat on and decided over these years. But when I look at the number of published opinions I see that the highest in all these years, the highest number of published opinions per year I think is 21 in 2004 but in 2012 you only had three. Usually you had more than that.

BILL RYLAARSDAM: Yeah, I usually have about 10 a year or so I think.

EILEEN MOORE: Yes, I think that might be the average. Can you tell us what your philosophy is regarding publishing opinions?

BILL RYLAARSDAM: Well, basically, if the opinion does something new or certainly if there has been disagreement among the courts of appeal, then I think it may be important for our viewpoint to be considered. And that's a reason for publishing. If the case decided something that hasn't been decided before, that definitely is a reason for publishing. Does it add something to the legal discussion and to the body of the law? I think, I know, there's a set of pretty precise rules about what's published or not, but I think as a general outline, that would be my criterion. I think in this division, if the author wants to publish the opinion, it's pretty rare that the panel does not agree. It's a decision that's essentially made by the author of the opinion.

EILEEN MOORE: I have watched you receive numerous awards over these years. Would you please mention a few and say what they mentioned to you.

BILL RYLAARSDAM: Oh, I don't know if I want to list them all. The one that I probably am most proud of is that I graduated from Loyola Law School number one in my class and received an appropriate award for that. It's called the [William Tell] Aggeler award. So that I'm most proud of. But various organized Bar groups… and I've been recognized by the law school justice of the year, Consumer Attorneys of Los Angeles, Appellate Justice of the Year. There have been a number.

EILEEN MOORE: Tell us about some of your friends and why they have been valuable to you.

BILL RYLAARSDAM: Well, you're assuming I have friends. *[laughing]* You said I'm an extrovert. I'm not sure I view myself that way. But I do like being around people and I like an opportunity to toss ideas around and argue. My oldest friend has been a friend since the first day in law school. I don't think I have a large number of friends. I have a large circle of acquaintances. My friends, why are they important. Well, they very much add to the quality of your life to have people that you can discuss matters with and pick their brains and get advice sometimes even.

EILEEN MOORE: These interviews are generally done either right before someone has retired or right after, yet, and you mentioned earlier, you're on this November's ballot and you're doing this interview now in August 2014. Any particular reason you are doing it now?

BILL RYLAARSDAM: Well I have no present plans to retire. I don't have a date when I'm going to retire. As long as I am able to do the work I pretty much plan on continuing because I love it. I like the structure of having a place to come, to go to work. I have seen too many people when they retire they kind of fritter away. I have no particular interest in doing arbitrations or mediations. And i don't want to go back to the practice of law. So, if I ever retire, I'll truly retire. I hope to be able to do this for quite a few more years. But at the same time I recognize the limitations that age imposes on me. So I'll see. We'll see what happens.

EILEEN MOORE: So if you do retire you don't have any particular plans about what you would do.

BILL RYLAARSDAM: No, I do not. To me retirement means basically quitting working.

EILEEN MOORE: So the thought of retirement is a cause of concern for you?

BILL RYLAARSDAM: Yes, it doesn't appeal to me.

EILEEN MOORE: Is there some question that you wish I had asked?

BILL RYLAARSDAM: I can't think of any. There are some questions you asked I wish you hadn't asked.

EILEEN MOORE: Which ones? I'll ask more about them.

EILEEN MOORE: Alright, let's make this the last question. What would you like people to remember about you after you do retire, when you're gone from the bench?

BILL RYLAARSDAM: Or dropped dead. Well hope they will recognize that I always attempted to treat them fairly. That I always attempted in my legal work to be unbiased and decide

cases in the way that I thought the law demanded of me. I hope they will remember a few of my opinions. And I think that's about it.

EILEEN MOORE: Thank you very much.

BILL RYLAARSDAM: You're welcome.