William Todd: My name is William L. Todd, but I'm commonly known as Ted Todd.

Richard Huffman: I am Richard Huffman, H-U-F-F-M-A-N. We are here today for one of the interviews of the Appellate Court Legacy Project, involving interviews with retired justices of the Court of Appeal. Today we have Justice William L. Todd, Jr., Retired Justice of the Fourth District, Court of Appeal, Division One. Morning, Ted, as you're called, I believe.

William Todd: Hi, Dick.

Richard Huffman: Hi. I understand that you were born in Canada?

William Todd: Yes, I was born in Toronto. My dad was the general manager of the Canadian division of the American RailWorks Corporation. And in the late '20s, water supplies from municipalities was a huge business in Canada and the U.S. both, and it was a very going concern until the Depression hit.

Richard Huffman: When did you come to the United States then?

William Todd: I was two. My sister had been born and we came back first to Indianapolis and then to Cedar Rapids, Iowa.

Richard Huffman: You grew up in Iowa?

William Todd: I went to elementary school in Iowa, just barely started junior high, and then we came to California and settled in Pasadena, actually.

Richard Huffman: I know that you are a dyed–in-the-wool USC Trojan fan. Tell me how you came to go to USC undergraduate school.

William Todd: At that time, Pasadena had the 644 educational plan—I'm not sure where it started, but it was fairly popular in Southern California at that time—so that the last two years of high school went along with the first two years of college in the same building, same school. It was like a college, really, and by the time I finished high school, I was a sophomore in that institution. And it never dawned on me to leave, because it was a great school and it had great academic standing. They would take you as a junior at that time at Stanford if you had your degree from Pasadena City College, so I kept going.

And then I became great friends with the dean of men and then the dean of students at PCC—because I was president of the men students and of the student body and of the Honor Society—and I worked with him a whole lot. Well, he was student body president at USC in 1934 and was a lifelong Trojan and very active in Trojan affairs. His good offices arranged a partial scholarship for me as a *[inaudible]* at USC, and I couldn't pass that up.

Richard Huffman: What was your major at USC?

William Todd: Political science. I majored in international relations.

Richard Huffman: Then you left USC after you graduated, and as I understand it you went in the Marine Corps.

William Todd: No. It's really a weird story. I joined the Naval ROTC when I got there as a junior. After two years I was halfway through the program—it was a four-year program—and they wanted me to double up in naval science in one more year and get a master's degree and be available in just one more year for my service as a reserve officer, they hoped in the Navy. Well, I knew I wanted to go to law school, and I had been admitted to law school, and I wasn't going to give up that career. So I said, "I'll make a deal with you. If you let me start law school and go the first two years, then if you want to take me, I'll do my two years active duty without complaint after my second year in law school." So they agreed to that. So after my second year, I was commissioned. The day I was commissioned, Paula and I were married and we went and got in our car and headed for Quantico on our honeymoon. *[laughing]*

Richard Huffman: That's a great honeymoon.

William Todd: One night in Kansas—it was so hot, it was mid-July—we stopped to go to the restroom. And we didn't have a reservation yet, and Paula went in there and came out in about a minute. She says, "I can't use that restroom. The wall is covered with cockroaches." So we drove all night till we got to St. Joseph, Missouri, and then spent two days there. *[laughing]*

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Richard Huffman: Oh, for goodness sake.

William Todd: In any event, I didn't serve two years. After basic school in Quantico at Camp Pendleton they offered me a regular commission at the end of my two years; but they didn't offer that last year of law school, which they could have done. I never understood why they didn't, because they did try to talk me into . . . and if they had given me the third year of law school, I probably would have done it, because I really had enjoyed my time in the Marine Corps a lot. It's probably a good thing, though, because I would have been ripe for Vietnam and I would have been company grade, and I can just see me doing some foolish thing and we wouldn't be sitting here today.

Richard Huffman: *[Laughing]* Well, we're glad that things worked out that way. So you graduated when from law school?

William Todd: '57.

Richard Huffman: Then you went into civil practice?

William Todd: Yes, I went with a small firm called Von Herzen & Laidig on Spring Street, first as a clerk till the bar results came out, and then I was practicing there for a few months. And then the placement gal, whose name I can't remember, at USC called me one day and told me she had this opening at Moss, Lyon & Dunn at 7th and Spring and she thought it be something I would be interested in. So I interviewed and they took me on. Justice

Gerold Dunn later was one of the senior partners, and Bill Haight, the founder of Haight, Dickson firm, was not even a junior partner then, and Judge Bob Nye wasn't even a junior partner yet. It was a trial firm with one partner who did probate and business work, and I was hired to be his helper. They trained me in a specialized area of tax. They had a big tax case pending before the tax court, and I went to school to learn all about that and transportation law, because this other attorney represented the Western Growers Association.

Little by little they started giving me assignments in the trial side—first just appearances, and then law and motion, then depositions; and finally they had me watch each of the 10 trial lawyers try a case completely through. It was the greatest training a young lawyer could ever get, because these guys were wonderful trial lawyers. Then I tried my first municipal court case. It was a traffic case for a Ford Motor Company exec who was a client through his insurance carrier, and I won that case in Alhambra. And then I tried my first superior court case. I defended a cat who was accused of having caused a full-time nurse in a private home in San Marino to suffer from cat fever because of scratches by this cat. And we had neuropsychiatrists testifying about this animal and about the malady that the nurse claimed. And the jury voted for the cat. *[laughing]*

Richard Huffman: That's a story I've never heard before.

William Todd: I'll never forget that cat.

Richard Huffman: When did you come to San Diego and how did you come to go here?

William Todd: Bill Carstens was a classmate in law school, and he had come down here from Gibson, Dunn early on and worked with White Froehlich & Peterson, and he lured me down here. In the back of his mind he had our firm in his mind already. We didn't talk about that, but he found me a job at McInnis, Focht & Fitzgerald. I was the first associate after Roscoe Wilkey. And the firm was just five of us then: Wes McInnis, Jim Focht, Bill Fitzgerald, Roscoe, and me. I had stayed there a year and a half and Wes McInnis, fine lawyer that he was, was such a penny pincher that I was dissatisfied with the compensation. I'm not going to tell you what he told me, because that involves a good friend, but I could see that things were sort of at a stalemate, for a while at least. So in the meantime, Bill was talking to me about forming our firm, and he and I and Wes Fry and Earl Robinson, all those three from White Froehlich, rented a suite in the Bank of America building. We each borrowed $2,500 and put it in the kitty and off we went: Carstens, Todd, Robinson & Fry.

Richard Huffman: How long did that firm exist?

William Todd: Earl lasted about a year and he went back with Byron, and he is still with him. He was a great lawyer but he wasn't a real client man.

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Wes stayed with us longer, but he drove himself and everyone around him so hard that he realized he needed to be out on his own, which was true, so he went in solo practice and took over Al Laurence's practice when Al went on the municipal court bench in El Cajon. Then it was just Bill and me, and we stayed in the bank for a while and then we shared space with Lou Welsh in the Home Federal, it was in the Home Federal building. Then we had two offices for a while. I stayed downtown in the old Crabtree Building. It was new then, and Bill had a little office out in El Cajon near his main clients—Dan Schwartz, the builder—and we stayed together for several years; and in the meantime, Rod Toothacre and Ned Wright came with us. After a year, Ned came back to the court as a, what do you call them, chief attorney?

Richard Huffman: Yeah, principal attorney.

William Todd: Principal attorney. Rod stayed with us, and then Bill left the practice and then it was Rod and me; and we built up what became Todd, Toothacre & Wingert, when John Wingert got out of the Marines and joined us. And Charlie Grebing came from law school. He is now the senior partner in the law firm.

Richard Huffman: You did a lot of trial work, because I know that you're a member of ABOTA, right?

William Todd: Yeah, I was president in '72 or '73. We did a whole lot of defense work. We did as much plaintiff's work as we could, but there were always so many conflicts with carriers that we represented that we didn't do a whole lot of plaintiff's work. But that's what I had done for the McInnis firm, and that is essentially what we did at the Moss, Lyon & Dunn firm; so that was my primary thing, although I did all kinds of law in those days. I was kind of a generalist.

Richard Huffman: You were pretty active in the local bar association, weren't you? At some point, at least.

William Todd: Yes, I . . . First of all, I was on the board of Legal Aid, which was a lot different then. We had no staff. We just tried to raise money and find lawyers who would take these cases for people—friends and so on. Then I was president of the Barristers Club, which was a lot of fun, and then I was elected to the bar board and I served when Bill Yale was president. I was one year behind him, and then I was president in '71.

Richard Huffman: What led you to apply for the superior court?

William Todd: Bill Yale. He had been on the court for a year or two maybe, and he said, "Governor Reagan is going to have one more appointment here in San Diego and Houston Flournoy might not be elected Governor." I said, "He's going to get elected Governor, for heaven's sake. It's going to be a lead-pipe cinch." Bill said, "I think you're a fool if you pass up an opportunity to be considered before Governor Reagan leaves office." And what finally persuaded me was when he showed me the value of the retirement benefits. *[laughing]* When you figure that out, it makes up in some degree for the lack of pay along the way.

Richard Huffman: I would imagine there was a pay cut to become a superior court judge.

William Todd: It was a huge pay cut, and my wife wasn't happy, but we got along somehow; and it wasn't too long till our three kids started at USC. I don't really know how we got through all those years, when I think about it now, but we did; and ultimately our pay was raised significantly, so we had enough to keep food on the table.

Richard Huffman: And you got the kids through USC.

William Todd: And once that was over—

Richard Huffman: Now you had money to use. What kind of assignments did you have on the superior court?

William Todd: I started in criminal, and the first case I tried was a first-degree murder case, which I will never forget: *People v. Connor*. And the district attorney was that tall fellow who was a gambling expert. I can't think of his name now. He almost reminded me of Ichabod Crane. He died last year.

Richard Huffman: Hugh McManus?

William Todd: Yes. Good lawyer; he tried that case beautifully. And Bob May defended this woman. She and her cousin had killed that coin dealer down in Mission Bay and he had all these coins in the house and this woman was his housekeeper; the cousin was a housekeeper. And she got her cousin out here from Dallas, and this woman was good-looking, the one from Dallas. And they plotted the deal. They went over there one rainy night and shot him to death and took nearly all of his coins.

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It was a lot of money, particularly at that time. They took off for Las Vegas with a couple of guys and they ended up in Mexico. And the local woman came back first and turned herself in, and finally the other gal did after having an affair with a movie producer from Guatemala down there. I think the money ran out and the allure ran out, I guess, so she came back and turned herself in. It was a fascinating trial. She was convicted, and the poor woman I think died in prison of breast cancer.

Richard Huffman: That's an interesting case for a brand-new judge from civil practice to get.

William Todd: The funniest thing about it, Judge Edgar Hervey was then retired and he would get in the back hall of the courthouse. As a retired judge he would come down the hall and come in my entrance door and sit inside the bar throughout that trial. I really puzzled over what I should do about it, but he never disturbed anything. He didn't say a word and he would just leave when the session was over, so I never said a word about it. And nobody complained and it was no problem. But that was so typical of Edgar Hervey. *[laughing]*

Richard Huffman: You covered . . . as I recall, you were on the superior court 12 years?

William Todd: Twelve and a half years, yes.

Richard Huffman: Did you miss any assignments?

William Todd: I did domestic, in the days when the new judge got it for six months. I followed Judge Roscoe Wilkey in there and did my six months and that's all we were required to do at that time. Only one department in the whole county doing family law; it was a zoo, I'll tell you. And then I went back to criminal for about a year and a half and you and I tangled a couple of times over settlements in the criminal settlement department.

Richard Huffman: I can't imagine that.

William Todd: Then I went to civil and then to juvenile. I was in juvenile for two different terms. I was there when we built the new women's facility out there. And actually I thought it was the most rewarding work I did on the superior court, was the juvenile court work. It was the beginning of the child abuse dependency cases. San Diego was really the place that got the law changed. Dr. Chadwick got that law changed, the reporting law, and I think because it said we had so much military here, there were a lot of cases—stepparents—so that was very rewarding work.

Richard Huffman: Were there any particular projects you were involved in while you were a superior court judge that you were particularly proud of?

William Todd: Actually I was on the small subcommittee that really started the family counseling part of the family court. There were two or three of us. I was the junior on it, but we organized that whole counseling program that's grown and grown and is an integral part of the whole family court system now. That was important. Then I sat on the appellate division of the superior court and presided over that court for about a year. That was a taste of appellate work that I really enjoyed. The thing I liked about it was I was working with other people. You know, being a superior court judge can be a lonely spot. You really don't have anyone to commiserate with very much. But in the appellate work, you've always got someone to work with.

Richard Huffman: Did you enjoy that process of having to make decisions together with a colleague?

William Todd: In a collegial way, I thought it was very enjoyable. And then I sat pro tem up here for three months one time and I managed to get Justice Cologne and Justice Wiener together on a case that they hadn't been able to agree on.

Richard Huffman: That's a settlement project.

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William Todd: *[Laughing]* Then I was one of the first settlement judges in the superior court, civil settlement judges; and I worked on an awful lot of settlements there, full time for one six-month period.

Richard Huffman: Are there any particular cases from the superior court that stick in your mind or you think are the most memorable?

William Todd: There are two, yes.

Richard Huffman: What are they?

William Todd: Well, the first was the Copley estate case. Jim Hervey sued Helen Copley and her brother.

Richard Huffman: That's Copley from the *San Diego Union-Tribune* paper?

William Todd: Yes, Jim Copley's second wife. She had been his secretary and he was divorced from his first wife and had adopted children of that marriage. And when Jim passed away, Helen and her brother were the co-trustees, and they controlled everything; but neither one was executor. His attorney *[inaudible]* whose name I can't remember now was the named executor and had been his lawyer. And Helen engineered a palace coup and got him to resign because his partners didn't want to lose, in my opinion, the Copley account. They handled the estate and they represented the paper; and they would have, I guess, tried this case, but they decided they didn't want to and they turned it over to Bill Fitzgerald and Wes McInnis.

Jim got the case from the former wife's attorneys in Los Angeles and they waived jury in front of me to try this multimillion-dollar lawsuit. And I was sorry they did that, but they did. These were my original bosses in San Diego. But I had had a lot of cases against Jim Hervey, and we were very well acquainted, and I knew that he was a good lawyer. And it was a fascinating trial. They brought all of Jim's former lawyers from Illinois and Iowa out here as witnesses and they all testified on these tax questions.

I ruled that they had taken advantage of the first family. They dumped the expenses into that side of the two trusts and the result was those children were getting nothing. They were adults then, but they were getting nothing from the whole Copley estate.

Well, in the end, Helen had to cough up $15 million and begin funding their interest in the estate. And so it was a great result for those children. And I believe the first wife got something out of it; I can't remember that now. She didn't actually take part in the trial

But it was a fascinating case to try. One of the real issues in the case was whether she was really Jim's widow, because it turned out that there was a potential defect in her first divorce in Iowa—one of those deals where they didn't have personal service over the husband within the jurisdiction. And we spent two weeks doing legal research and the lawyers never solved the case for me. My clerk finally found a California case that said if the divorce had been valid in that state, then California

would have to recognize it as valid here. And they explained that it would have been valid in Iowa and so I could find that Helen was the widow. I was scared to death for a while that I was going to have to cut it off at that level, but we didn't. I actually ruled that Helen and her brother should be removed as trustees because of the way they had conducted the trust and the way she had become executor too, everything; but Justice Cologne didn't think the evidence was strong enough to remove them.

Richard Huffman: So they reversed that part on appeal?

William Todd: Yes, but the $15 million, they paid.

Richard Huffman: You felt like you did justice there?

William Todd: I did. I really did. And of course, the other case was the Hedgecock trials.

Richard Huffman: The former Mayor Roger Hedgecock from San Diego?

William Todd: Right. He got mixed up with, what was his name?

Richard Huffman: Dominelli.

William Todd: Dominelli, and had taken a fair amount of money from him for his campaign. There were other serious charges, perjury; and we had a hung jury in the first trial. We'll never know why, really, but 11 to 1 for conviction.

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Richard Huffman: Yes, I understand they were 11 to 1 for conviction in an hour, but one wouldn't deliberate.

William Todd: One holdout. You may remember the case. *[laughing]*

Richard Huffman: I have some memory of it, yes, since I tried it.

William Todd: And then Judge Wickersham and some helper tried the second case. And he sequestered the jurors that time, and they came to a unanimous verdict of guilty. And then some of Mr. Hedgecock's friends started calling on jurors, and one young lady allowed as how she felt maybe she had been unduly influenced by one of the bailiffs who was superintending the jurors out there at the Valley High. We thrashed around with that for about six months, and they tried to get me off the case because this guy had been my court bailiff. The Supreme Court turned them down on that, and so it came back. And I hadn't sentenced the mayor and he resigned from office.

The case went on appeal, and it took almost five years for that appeal to run its course. And finally the Supreme Court sent it back to our superior court to conduct further hearings on this bailiff issue. And I was in on the Court of Appeal, and the present presiding justice of the Court of Appeal was the presiding judge at superior court, Judy McConnell; and she had

called me and asked me if I would conduct those hearings because no other judge had been involved in either of those cases.

I said I would, and we had it all set up for the hearings to commence. And Hedgecock's attorney huddled with the DA and they went into the presiding criminal department and worked out a settlement so that Roger withdrew his objection to the conviction of the campaign violation, and since the five-year probationary period had run, pending appeal. And he hadn't had any problems on probation; he could move to expunge the record as soon as the five years was actually up, which was within a few days. So he suffered the conviction of the felony but had it expunged almost immediately.

Richard Huffman: I understand he is now a talk-show host?

William Todd: He went to work for KSDO and has been there ever since and is nationally known now because he takes the place of that right-wing Republican, Rush Limbaugh, when he's on vacation. So in many respects, it was very beneficial for Mayor Hedgecock.

Richard Huffman: At least it launched a new career for him. And that case is *People v. Hedgecock*; it's a Supreme Court case, as I recall now, that is often cited on jury issues.

William Todd: Yes, I would imagine—although it was never resolved on jury issues. I think they settled the case because I think the district attorney knew that if I decided we did have to reverse for juror misconduct, on that issue, I'd order another trial, which I would have. The evidence was so strong in that case, and as I mentioned, he was convicted of all those perjury counts also. Pending appeal, the law changed. The standard in California then required the jury to determine the materiality of perjurious statements, and of course that wasn't the law at the time we tried the case and there was no objection to my ruling in that regard. But when the law changed, they attacked that also, and those charges were thrown out on appeal.

Richard Huffman: So what made you apply for the Court of Appeal then?

William Todd: After sitting up here pro tem for three months and having been 12-and-a-half years trying cases, mostly civil, I had tried just about anything you could think of; and that was enjoyable, but frankly I was hoping I could have another career. And I was very fortunate that Governor Deukmejian did nominate me. I was I think the last justice confirmed under Chief Justice Rose Bird, just a week before the election.

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Richard Huffman: Is that right, before the election in which she was defeated?

William Todd: Yes, and she knew my background, which wouldn't have made me a supporter of her; but she couldn't have been more gracious at that terrible time in her life, when she was facing a terrible thing for her.

Richard Huffman: The polls, as I recall, in those times were running very heavily against her at the time of your confirmation, so she must have been under some considerable pressure.

William Todd: I'm sure she was, but she couldn't have been more gracious, and I honor her for the way she conducted that matter.

Richard Huffman: How many justices were on the court here in Division One when you were appointed?

William Todd: I think there were seven.

Richard Huffman: You remained on the Court of Appeal how long?

William Todd: A little over eight years.

Richard Huffman: How did you enjoy that experience?

William Todd: It's my favorite experience really, but I think it is because I had had the other two experiences of being a trial lawyer and then a superior court judge before that. I would not have been comfortable up here if I hadn't had those experiences.

Richard Huffman: Somewhere . . . before we get into the work here on the Court of Appeal, as I recall you were involved with a community project, the Crime Victims Fund?

William Todd: Yes, Beverly DiGregorio, who had been a very active probation officer—actually, she conceived the idea; and she brought it to me and the two of us got that nonprofit organization going, with the help of a lot of attorneys in the community. I don't know how active it is today. But I'm very proud of that organization, because we raised funds to help small, what you can call little, people in our community who were victims of crime and had nowhere else to turn: people who would have their social security checks stolen or their glasses stolen or kids with paper routes whose bicycles were stolen. They could come to our organization through referrals from the police department and we could act quickly to solve their financial problems on an interim basis in a hurry. The state had its fund, but frankly, it took forever.

Richard Huffman: So this took care of people's immediate needs when they were in crisis?

William Todd: That's right, and it was very effective for quite a number of years.

Richard Huffman: You also served on the California Judges Association board; when was that?

William Todd: That was about two years after I was president of the bar. Jack Levitt became a superior court judge, and he was on the Executive Committee of the Conference of Delegates, and I took his place on that; but that was while I was still a lawyer. That was very interesting work too. We ran the Conference of Delegates every year. But then on the court, I was elected to the board of the California Judges Association, and it happened that I

was serving at that time that there was the initiative measure to curtail our income, our salaries.

Richard Huffman: That's right.

William Todd: We had a special subcommittee of our board who were the steering committee for our campaign against it. We raised a lot of money, as you can well imagine, mostly from sitting judges, and we ran a real strong campaign and we defeated that measure handily. It could have destroyed the California judiciary for I don't know—until it could have been remedied in some way—but if that initiative had passed, they were just going to cut our salaries to ribbons and change the outlook for judges in a horrible way.

Richard Huffman: There probably would not have been any much success in recruiting judges under that system, as I recall.

William Todd: It got harder and harder anyway.

Richard Huffman: Why do you think it's harder to recruit judges?

William Todd: First, the second-tier system of retirement for judges is not nearly as beneficial as the one that I enjoy; and secondly, lawyers make more and more money today. And once the big-firm complex really took over the law in so many respects, all lawyers in those firms made a lot more money, and I'm sure they felt they couldn't possibly afford to go on the bench.

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We see federal district judges retiring all the time to go back into private practice so they can send their kids to college.

Richard Huffman: That reminds me of your struggle when you were a judge; and comparatively, I suppose the salaries weren't quite as far out of line then as they may be now.

William Todd: I don't know. Actually, we were paid more than the federal judges were at that time. And it still was a pittance.

Richard Huffman: There's not much honor in that, I suppose. So when you joined the Court of Appeal, what was your reaction to the process to the judges that were in place at the time as to how decisions were made, the cases assigned?

William Todd: I think that I took Justice Staniforth's place on this court, I believe. He sat on assignment for a while once or twice, but I think that's the justice whose place I took. With a limited number, we had to rotate the panels differently, and you might sit on two different panels of three because we didn't have enough for three panels of three at that time. So there was more shifting around. There were, I believe, three justices at that time who had been nominated by Governor Brown; the rest, I think, by later Republican governors. I don't think anyone was still here that a Republican governor had nominated when I came. I'm not sure of that,

but Justice Cologne was gone. That's why I think the rest of them had been appointed later.

So I expected a strong ideological difference, divergence, and it wasn't nearly as strong as I had anticipated. One or two of my former colleagues who were then gone had told me that this could be very strong depending on the assignment for the month on your panel, but it never developed that way for me. I think there was one justice who was senior to me on this court who . . . he and I seemed to take issue from time to time, which, you know, you can't agree on everything; and we were certainly of different background, mental framework, on a lot of things. Other than that, though, it was a very collegial court almost from the beginning.

Richard Huffman: How would you say that divergence in philosophies affects the decisionmaking process, and is that often or only in some instances?

William Todd: Well, from my experience, it was only really and truly when I would be on a panel with two who had ideological differences. And in the beginning when that happened, it was significant. I wrote, I think, more dissents under those circumstances than any other on the court, and I wrote several which I thought were badly decided when it was that kind of a panel.

Richard Huffman: Is there any other of them that come to mind that stand out as cases that you would like to comment on?

William Todd: It was even later when that Security Pacific, *Williams v. Security Pacific* came along. That was the case where the car dealer had a very successful Buick dealership here in San Diego and the bank was flooring a different kind of dealership in Santa Monica; and they offered him the opportunity to take it over when it got in trouble up there, financial trouble. He spent a lot of time up there working on the premises, had access to all the books, and was even warned by his personal banker at Security Pacific that he shouldn't fool with that dealership; that the bank was really trying to unload it on somebody and he shouldn't do it because it might be his downfall.

In light of that warning, he still took it over. It went under, and because of that, he lost the Buick dealership here in San Diego. So he sued the bank and claimed they had defrauded him. And I happened to be the third on the panel, but there had been two previous justices who had to recuse himself for extraneous reasons; so I didn't get to hear oral argument, but I heard the transcription of it. I spent almost a whole summer digging into that case, and I was convinced that there wasn't justifiable reliance on any alleged fraud by the bank in light of his warnings from his confidential advisor at the bank, the guy who handled all his flooring.

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So I wrote a dissent, and I couldn't persuade either of the other two justices to change their minds. The only thing that I accomplished was

that the opinion was de-published by the Supreme Court and didn't become precedential law in the state of California. There was a strong attack against Security Pacific as a bank in the majority opinion and, I felt, very limited treatment of the plaintiff's conduct and state of mind when these things happened. But the ironic thing is the presiding judge in the superior court at that time and the trial judge of this case at that time were ultimately convicted of heinous crimes partially involving this case. If my dissent had become the majority opinion, that case would have gone the other way and it's conceivable that those judges would never have been charged criminally or have gone to prison.

Richard Huffman: That's the case, as I recall, where the attorney in that case was one Patrick Frega.

William Todd: He was the ringleader that caused the problems. Actually, one of the three judges didn't go to prison because he testified against the other two, and the other two did go to prison.

Richard Huffman: Along with the—

William Todd: The attorney, yes.

Richard Huffman: Much of it arose out of dealings with the judges and Mr. Williams, the car dealer.

William Todd: That's correct. In fact, I saw a check that Williams wrote to a different car dealership for car repairs for the trial judge, and he had the case name on the bottom of the check.

Richard Huffman: It might have been history in San Diego if that case had gone the other way. What other cases stand out in your mind from your appellate experience?

William Todd: I made a couple of notes about a couple of cases that I thought were particularly interesting. One was *People v. Larry James*. It was a horrible child abuse murder by a stepparent, a man who had been in the service. I think he still was in the Navy, but the wife worked and he was home a lot and in charge of this child who was a young child, 5 or 6 or 7. And there were torture allegations which were proved beyond a shadow of a doubt against this man. He once riding in the car became enraged at her and told her to open the car door and jump out; and if there hadn't been a passenger in the car, she would have done it. She was so frightened of this man that she was prepared to open the door and jump out of the moving vehicle.

He did other horrible things to her, and they found evidence of broken bones in her body and was covered with bruises and he finally shook her till he killed her. So he was convicted of first-degree murder, but historically, those kinds of cases had always been second-degree in the state of California, whether it was family relationships or the heat of sudden rage with a child. I don't know why it was, but . . . so we had no trouble affirming the first-degree murder conviction, and it was upheld by the Supreme Court. As I recall it went there and it was upheld; of course

it wasn't a death penalty case, but it was the worst child abuse case I ever saw. I was so gratified that the first-degree part of it held up. So that was a fascinating case.

(00:45:04)

People v. Garcia was a case where the expert witness for many of the law enforcement agencies in San Diego County, particularly on drunk driving cases, but on accident cases too, was found to have been using a faulty mathematical formula to determine speed from skid marks and so forth. And he had testified in a lot of cases, and *People v. Garcia* was one of them and the man was imprisoned. There were some other problems in the case, and it was on appeal and they were trying to settle the case. The attorneys for the prosecution knew of the problem with this witness. They didn't divulge it to the defense counsel, and this issue came to us. We finally appointed a superior court judge to take further evidence, and one of the findings was that these attorneys for law enforcement actually knew about this situation and had not give this potentially exculpatory evidence to defense counsel. So we had to reverse the case; and there were many other cases that had to be overturned because that had happened. It was a terrible thing to happen, and probably most of those people arguably were guilty; but the legal principle was quite solid and so we had to reverse that conviction. It affected a lot of other cases too. So that was very interesting and unfortunate.

An interesting case was *Yanase v. The Auto Club of Southern California*. The Auto Club had listed a motel out in the Midway area before you get to Loma Portal, and it was in the areas of some of the girly places, and they'd listed this motel in their directory. They hadn't given it any high ratings or anything, but it was listed; and this fellow went there and he was murdered on the premises. And so they sued on the theory that the publisher of this information, the Auto Club, should be liable for in effect recommending this motel.

Well, as I say, they hadn't made it one of their primary recommended places, but it was in their book, and we found that there was no liability on them under those circumstances. It was remote and had nothing to do with this person coming on the premises and killing this man. It was an open parking lot area. And that was upheld by the Supreme Court also. That was an interesting case.

Ferraro v. Chadwick was also very fascinating. This family had been accused of abuse on their own child. They went through a very distressing juvenile court proceeding dependency matter, and they lost. They were accused of murder, and they finally were exonerated totally of any responsibility in the murder trial that they had to go through. And we had the civil case that they then filed against the physician, who was the chief person out at—

Richard Huffman: Children's Hospital?

William Todd: Yeah, Children's Hospital—and one of the main supporters of the reporting laws enactment in child abuse cases. And we held that they had

absolute immunity under the new reporting law, which was clearly what the statute said, and that was upheld all the way up to the Supreme Court also. I don't know if any of that has ever changed beyond my time, but the immunity granted there was complete and it was necessary—because these people had misdemeanor criminal liability if they didn't report. So that was, I felt, a very important case at that time. This family had just gone through a living hell over this case, but these people, the doctors and all, had only done what the law required under this onslaught of child abuse cases, which our courts in San Diego had so many. And that was a fascinating case.

(00:50:20)

Richard Huffman: You must have sat on a huge number of cases in the eight years; I know that you published over 200.

William Todd: I couldn't believe when I saw that number, because most of us didn't set out to publish cases willy-nilly. There were some we did, I thought *[laughing]*, but the books are so full anyway . . . but most of us didn't publish unless we thought it was really an important principle. As you well know, the Courts of Appeal settle so much of the civil law in California because the Supreme Court, laboring under the death penalty and PUC cases that they have to take, can't take many civil cases, and they have to pick and choose huge, important statewide issues before they take a civil case. So if we felt we had an important precedential case out of our court, we would publish; but we didn't look for them as such.

Richard Huffman: There's been some suggestion over the years that the Courts of Appeal should publish all of their opinions or . . . and now they're actually placed on the website for 60 days even if they're not published. So collectors of opinions, they're out there now and people are using them. What do you think about that?

William Todd: So often there would be a novel theory in a nonpublished case that other attorneys certainly would be interested in those legal principles, although they didn't have precedential value. But they certainly would be valuable to attorneys with comparable or similar cases to develop the theory of law and then, finally, interest the Supreme Court in looking at that kind of an issue. It's only when you've really got some opposing views across our districts of the Courts of Appeal that the Supreme Court gets interested, so that seems like a good improvement to me.

Richard Huffman: Thinking back now, when you left in '94, after or at the end of '94—is that right, after 20 years?

William Todd: Right.

Richard Huffman: And then you went into private judging?

William Todd: Right, I moved back to my old law firm and had to become an active member of the State Bar to have my office with lawyers and went into private judging. And I worked very hard for 12 years, but I also made more money than I ever had in my life.

Richard Huffman: *[Laughing]* That's good. Do you work full time at it as a private judge?

William Todd: Yes, for probably almost 10 years I did. I cut down the last couple of years.

Richard Huffman: And now you retired from that as well?

William Todd: Last day of '06. I tried very hard to retire—went inactive in the bar. And I had an association with Judicate West by then and I terminated that; but wouldn't you know, a case I arbitrated last year has bounced back on me because the attorneys now want us to arbitrate the damage phase of the case. They never told us that last fall; we only did liability. We had no clue that they would be wanting us again. So I had to become an active member of the State Bar again and pay my dues for this year, just to hear this one matter.

Richard Huffman: This is your last—

William Todd: This is my last one.

Richard Huffman: What do you think about the . . . there's a lot of discussion about private judging and the argument that there's the risk of creating two-tier justice for those who can't afford it and those who can. What do you think about private judging as part of our process?

William Todd: I think in California we'd be, courts would be, bursting at the seams again, and we'd be hard-pressed to build enough courthouses to handle the load. I can go out and hire two people on the street to arbitrate an issue for me if I want to. They don't have to be lawyers; they don't have to be anything except people that I think would be fair. I'm disturbed that there's such a problem with private judging. Except in the instance where judges retire early from the bench, they're going to private judging.

(00:55:02)

I deplore that, because it's obvious that a person who has had judicial experience has a leg up in the private judging world because of his experience at public expense, sitting on one court or another. So I think except for that matter, I think private judging is a boon to our system of justice. We've disposed of civil cases that could take years to finish and millions of dollars sometimes in expense to the litigants for attorney's fees and costs and so forth, and we resolve them in weeks or even days, and the parties do it by agreement. There are advantages to them—they can pick their person—but it's opposing sides agreeing, so it's hard for me to see the detriment to the overall system in private judging.

I personally disagree with the rule which my beloved Chief Justice Malcolm Lucas instituted that precludes a retired judge from sitting on assignment if he's also sitting as a private judge. I can see some circumstances where that's arguably a problem, but if he doesn't have anything pending and doesn't take anything during the time of

assignment, I think it's a shame—because there's a wealth of experience among the retired judges who would be willing to take a short-term assignment from time to time and help the court system and they can't do it. There are many fine retired judges who chose not to go into private judging who sit on assignment and I'm sure assist the court a lot; but there's that wealth of experience that goes to waste, I think, that could be of assistance to the courts, particularly the trial courts from time to time, because of that rule. I'm sorry that that rule exists, but I know it's a hard-and-fast rule.

Richard Huffman: You mentioned Malcolm Lucas; you were on the Judicial Council during his tenure as Chief Justice?

William Todd: I was.

Richard Huffman: When was that?

William Todd: It was in the early '90s, just before I had my back surgery; you may remember that.

Richard Huffman: I remember that.

William Todd: Yeah, because I remember going to my last meeting and being hardly able to walk and carry my luggage. It was a very interesting and enjoyable experience. I was able to work with Professor Witkin when he was still on the council, before he passed away, and had a delightful time working with him. Chief Justice George was on the commission at that time. He was the chairman of the Senate Judiciary then; I don't know what his office is now.

Richard Huffman: Is that Bill Lockyer? He's now the State Treasurer.

William Todd: State Treasurer now. Well, he came to two meetings. He came the day he passed the bar; he came to the Judicial Council meeting. And the day they took the picture, he came.

Richard Huffman: *[Laughing]* You didn't have a lot of legislative participation, I take it.

William Todd: Well, not with him.

Richard Huffman: No. You've been in the system a long time, both as a lawyer, judge, appellate judge, private judge. How do you think the role of the judiciary has changed, if it has, from when you started as a judge to today?

William Todd: One of the big things that's changed is the advent of many, many appeals to the Court of Appeal. When I was a practicing lawyer very few cases, civil cases, were appealed, very few; and even fewer were reversed on civil issues. I mean, it was a rare thing for an attorney to appeal a civil case, and that's changed hugely.

Richard Huffman: Yes, I think there is a—

(01:00:00)

One of the changes that happens when you leave the trial court and go to the Court of Appeal is that you're no longer making the decision by yourself; you have to share or to work together with others.

William Todd: It takes two to tango.

Richard Huffman: It takes two for an opinion, right? What do you think about collegiality in the courts and how it can or should be developed?

William Todd: Well, I think it's one of the beauties of the system is the potential for developing collegiality among justices who may differ philosophically in a dramatic way, and after I got . . . Frankly, after we got into this building, after I got us this court set up here and we had to leave the old State Building down there, we really worked on that. We had an extra chambers for the future, and that became the justices' coffee room, if you recall, and I really tried to get everyone to come down there to have a cup of coffee many mornings. And it became . . . it caught on, and we got to be a lot more collegial, in my opinion. We became personal friends with justices with whom we differed philosophically by going down there and having coffee together.

In those days—I hear it's kind of changed now—but in those days we didn't go to lunch with one another very much at all, that I can recall. I understand that that's somewhat different now on the court as it exists today, but at least we'd got in the habit of having coffee together and talking over the issues of the day and significant developments in the law and so forth. And I thought it really added to the friendly atmosphere of our court.

I hope that from what others do now that that collegiality still exists. Certainly the court has changed dramatically since I left. But I think it's a very helpful thing, because you're going to be at odds over issues forever; and if you have a better, friendly relationship with your colleagues with whom you may differ, you handle those matters a lot easier. Reading about the U.S. Supreme Court recently—I can't remember what it was that I was reading, somebody's recent book about the innards of the US Supreme Court—I was amazed at the vitriol that still exists in our highest court and how pointedly they point their colleagues' errors out in writing on a regular basis. And we hardly ever saw that here in my time.

Richard Huffman: What do you think about that practice as a dissent? There's that point of view of really going after the other side and letting them have it. What do you think about that?

William Todd: I generally would deplore it. You certainly have a right to dissent when you're really convinced that it's gone the wrong way. And most people aren't looking for that opportunity, but when it comes along you're compelled to do it, and you can't help yourself; but to make it personal I think is completely wrong myself, and doesn't help in the judicial process.

The thing I don't like about the U.S. Supreme Court is all these splintered opinions that we're getting now. You get a five to four ruling, but you find out there are really four other theories, four other opinions—some by one, some by two—and so it splinters whatever slim majority there was to get the thing decided. And I don't think it instills public confidence in the precedential value of those opinions. So I think it's a bad system. I don't know. It doesn't seem like we see that in our Supreme Court so much. I certainly don't think we see the vitriol in our Supreme Court.

Richard Huffman: No, I don't think so. So that was one of the things that you enjoyed about your time here, was the collegial aspect of that?

William Todd: Yeah, I'm really a people person and I enjoy working with others.

(01:05:00)

You can learn a lot from hearing the other guy's viewpoint.

Richard Huffman: Is it awful sometimes when you listen and decide that they were actually right and you were wrong?

William Todd: That's right. *[laughing]*

Richard Huffman: That happened to you from time to time?

William Todd: I was trying to think. I really can't remember, but it must have. *[laughing]*

Richard Huffman: You must have been wrong once. You mentioned the building that we're in here in the Symphony Towers and the old State Building. We moved here in what, in 1989?

William Todd: I think so.

Richard Huffman: You were one of the principal movers of this.

William Todd: Dan Kremer made me the point man on where we were going to go and how we were going to arrange it. So I knew this building was about to start going up and the state wasn't interested in building a building for us, which would have been so cost-effective from their standpoint; but they weren't interested in doing that, nor were they interested in sending a real estate person down here to help us. They had a group . . . in the end we had to call them down here to approve of what we'd put together, but they didn't give us any help in the beginning.

So I had a young friend, Larry Irving's son, Craig, and he was a new lease broker in town getting his feet wet but working hard in developing a clientele; and he's now got one of the biggest lease operations that the city has ever seen. Irving Hughes is his organization. And the state wouldn't even agree to pay him a commission for doing this work for us. So he went to the—I can't remember who the broker was for the building folks—but he went to them and worked out a deal where he would get his

fee from the other side but he would represent us. And he negotiated a lease of this space and we were able to design this court the way we wanted it. And I have to say now, that we even bootlegged in our shower. *[laughing]*

Richard Huffman: You're finally going to admit to the shower? *[laughing]*

William Todd: Well, I'd visited a lot of appellate courts in the state and in Fresno; the former PJ there who went on the Supreme Court . . . now I can't say his name.

Richard Huffman: From Fresno?

William Todd: Yeah, he was on with Justice Lucas and all the USC guys. Justice Panelli. He overdid the work in their court, and he got the shower in there up there too. I saw that and I talked to him about it. *[laughing]* We were able to accomplish that here in our quarters also. It was a great thing for me when I had my back surgery because when I would go to therapy, I would come down here in my sweatsuit and then take a shower and clean up and put on my working clothes.

Richard Huffman: Well, I think we have people that still do, that work out in the various parts of the day. You've mentioned the Judicial Council; its role has changed a lot since you were on there.

William Todd: I'm sure it has.

Richard Huffman: What do you think the role, just sitting back and looking at the system if you were in charge and would like to make this now-statewide judicial system work, how would you do it?

William Todd: Well, of course, I wouldn't want to make it a statewide judicial system. To that end, I suppose, I feel that the Judicial Council now does more than I would choose to have it do. Perhaps that was inevitable with the philosophy of current judicial leaders. I felt we were better off when we had a little bit better control of our own local financing, particularly for the trial courts. I was budget officer in superior court for a number of years, so I used to fight the battle with the board of supervisors about our budget every year. But we did okay. They were supportive of the court. We did all right. So I hated to see local effort eliminated, more or less. It may be that we do better in the Legislature, I don't know, with a strong Judicial Council and the CJA lobbying effort organized on a statewide level, now that more of the function is statewide.

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I'm really not in a position to comment on that; but I always hate to see local control weakened or eradicated, because it seems to me the people on the ground where it happens are best suited to know what their true needs are. But I know that the system has changed, and perhaps it had to.

Richard Huffman: One of the things that comes up from time to time in discussions are issues of civility among the bar and the court's ability to run the courtrooms. What thoughts do you have about where we are now or what we should be doing to the court system?

William Todd: I was on a small committee that set the standard for the Broderick Award here in San Diego, an award which has really attained great stature, I think, in our legal community. We tried to cover the problem of civility in the nature of that award and made it a cardinal attribute of the honorees. I think for the most part the selections have succeeded; we certainly intended that that be one of the prime features, because we were beginning to see too much Los Angeles practice in San Diego.

When I came to San Diego in 1959, there were only about 750 lawyers in the county; and within a year and a half, I think I knew everyone by name, because I was at that McInnis firm. And we had the biggest share of the trial work—personal injury trial work, defense—and so I was taking depositions everywhere, all the time, and conducting pretrial hearings before Judge Simon Monroe all the time. So I met all of the attorneys and everything was on a first-name basis. And I think sometimes it was almost too loose, but on the other hand, there wasn't backstabbing; there weren't defaults being taken unduly. And I think more things settled amicably than is ever the case today. Even settlement costs significant money today. With the growth of the bar and the influx of large firms, particularly firms that come from Los Angeles or San Francisco, we saw a different attitude.

You didn't deal with the same attorneys as often, if a second time, at all; you didn't have the basis of friendship that we used to have. And now with over 13,000 attorneys, it's a whole different ballgame, and so the problem of civility has grown and grown and it's dramatic. And you see lawyers living by pen and paper or by computer, e-mail now; it's impossible to know most of the lawyers that you're going to deal with even in the civil area now. Even the specialized areas are so large that you can't know everyone. And that foments a lack of civility. I can't comment today how it is in the courthouse, because it's been a long time since I've been there. I didn't think it was ever a problem when I was in the superior court; and certainly we never had that kind of problem here—to my knowledge, that is—with judges being overbearing with attorneys. I've heard reports of some presiding judges being a little overly mean with lawyers who had to appear before them on a regular basis. But certainly we should strive for the standards of things like the Broderick Award standards, because without emphasizing civility, the thing can just go the other way too fast.

Richard Huffman: You were involved in the Inn of Court movement, and as I understand, there is the USC Todd Inn of Court here in San Diego?

William Todd: We've still got it going, yeah.

Richard Huffman: It's named after you.

William Todd: It is now.

Richard Huffman: It wasn't your idea at the beginning, I know that.

(01:14:59)

William Todd: I had told them not to do it, but I was no longer in the power. *[laughing]*

Richard Huffman: How many years have you been involved or were you involved with the Inn of Court?

William Todd: We were trying to figure it out, but we didn't check it completely. I think it's at least 15 years now with the Todd Inn, and I was a master in the Welsh Inn before that. But it's been a successful thing. Our idea was to have a place for lawyers, or at least students who had graduated somewhere at USC, even if they didn't go to law school there, to come together as Trojans, because we have so many of these Cal and Stanford pukes down here. *[laughing]*

So it's been a good experience, and there are not as many USC lawyers here as there are from those other law schools for whatever reason; but there's still a large number, so it's been a good experience to bring these young people in as they come down to San Diego. I think it's more important when there aren't so many of them that they have a chance to mingle with SC judges and lawyers, and I'm very pleased that we were able to accomplish that.

Richard Huffman: You're in, joins, with the other American Inns of Courts, at least once a year, don't you, for the annual event?

William Todd: Yes, an annual dinner.

Richard Huffman: That's a pretty large gathering.

William Todd: It sure is. I think there are six or seven Inns now. There have been a couple of new ones in the North County.

Richard Huffman: You think they've added, the Inns of Court have added, to the quality of the practice or the quality of the representation? How do you think they have impacted the system?

William Todd: I think particularly when you can attract young sole practitioners into the Inns, it's a dramatic thing for those young lawyers. They really don't have any other source of senior counsel, so to speak, and all you have to do is read the discipline reports and you see that so often it's a sole practitioner who has the problems. They get overburdened, it's hard to keep up with everything, and they have no one to share their problems with, no one to seek advice from in so many instances. So I think the Inn experience, particularly for those young attorneys, is dramatically helpful, and we try to do that as much as we can in our end.

Richard Huffman: Are there any words of advice that you would give to those persons who are starting, want to be judges, want to be appellate judges, want to join our system?

William Todd: Well, I've heard John Davies speak about it. It's still a political process. There's no question about that. Our current Governor is sort of changing that somewhat—about 50-50, I think—which I question his policy but he's the Governor. I think you've got to get active in the bar associations because you've got to meet other lawyers. You've got to make a lot of friends among your colleagues if you're ever going to get favorable consideration when you do apply for appointment to the bench. And of course, bar politics is helpful, it really is, because you're before your colleagues in a broader sense. And I heard John Davies state that being a bar president is a very helpful thing if you do aspire to the bench.

But almost anything that you do actively in the bar association is going to spread your acquaintanceship and get you before your colleagues. The other thing is to be a good lawyer. Represent your clients fully and fairly. Because then if you're educated, you're going to succeed more than not. Other attorneys certainly are going to recognize that. And they want people on the bench who can understand legal issues, who can grasp difficult issues. We know that none of us can know all the law. That's impossible. But if we know where to find the law, and can analyze difficult legal problems, and lawyers know that that is the case, they're going to be more likely to support you when it comes time to comment on your ability to serve as a judge. And in the end, it's those recommendations that come from your colleagues that largely determine, I think, who will be appointed and who won't be.

(01:20:19)

The other side of it is just making friends with as many lawyers as you can is going to add to your pleasure in life, because those are the people you deal with. I think it's a shame that so many of us tend to restrict so much of our friendships to the profession, because we're so involved that the bulk of our friendships come there that we don't make as many friends outside. So the next step is to get in the community too. Be active in your church, be active in community organizations, support good community activities, and you'll meet people there who will write good letters for you when the time comes. In the end, it's a political process*. [laughing]*

Richard Huffman: *[Laughing]* Let me just ask this now, and see if you have other thoughts you would like to share. You have seen the evolution of the California court system, the court system generally in the United States. What do you think the challenges that the court system face . . . any observations about where do we go from here with our court system?

William Todd: Well, there's a perception, I think, in parts of our citizenry that there are too many Caucasian male judges. I think there is that perception, and we read about the perception all the time. My view is that those who are empowered to appoint judicial officers are perfectly willing and happy to appoint well-qualified candidates who are not Caucasian males. It appears that way to me. So there's a public relations effort that needs to be made; and it's not an easy effort, because if you just compare populations, you'll see a disparity in that area that I described. But if you

compare members of the profession on an ethnic or other basis, it's a much different situation, and the odds on a percentage of a minority group having more qualified persons as potential judicial officers is very remote, it seems to me. The smaller the group, the smaller the percentage in absolute numbers is going to be.

So I think people have to understand that you can scour the entire bar and seek the best people you can find, but it's only going to be a percentage of all groups, all individual groups, it seems to me. The public should understand that. It's not to say that we shouldn't make every effort to look for those people and encourage them to make the effort, but I think people have to understand that within the profession of any particular group there will only be a percentage of highly qualified people, I think.

Richard Huffman: Do you have any thoughts that—we've ranged around background, trial court, appellate court, and kind of philosophized about the world—are there any other things that you would like to talk about?

William Todd: I think it would be very difficult in today's legal world for very many attorneys to come directly to a Court of Appeal and be comfortable in being able to say that this trial record shows a miscarriage of justice, unless that particular attorney has spent almost his life as a trial lawyer in a courtroom—because at the end of the day, in criminal cases particularly, but civil cases too, a lot of those are jury cases. You've got to figure out whether the litigants had a fair trial in the trial court; and in the end, that's the cardinal thing you've got to make sure of.

(01:25:18)

If I hadn't had the experience I had, I think it would have been very difficult for me to face that with confidence. I never felt that it gave me a problem on the appellate court. I felt I could see where there was a miscarriage of justice. And the bottom line is, that's the most important thing for us to do. If you haven't had that trial court experience, I think it's much harder to handle the volume of cases that you do here and the variety of issues, particularly in the criminal side, without trial court experience. So I admire justices who can do that handily, and I know there are those, but I think it's real hard. I think, for the most part, you've got to look to our highest level of trial judges to sit on the appellate bench.

Richard Huffman: Are there any other thoughts that you have as we finish this interview?

William Todd: I think that from the time I was in junior college, I knew that I either wanted to go one of two ways, either into the law or into journalism. That was my other interest. I did a lot of sports writing when I was in college, and ultimately I abandoned the journalism when I found out about the economics of it. I found out that the lowest guys on the totem pole did most of the work, got the least money and the fewer bylines, so I decided that I would prefer the law. I didn't set out to get rich, and I never did get rich as a lawyer and certainly not as a judge; but we had a good living and we've had a good life, my family. And money was never a

terrible problem. And I think a lawyer, if he works hard and is fair with his clients, is going to make a good living. I don't care how many there are, we always need another good lawyer.

But I think once I abandoned journalism and turned to law, I always wanted to be a judge. It was always in my mind whether enunciated or not. It wasn't enunciated much until my dear friend Bill Yale planted the seed and did an awful lot to help it happen for me. But I feel like I've had a completely satisfying career. I tried cases for 17 years and enjoyed it all; it was very stressful. *[laughing]* I tried cases as a superior court judge for 12 and a half years and I enjoyed nearly all of it; it was less stressful. I came to the Court of Appeal when I felt I was adequately prepared for it, and I enjoyed this experience immensely. Then I had my fourth career as a private judge, which I never knew, it didn't exist back when I started; and it's utilized all the experience I had in the courts, both courts, and my experience as a trial lawyer too, because I could understand the position of competing attorneys on either side. So I've had a four-level career, and I couldn't be happier about it. And now, I'm going to enjoy retirement. *[laughing]*

Richard Huffman: Good for you. And you've left 200 bylines behind in published opinions.

William Todd: That amazes me that there are that many.

Richard Huffman: Thank you very much.

William Todd: Thank you, Richard. It's been a pleasure.

Richard Huffman: All right. Okay.

Duration: 90 minutes
July 3, 2007