

Richard Aronson

Tom Goethals: Good morning. My name is Tom Goethals. I'm an Associate Justice here in Santa Ana of the Court of Appeal and we are here this morning, June 16, 2021, to conduct the Appellate Legacy Project interview of my colleague and good friend of 40 years, Associate Justice Richard Aronson. Good morning, Justice Aronson.

Richard Aronson: Good morning, Justice Goethals.

Tom Goethals: I'm looking forward to this. I'd like to swear you in so I could get the truth out of you after all these years. But I guess we will forgo that.

Richard Aronson: I promise to be forthcoming.

Tom Goethals: All right. This is the story of your life and therefore we're going to start at the beginning of your life. You were born in 1950 in some unknown hospital in Los Angeles.

Richard Aronson: True.

Tom Goethals: Why don't you tell us about your parents and your siblings and then we'll talk about your early years a little bit.

Richard Aronson: Okay. My father was from Baltimore. He was an Air Force pilot during the war, World War II.

Tom Goethals: His name was?

Richard Aronson: Milt Aronson and he was an instructor in the Army Air Force during the war and was stationed in Bakersfield and remained in Bakersfield after the war ended. My mother was from Santa Barbara and she grew up there and went to UCSB and then went down to SC and got a teaching credential and then her first job was in Bakersfield teaching grammar school and it was there that she met my father and they were married in 1946.

Tom Goethals: And your mom's name was?

Richard Aronson: Lorraine.

Tom Goethals: Her maiden name?

Richard Aronson: File(ph).

Tom Goethals: Okay.

Richard Aronson: My grandparents, her parents, were terrific people. They were--my grandfather was born in Milan in 1896. He came out here in 1900 as a small child and grew up here but had about a fourth grade education. My grandmother, French and Irish descent, was born in Arizona and moved to California and she had an eighth grade education. But they were they were just terrific people. They had a reverence for education and insisted that all their children go to college and they made that

possible. And I love them dearly. They were very close to all of us as we were growing up. And we're instrumental on our lives during some very rocky times. In any event, I came along in 1950 and my two sisters came along in 1957 and 1958.

Tom Goethals: And their names are?

Richard Aronson: My youngest sister is Marianne. In fact, today is her birthday and my sister in the middle is Sandra Lee. Sandy is one year older. So they were very close, obviously. They were close in age. And I was seven and eight when they were both born.

Tom Goethals: And you are still in close contact with them?

Richard Aronson: Absolutely. I'm very proud of them. They're terrific.

Tom Goethals: Where were you raised?

Richard Aronson: Out in the Valley in Los Angeles, San Fernando Valley. Although I didn't move out there until about the fifth grade. So, we were in Hollywood until then.

Tom Goethals: What did your mom and dad do as you were growing up?

Richard Aronson: My mother is a school teacher and my father was a stock broker and also was involved in real estate. He dabbled in many business enterprises. But primarily, he was a stock Booker.

Tom Goethals: And do you remember where you went to school? Grammar school.

Richard Aronson: I do. I was in a public school until the third grade and then -- I don't remember the name in public school but I was raised a Catholic and so I was placed in Saint Victors Parochial School in the fourth grade. And it was then it was staffed by nuns and I could not figure out the attire that these women were wearing. It looked odd to me.

Tom Goethals: The old fashioned habit?

Richard Aronson: The old fashioned habits. Exactly. So, I spent one year there and then when we moved to the Valley, I went to Saint Cyril's School out in Encino.

Tom Goethals: And did you have nuns there too?

Richard Aronson: We had none there too. Absolutely. Yeah.

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Tom Goethals: Were these stereotypical nuns who slap your knuckles with a ruler or the rosary beads or things like that?

Richard Aronson: Some were and some were very kind.

Richard Aronson

- Tom Goethals: What was a typical day in the life of Rich Aronson when you were 8 or 10 years old? What do you remember?
- Richard Aronson: My whole drive was to get out and play baseball and basketball. My mother who was a concert pianist tried to get me to learn the piano. I resisted that. I just didn't.
- Tom Goethals: Did you take lessons ever?
- Richard Aronson: I did take lessons. I hated them. And finally she gave up. But my dad supported me. And of course, years later, I regret not sticking with it.
- Tom Goethals: Could you play anything?
- Richard Aronson: I don't remember.
- Tom Goethals: Did you have a recital piece?
- Richard Aronson: I never got that far. But I remember, when I was in College, my mother told me that I regret it. I was in College and I went over to the girl's dorm with a friend of mine. And we were trying to impress some young ladies. And there was a piano in the lounge where you waited for people to come down and greet you. Anyway, when the girls arrived, we were talking and he goes over to the piano and start playing. And they were all impressed. And I realized then that maybe my mother was on to something.
- Tom Goethals: As mothers often are.
- Richard Aronson: Yeah.
- Tom Goethals: What else do you remember? Do you play Little League and all those sorts of things?
- Richard Aronson: Sure. My Little League baseball. And then I played basketball, Notre Dame High School.
- Tom Goethals: That we were just going to move from Saint Cyril's to Notre Dame. You graduated in eighth grade from Saint Cyril's and moved on to Notre Dame in Sherman Oaks. You were a black night of Notre Dame.
- Richard Aronson: I was. We were the knights. It was great. It was an all-boys school which is not the case anymore. They went coed years ago. But really enjoyed going to Notre Dame.
- Tom Goethals: In those days, Notre Dame generated some athletes.
- Richard Aronson: They did. I know. That's right. I didn't play on the varsity basketball team in my senior year because a guy named Tim Foley took my spot.
- Tom Goethals: Who ended up playing, I think, short stop for the New York Mets.

Richard Aronson

- Richard Aronson: And eventually Angels. He was the number two player selected in the draft that year. And he was also an old CIF quarterback. Anyway, he wanted to stay in shape so he decided to go out for basketball. And that pushed me down. I was going to come off the bench and play a little bit. We were really good. We were eight in the state or something.
- Tom Goethals: You had a forward or a center who ended up playing for the Los Angeles Raiders too, I think. Or maybe it was the Oakland Raiders.
- Richard Aronson: Yeah, John Vella played tackle for the Raiders, went to SC(ph). Anyway, Tim went out to stay in shape. I wasn't going to play. I needed the money. So I didn't play that year. But it was a good experience and I really enjoyed going to Notre Dame High School and really enjoyed the fact that we just thumped Loyola that year.
- Tom Goethals: Where I went.
- Richard Aronson: Where you went to school, right?
- Tom Goethals: Indeed. And of course, I'm much younger than you are.
- Richard Aronson: Yeah, not much. But.
- Tom Goethals: You remember anything else about Notre Dame? And what kind of student were you?
- Richard Aronson: I was a pretty good student. I mean, I was a kind of student that was interested in what I was interested in. I did well in those subjects but the stuff that I didn't like.
- Tom Goethals: What did you like?
- Richard Aronson: History.
- Tom Goethals: And what didn't you like?
- Richard Aronson: English, history, sort of the Liberal art stuff. Well, the math stuff was boring to me.
- Tom Goethals: You're not a science guy, you are a humanities guy.
- Richard Aronson: Well, I ended up liking science but I just was really fascinated with history and politics.
- Tom Goethals: So how did you decide where you were going to go off to College?
- Richard Aronson: Well, it's different than it is today. Today, parents are on their kids -- they take them to counselors. They get resume advice. They get advice on extracurricular activities so you look good to various colleges. I know parents that took their kids to campuses all over the country to see which College their kids would like.

My parents were just not involved. They expected me to go to College but it was up to me to decide and I didn't really -- I was going to continue with my Catholic education. I was going to go to a Catholic University. I made up my mind to do that. I ran into a friend of mine at halftime at a high school football game and he's saying "I'm at the University of San Diego" and he talked about the school and liked it a lot and sounded pretty good to me.

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I didn't want to go too far away. I wanted to stay close enough to home but I want to get far enough away where I was a little independent. San Diego was within driving distance at home so I applied there and went there.

Tom Goethals: Did you ever go down and look at it before you ended up --

Richard Aronson: I never did. I took his word for it. The first time I saw it, it was when I arrived on campus.

Tom Goethals: It's a beautiful spot though up there on the hill, isn't it?

Richard Aronson: it turned out to be a really beautiful campus, yeah.

Tom Goethals: One of my sons went there as you know and I could never go visit him during college because he lived on the beach front for three years and I was so bitter I was paying for that that I couldn't stand it.

Richard Aronson: Yeah.

Tom Goethals: You did the same thing.

Richard Aronson: I did the same thing, I lived at the beach a couple of years, yeah.

Tom Goethals: Right there on the sand.

Richard Aronson: It was very nice.

Tom Goethals: You didn't live out down the beach through your freshman year though, as I recall.

Richard Aronson: No, lived in the dorms. You had to live in the dorms.

Tom Goethals: Any experiences in the dorms you'd like to share with us?

Richard Aronson: I was lucky to remain in school. So, that was the last year. There were two colleges at USD; there was a men's college and a women's college and they were in the process of uniting. But that was the last year the two colleges were separate. So in the men's dorm, of course one of the rules was you couldn't have any women over.

Tom Goethals: People watching this may find that hard to believe but there were two campuses. A men's college and a women's college on the same campus

Richard Aronson

and you couldn't cross-pollinate in the dorms. Women were not allowed to come into your dorm rooms.

Richard Aronson: Right. We all ate together in the cafeteria, but that was it. And the dorms by the way were large. We have a living room, two large bedrooms in the back and a kitchen. Anyway, I had a friend over and we were sitting in the living room talking --

Tom Goethals: The friend was not a male.

Richard Aronson: Not a male. And was very innocent and they had proctors in the dorms to keep an eye on what was going on and the proctor that weakened happened to do a check and discovered my friend and I talking in the living room and so that was an offense that could've led to my expulsion. And thankfully, the proctor was understanding and grounded me for the following weekend but did not report me. It turned out he ended up being my pledge father in the fraternity that I pledged, the Alpha Delta Gamma and he's just a good guy. He ended up being the head of the FBI in San Diego and then later on I think the head of the DAs in Investigation Unit in San Diego as well.

Tom Goethals: And so, he didn't kick you out of school or recommend that you get kicked out of school.

Richard Aronson: He didn't kick me out of school. I think how my life would've been different, yeah.

Tom Goethals: Tell us about your fraternity experience, if there's anything to tell.

Richard Aronson: You know, it was just a typical fraternity and it was in the 60s and fraternities were losing their attraction. People were growing their hair longer. It was a movement time. There was the Vietnam war going on. And actually, our fraternity started to fell apart towards the end as well. It was a small school. There were only three fraternities on campus. But I made a lot of friends. Looking back at it, I don't regret that experience. I could've done without Hell Night which was not a pleasant experience.

Tom Goethals: Did the Fu Manchu, the famous Fu Manchu appear during your undergraduate years at USD?

Richard Aronson: I don't know why you think I had a Fu Manchu. I didn't have a Fu Manchu. I had a mustache.

Tom Goethals: I've seen photos and it looked rather Fu Manchu-ish to me.

Richard Aronson: Well, all right.

Tom Goethals: And did that appear during those years, or later?

Richard Aronson: I can't remember. It was too long ago.

Tom Goethals: All right. At some point you decided you were going to go to law school.

Richard Aronson

- Richard Aronson: I did.
- Tom Goethals: Tell us about that decision.
- Richard Aronson: Well, I took a course sort of -- a constitutional course, a legal course in undergraduate school, liked it.
- Tom Goethals: What was your major by the way as an undergraduate?
- Richard Aronson: Political Science and History.
- Tom Goethals: Okay, go ahead.
- Richard Aronson: And my roommate was going to law school and a lot of friends were going to law school. And if you remember, it was during the Watergate period. There was a big uptick in applications and I was swept along in that crowd. I wanted to contribute to the cause of justice. It sounded like something that was worthwhile and so I applied to law school, went to USD.
- Tom Goethals: I was going to say you applied to Harvard and you went to Harvard.
- Richard Aronson: I went to the "Harvard of the West".
- Tom Goethals: There we go. So, you stayed in San Diego.
- Richard Aronson: I stayed in San Diego, yeah. Actually, it was financially convenient for me to do that for various reasons. One, is I could continue living with my roommate, John Murphy who's partner in a nice law firm up in Bay Area right now.
- Tom Goethals: Still a close friend of yours?
- Richard Aronson: Still a close friend, absolutely.
- Tom Goethals: And what did you like or disliked about law school?
- Richard Aronson: I liked the interest in the passion for law and being interested in studying and understanding things was not frowned on. I was in a fraternity as I've mentioned and there were a lot of jocks in that fraternity. It was the jock fraternity and if you showed an interest in academics, you were -- that wasn't something that was necessarily valued. It wasn't frowned on but it was -- there were other things more important like --
- Tom Goethals: Drinking beer and chasing girls?
- Richard Aronson: Exactly. Like what was going to happen. The horizons didn't extend beyond the next weekend. In law school it was interesting. There were a lot of interesting things to discuss and many people in law school were older. Some had served in the Armed Forces and it was a more serious environment. And I appreciated it, I like that.

Richard Aronson

- Tom Goethals: Some people that we know here in Orange County I think were in law school with you, right?
- Richard Aronson: A lot of people, yeah.
- Tom Goethals: A lot who some of them became judges and successful lawyers.
- Richard Aronson: That's right.
- Tom Goethals: Some had military background, some of those people.
- Richard Aronson: Right.
- Tom Goethals: You have retained some connection to the University of San Diego Law School all these years later.
- Richard Aronson: I have, right. I'm on the Board of Visitors for the law school.
- Tom Goethals: And they gave you some award.
- Richard Aronson: Yeah, they did.
- Tom Goethals: What was the award they gave you? I forget.
- Richard Aronson: It was distinguished alumni, one of those awards.
- Tom Goethals: One of those pieces of glass you have in your office?
- Richard Aronson: Right, yeah.
- Tom Goethals: And by the time you graduated from law school, did you have a vision for your legal future?
- Richard Aronson: I wanted to be a trial attorney and that was always a goal. My uncle was a trial attorney in Orange County.
- Tom Goethals: We're going to talk about it. Your uncle is a lawyer who has since passed away but who cut a wide swath through Orange County for about 50 years named Syl Aronson.
- Richard Aronson: Exactly. He was an excellent trial attorney and he came to Orange County in the 50's after graduating from George Washington University Law School and was one of the earliest members of the DA's office. I think there were 8 to 10 people in the DA's office at that time. So, I think it's about 250 now. So, he was one of the legal icons in Orange County.
- Tom Goethals: As a young prosecutor I met your uncle 40 years ago and almost every young prosecutor hated your uncle. When I found out that you two were related, I found it hard to believe. Frankly, I didn't believe it for a long time but now I certainly accept that Syl was your uncle.
- Richard Aronson: Did everyone hate him? I know that he could be --

Richard Aronson

Tom Goethals: The word bombastic in the dictionary had Syl's picture next to it I think.

Richard Aronson: True. But he was friends with Jim Enright and Eddie Freeman who were -- they were in the DA's office together.

Tom Goethals: Sure.

Richard Aronson: So, those are good guys. They like Syl. Syl like them.

Tom Goethals: Later in life, I got a big kick out of Syl. I grew to like him. Most people did but he tried to intimidate young prosecutors.

Richard Aronson: Okay, yeah.

Tom Goethals: So, would you attribute your interest in becoming a trial lawyer largely to Syl's influence?

Richard Aronson: Partly. I have to tell you, I saw Anatomy of a Murder and Jimmy Stewart and George C. Scott in that movie. It's a great movie.

Tom Goethals: Sure.

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Richard Aronson: And the guy that I really liked was the prosecutor from East Lansing who came down to this little town to try this murder case and that was George C. Scott. And that's what I wanted to do. I wanted to be a prosecutor. Ironically, Ray Ikola, my colleague, grew up --

Tom Goethals: Our colleague here on this court, yeah.

Richard Aronson: On this court, grew up in that town, knew many of the people that were in Otto Preminger's movie and I guess that's a small world.

Tom Goethals: That is interesting.

Richard Aronson: Example.

Tom Goethals: So, you get out of law school and you decided "I'm going to be trial lawyer" in those days often that led a young lawyer to apply to a government office. We both did that. And what happened with you?

Richard Aronson: Well, I applied to the Orange County Public Defender's Office. I know I want to be a prosecutor but I want to get into court. And I would have applied to the DA's office in Orange County but I was told not to bother. My uncle was the defense counsel for one of the members of the board of supervisors who were being prosecuted by the second in command in the DA's office.

Tom Goethals: Those were famous cases back then at the time.

Richard Aronson

Richard Aronson: They were big cases back then. In fact, there was a change of venue. The cases were tried in San Diego. And the prosecutor did not get along with my uncle and he didn't want another Aronson in the office. Years later, we became friends anyway. And then I applied to San Bernardino District Attorney.

Tom Goethals: How did you end up out in San Bernardino?

Richard Aronson: Well, a friend of mine who went to law school with me, she was out there and loved it and urged me to apply out there and I did. I interviewed with the public defender's office here and interviewed out there, got the job offer first out there and was told I was going to get an offer from the public defender's office. But my uncle told me to take the DA's job that I would learn more doing that. And he was right.

Tom Goethals: So you did. So you went to San Bernardino and stayed there for four or five years?

Richard Aronson: Three years.

Tom Goethals: And within less than two years, you transitioned from trying basic misdemeanors to murder cases?

Richard Aronson: I did. It was an early track. There was opportunity there because for various reasons. So I was trying murder cases 15 months after I passed the bar.

Tom Goethals: That wouldn't likely happen today.

Richard Aronson: That would not happen today.

Tom Goethals: But you were not anchored in San Bernardino really for those three years, were you?

Richard Aronson: Well, no, but a friend of mine came out, John Condas(ph) who came out and lived with me. He got a job there too and we were roommates. So I could've stayed out there, it was comfortable.

Tom Goethals: But didn't you come back? You didn't spend your weekends, most weekends, in San Bernardino, did you?

Richard Aronson: John and I drove to San Diego. We had friends in San Diego. We had to get out of San Bernardino. It was smoggy and hot and we went down to the beach.

Tom Goethals: And you were cutting the wide swath in your bachelor days through San Diego County?

Richard Aronson: I mean, we had fun.

Tom Goethals: Okay. So after three years of living that sort of split life spending your weeks in San Bernardino and your weekends in San Diego, you decided it was time for a move?

Richard Aronson

Richard Aronson: Yeah. My uncle invited me to come down and join him in practice.

Tom Goethals: Here in Orange County?

Richard Aronson: Yeah, my family is down here, so I made the transition.

Tom Goethals: When you say your family, your mom had to moved Orange County?

Richard Aronson: No, she hadn't. She was still up in the valley. But my uncle, my cousins were down here and it was closer to home and so I decided to come on down.

Tom Goethals: Left the DA's office and joined Syl Aronson in practice, Aronson & Aronson.

Richard Aronson: Well, no. It was still one Aronson.

Tom Goethals: But you came and made appearances for Syl on his cases and began to learn the defense side of the business.

Richard Aronson: Yeah. And I did some civil work too, a little bit. So I stayed with Syl for about 15 months, but I primarily rode the circuit continuing his drunk driving cases. My uncle specialized in drunk driving cases.

Tom Goethals: That he did.

Richard Aronson: Yeah.

Tom Goethals: That's why he knew so many young prosecutors.

Richard Aronson: Right.

Tom Goethals: After 15 months, you moved again.

Richard Aronson: I did. I wanted to get back into court and try cases and get to know people, and I didn't think I was -- I was a little bored in private practice with Syl.

Tom Goethals: So where did you go?

Richard Aronson: The public defender's office.

Tom Goethals: How did that happen?

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Richard Aronson: Well, I would meet -- or did meet several people in the public defender's office when I was doing sever -- I had some of my own cases, and met Jennifer Keller among some other people, and she urged me to apply. We became friends, played racket ball together.

Tom Goethals: She was a young deputy public defender at the time.

Richard Aronson: She was.

Tom Goethals: She's gone on to greater glory as a trial lawyer since, but we'll get probably back to Jennifer again as we move forward. Okay, so she, among others, encouraged you to apply. You applied, and the Orange County Public Defender offered you a job. Who was the public defender then?

Richard Aronson: Ron Butler.

Tom Goethals: Rest his soul. There was a plaque on the front door of the public defender's office before they knocked it down over here across the street. Wonder if they transferred the plaque to the new building. Do you know?

Richard Aronson: I don't know. He's a good guy.

Tom Goethals: He was a good guy. Well-known and well-respected. How long did you work for the public defender?

Richard Aronson: Let's see. I joined in 1980 and it was about eight years, I think, yeah.

Tom Goethals: And rose through the ranks?

Richard Aronson: I did. I was eventually -- so I had a standout in North Court in Fullerton and then came down went to the felony panel and tried some cases and then eventually joined management and was the head of written appeals and also the head of the homicide unit.

Tom Goethals: Which was maybe when you and I met.

Richard Aronson: I think so.

Tom Goethals: Perhaps.

Richard Aronson: Right. I think that's right.

Tom Goethals: I was a prosecutor and you were a public defender and we met in an Orange County courtroom as I recall one morning. I was prosecuting your client for murder.

Richard Aronson: That's right. We had a preliminary hearing in front of Jean (00:26:48), I think.

Tom Goethals: Indeed. That was probably early to mid-1980s.

Richard Aronson: Mid-1980s I think, yeah.

Tom Goethals: And somehow against all odds, I don't think it would happen today, but we found out we had a lot in common and we have become very close friends over the years.

Richard Aronson

- Richard Aronson: That's right.
- Tom Goethals: We hate to admit that on video tape, don't we?
- Richard Aronson: Yeah.
- Tom Goethals: Okay.
- Richard Aronson: We also would run together.
- Tom Goethals: Indeed. Let's talk about that for a minute. You have mentioned your athletic prowess at various stages. You've already sort of fancied yourself a world class athlete, wouldn't you say?
- Richard Aronson: No, I wouldn't say that.
- Tom Goethals: In any event, by the mid-'80s we were both running on a regular basis and there was a group, if you worked for the government, I was in the DA's office, you were in the public defender's office. A group of us would run every day at noon just about, right?
- Richard Aronson: Right.
- Tom Goethals: What do you remember about that?
- Richard Aronson: That was fun. There were a lot of people that did that. And it was a good way to, for the defense bar and prosecutors to get to know each other and talk to each other, become friends. You know it's too bad that -- it was just a more civil time, I guess. And that fostered developing relationships and also there were judges that ran and I got to know Jim Smith, who's became a very good friend, Judge Smith.
- Tom Goethals: He was a presiding judge at the Orange County Superior Court at one point.
- Richard Aronson: Later on he became the presiding judge, right. But at that point, he was a judge out in west court.
- Tom Goethals: That's right. That's where I met him, I think.
- Richard Aronson: Yeah. And I got to play -- so I played basketball. In fact, I was on the freshman team at USD. And so, Jim was a big basketball player, he played at Pacific, and invited me to --
- Tom Goethals: Redlands, I think.
- Richard Aronson: Or Redlands, rather, not Pacific. And he invited me to come out and play some pickup games with Mike Curran and Gary Polson, and we all became good friends.
- Tom Goethals: Indeed. And other judges were runners. Dave Carter, for example.
- Richard Aronson: Dave Carter, absolutely.

Richard Aronson

Tom Goethals: Federal judge, sitting across the street from us right now. (00:29:02) over there, did 20 years in the superior court, now has done 20 years in federal court, I think.

Richard Aronson: Yeah.

Tom Goethals: All close friends of ours.

Richard Aronson: Right.

Tom Goethals: And we ran in an unusual even for many years.

Richard Aronson: We did, Baker to Vegas.

Tom Goethals: Tell us just briefly about that.

Richard Aronson: Well, you did that before I did. I mean, I didn't start running my leg at Baker to Vegas until the late '90s, and I was on the bench then, I think.

Tom Goethals: I think you were.

Richard Aronson: Yeah.

Tom Goethals: Just tell us what Baker to Vegas was in 25 words or less.

Richard Aronson: Well, I was a relay race from Baker into Las Vegas.

Tom Goethals: Baker out in the middle of the California Desert through the mountains overnight.

Richard Aronson: Right. Which was how many miles?

Tom Goethals: Hundred and twenty miles.

Richard Aronson: Hundred and twenty miles, yeah. So they had various legs. We went over hills. It was a tough slot.

Tom Goethals: Mountains.

Richard Aronson: Mountains.

Tom Goethals: Snow, heat, wind.

Richard Aronson: It started in the evening and the run ended up early in the morning in Vegas.

00:30:01

Tom Goethals: Indeed.

Richard Aronson: Or later.

Richard Aronson

Tom Goethals: Indeed. Always an even. always an adventure. All right. So you've made your way to the Public Defender's Office. You're in management, you're running the homicide unit which suggests that they thought you were the best trial lawyer in the office and yet after seven or eight years you decided to move on once again.

Richard Aronson: Well, it was just an opportunity that I didn't really seek but I was grateful for.

Tom Goethals: Tell us about that.

Richard Aronson: I got a call one day from someone who worked as a lawyer for Justice Sonenshine in the Court of Appeal as a research attorney. That person was leaving. He was a former prosecutor. We used to have motions against each other and asked me if I would be interested on coming over and taking his spot.

Tom Goethals: As a senior research attorney here at the Court of Appeal.

Richard Aronson: Right and I interviewed with Justice Sonenshine and I took a leave of absence. You could do that on those days and I came over and was a lead staff attorney for her for about a year and a half.

Tom Goethals: How do you think that impacted your legal career?

Richard Aronson: Well, there are many huge difference and I got exposed to the appellate side of things. I enjoyed that quite a bit and I enjoyed being a neutral. As an advocate sometimes you're trying to stick a square peg on a round hole. Some of the arguments are not -- you feel it's tough.

Tom Goethals: You're a vigorous advocate --

Richard Aronson: Yeah, you wanted to be a strong advocate but in terms of your comfort level, my comfort level, I felt better about just looking at and try to get the right result.

Tom Goethals: So that was the first time you ever sort of assume the role of a neutral and it sounds like you liked it.

Richard Aronson: I did. And then when an opening came up for a spot as a commissioner, they were looking for a commissioner in the Superior Court, I decided to apply.

Tom Goethals: What year was that?

Richard Aronson: 1989.

Tom Goethals: Before we leave that senior attorney position, there were some iconic justices here at that time. Any of those have any influence on you?

Richard Aronson: Well, in Orange County we didn't have an Appellate Court for years until I think 1988 and the first four justices there were Justice Sonenshine,

Justice Tom Crosby, Justice Ed Wallin and Justice John Trotter. Now those were the original members in the Court of Appeal.

(Voice Overlap)

Richard Aronson: That's right.

Tom Goethals: And any of them have a particular impact on you?

Richard Aronson: Well, they all did. Although Trotter to less extent because Justice Trotter left after about a year and a half. But Justice Crosby was real interesting guy. Very intelligent, terrific writer, and a passion for law and would not -- was always skeptical of the conventional view, always questioning things and it was really enjoyable the --

Tom Goethals: Still an icon here, wouldn't you say?

Richard Aronson: Still an icon, right. He was very influential on a number of people including Jennifer. She worked for Ed Wallin and Justice Wallin was a terrific person and nice and terrific guy.

Tom Goethals: So a year and half year here, the Superior Court beckons with the commissioner job. You take it.

Richard Aronson: I did. I was lucky to get it.

Tom Goethals: What do you think you're going to do as a commissioner initially?

Richard Aronson: I didn't know. I was willing to do anything they wanted me to do and I --

Tom Goethals: What did they have you do initially?

Richard Aronson: I was assigned to be the discovery commissioner. So they had a law and motion department then. It was Justice Rylaarsdam, Judge Rylaarsdam then, was the head of it. He was later my colleague in the court. Judge Brower, Ron Brower was there and Judge Aileen Moore was there who was also a peer and is my colleague. And then I joined them. And so they did the summary judgments. They did the demurrers. They did all the law and motion in the court except for discovery. I did all the discovery motions. Probably because they didn't want to do them.

00:35:18

Tom Goethals: Interesting because you didn't have a lot of civil background.

Richard Aronson: I hadn't thought about -- the last time I thought about civil law was when I took the bar and I was just a criminal lawyer.

Tom Goethals: So you had to take on that new responsibility.

Richard Aronson: Well, they threw me into the pool. I just managed then.

- Tom Goethals: And you didn't drown on.
- Richard Aronson: Well, they had research attorneys. They said would help you but yeah, it was quite an education.
- Tom Goethals: How long did you do the discovery work?
- Richard Aronson: About a year and a half.
- Tom Goethals: And then what did you do?
- Richard Aronson: Then I was assigned to try criminal cases.
- Tom Goethals: You were the first as I recall full-time commissioner who got a full-time felony trial slot.
- Richard Aronson: Up to that point, the commissioners did law and motion matters. They didn't do jury trials. So I was the first commissioner to get that opportunity.
- Tom Goethals: So how did you get them to give you that job?
- Richard Aronson: I don't know. Jack Ryan was the presiding judge in the criminal department and we got to talk about some legal issues. I got to know Jack because he had some pretty serious criminal cases when he was a judge on the criminal panel. And we've reviewed them when I was a research attorney in the Court of Appeal. He knew I worked for Sheila Sonenshine and so we got to talk about those cases and the issues that came up. There were some issues about determinant sentencing and I think he thought I could do the job.
- Tom Goethals: It's an interesting assignment because as your viewers will understand, lawyers don't have to go to commissioners. They have to stipulate and in a criminal case that means both the prosecution and the defense has to agree to stipulate through a commissioner and they did that with you.
- Richard Aronson: I did.
- Tom Goethals: You had a full-time active trial department. Why do you think that happened? How did you get them to all to stipulate with you?
- Richard Aronson: I don't know. I have no idea. I don't know. I just -- I don't know.
- Tom Goethals: It worked.
- Richard Aronson: Yeah, it worked.
- Tom Goethals: And so how long did you stay in this slot?
- Richard Aronson: I stayed there, let's see -- I was I think '90, '91 to 1996 I think, '96 to '97.

Tom Goethals: Let's back up and talked about a sensitive area that I think we need to talk about. You and I talked about this in advance. Let's talk a little bit about your personal life. At some point you met a lovely, young woman and married her.

Richard Aronson: I did.

Tom Goethals: And who was that?

Richard Aronson: Linda was her name.

Tom Goethals: How did you and Linda meet?

Richard Aronson: Well, when I was in Orange County invited -- I was going to go to a party one night. I'm single in Orange County living with a friend of mine and I mentioned John Cotis. He was my roommate in San Bernardino and he was my law school roommate and he stayed in the DA's office. And I invited John down to go this party with me and he brought two of his friends, say two court reporters. One was the woman who he was seeing at the time and end up marrying later on and her friend who was Linda. And they came down and we were introduced. We were in our apartment, my apartment and I remember her sitting across the room, somebody said something amusing and she turned and smiled at me and I still have that perturbed firmly embedded in my mind.

Tom Goethals: So you knew there was something special there.

Richard Aronson: I thought she -- yeah, I was attracted to her.

Tom Goethals: What year would that have been, more or less?

Richard Aronson: That was 1988 I think, 1988 or not. Yeah, 1988.

Tom Goethals: Okay. Then so you pursued Linda and eventually you convinced her somehow against all odds to marry you?

Richard Aronson: I did.

Tom Goethals: And when did you get married?

Richard Aronson: We got married in -- God, I'm sorry. I'm blanking. We got married in 1980.

00:40:01

Tom Goethals: I was going to come back in '88.

Richard Aronson: I know.

Tom Goethals: It's way too late.

Richard Aronson: That's right. I was in the public defendant's office since. So, this was 1980 and we got married in 1981. And she came down in that summer

Richard Aronson

-- the summer before we got married, she came down and worked for Judge Perez. She was a court reporter and --

Tom Goethals: That's where I met Linda as you know. I was assigned at Judge Perez, James Perez as his deputy DA. And so Linda and I also met and knew each other and she was a terrific human being. I didn't know that you had your eyes on her at that point. I was already married to my lovely wife but Linda and I were friends as well. So when did you get married?

Richard Aronson: 1981.

Tom Goethals: Okay. Thereafter you had a couple of beautiful children.

Richard Aronson: We did.

Tom Goethals: Tell us about them.

Richard Aronson: I had little girl in July of '82 and a little boy born in June of '84.

Tom Goethals: Aimee(ph) and Richie(ph).

Richard Aronson: Aimee and Richie.

Tom Goethals: Okay. We need to get to where that story turns. At some point the story did turn in your personal life. Why don't you just tell us about that?

Richard Aronson: After Richie was born, Aimee was diagnosed with cystic fibrosis. And so which was a terminal disease. It still is, unfortunately. And so, it was a blow to us, obviously. It was strange because her cheeks were rosy and she had a glow about her. So for those people who don't know what cystic fibrosis is it's a genetic defect that results in an over production of the mucous membranes throughout your body. So the mucus compromises the function of the pancreas that collects in your lungs and its fertile ground for infections. And so you can give antibiotics to clear that up but after a while then the body -- the bacteria develop a tolerance to the antibiotics. Scar tissue forms in the lungs and eventually these children. And then it was children end up dying. So that's what happens. The treatments are better now and they manage to get to young adulthood or some even are living 30's and 40's.

Tom Goethals: But you lost Aimee?

Richard Aronson: I lost Aimee.

Tom Goethals: How old was Aimee?

Richard Aronson: She was eight that happened. And before Aimee passed away, Linda was diagnosed with ovarian cancer. We thought got it early. So that was 1988 and she sort of aggressive treatment and surgery. There was a chemotherapy and she went through some bone marrow transplants and it looked like it was going to be okay. I'm sorry. The bone marrow transplants happen later. Anyway, she got a clean bill of health for a

while. And then Aimee continued to struggle. Aimee died in 1990 and then the stress on that I think led to the cancer resurfacing for Linda and she passed away the following year in 1991.

Tom Goethals: And that's part of your life story so I told you I thought we had to talk about that. I appreciate you doing that. But it also had something to do with your professional decisions that you were making at the time.

Richard Aronson: Yeah, it did. So, I always thought about joining a big firm or going out in the private practice again but that was -- I couldn't do that because we had to keep the insurance. I had to keep the government insurance. I was also lucky to get a judicial position, a commissioner spot, because it was doing a large part because of Linda. So there was an --

Tom Goethals: Why do you reach that conclusion that Linda helped you get that job as a commissioner?

00:45:03

Richard Aronson: Well, there was an interview process. They've reviewed the applications and they interviewed a few people they were considering. And there were five people in the committee. Jim Smith was one of them. So I knew he would vote for me. He encouraged me to apply. And there was another candidate, a good friend of mine who was a family law lawyer and I knew two people would be voting for her and I think there was one other person on the panel that was going to vote for me. So it was going to come down to one Judge in North Court who was on the interviewing committee. And during the interview he didn't seem that interested in my responses until I mentioned that I was married to Linda. And he brightened up because his court room was next door to Jim Perez, the Judge that Linda worked for and she used to go over there and fill in for his court reporter. Judge Ross' court reporter. And I'm convinced that that's the reason that I heard later that he voted for me. I was selected by a three to two vote.

Tom Goethals: And it wasn't on your merit -- It was on Linda's merit.

Richard Aronson: Right.

Tom Goethals: Okay. So you lost Linda and you lost Aimee but Richie was till --

Richard Aronson: Right.

Tom Goethals: -- the light of your light.

Richard Aronson: My boy.

Tom Goethals: Yeah. And how old is Richie?

Richard Aronson: Richie was in 1991. He was seven, this was a tremendous blow for him.

Tom Goethals: And you. And so you stayed in the commissioner's job during that time.

Richard Aronson

- Richard Aronson: I did.
- Tom Goethals: And it makes sense both professionally and personally for you.
- Richard Aronson: I did, I just concentrated on Richie and working.
- Tom Goethals: Indeed. And then so you charged along. Well, let me talk about -- let me just jump to something else I want to make sure I talk about. You had been a very fortunate human being in your life despite the terrible losses that you just described because you found your early love in Linda, in Aimee and Richie, then you lost Linda and you lost Aimee and yet you just recently celebrated, I think, a wedding anniversary didn't you?
- Richard Aronson: My 26th wedding anniversary, right.
- Tom Goethals: And somebody has resurrected your life to a large degree, your beautiful wife Sherry(ph).
- Richard Aronson: Right.
- Tom Goethals: Tell us about Sherry.
- Richard Aronson: I met Sherry in 1993, '92 -- no late 1992 and --
- Tom Goethals: How'd you two met?
- Richard Aronson: A friend of mine, she worked in Home Fed in San Diego and a good friend of mine introduced us, it was a blind date.
- Tom Goethals: And was there immediate electricity at least on your part?
- Richard Aronson: Yeah, I can't speak for Sherry. I don't think that was the case for Sherry but I was certainly interested. She was just so vivacious and energetic.
- Tom Goethals: And still is.
- Richard Aronson: And still is. And --
- Tom Goethals: Tell us a little about your --
- Richard Aronson: Well, she made me laugh again. She was interested in sports which I'm also interested in sports. So our first night out, we went out with my friend and his wife. She is from Oklahoma State. She's a big football fan. She was telling us about her rivalries and Oklahoma was the big rivalry for Oklahoma State. But also in Nebraska was. And she was telling me that Nebraska had this sort of -- of course they were known. They were powerhouse football team then but they were also -- they considered themselves a strong academic institution. In fact, the N, people don't really know his, she was explained to me, but the N in the Nebraska Helmet stood for "knowledge."
- Tom Goethals: And she got a big kick out of that, didn't she.

Richard Aronson: I thought that was pretty funny. I like that.

00:50:00

Tom Goethals: Sherry is still huge Oklahoma State Cowboy fan, football fan.

Richard Aronson: The prince into the prairie is how she describes her alma mater.

Tom Goethals: And during football season, on Saturdays, wherein the Cowboys are playing, it's hard to get Sherry Aronson's attention still.

Richard Aronson: She was the president of the Oklahoma State Alumni Association here in Orange County and I had -- she dragged me along to many of those get-togethers where they would meet at a restaurant and watch the game.

Tom Goethals: The football viewing parties.

Richard Aronson: Right.

Tom Goethals: Indeed. Anything else you want to say about Sherry as we move along? I'm sure we'll probably come back to her.

Richard Aronson: Yeah. What can I say? I mean, she's my partner.

Tom Goethals: So, you're a commissioner in the early 1990s. You have these professional experiences and these tragic personal experiences. At some point, the mid-90's, you weren't a commissioner anymore. What happened?

Richard Aronson: I applied to the bench and Governor Wilson appointed me in 1996.

Tom Goethals: Why did you decided to move from being a commissioner to a judge?

Richard Aronson: Well, that seem like the next step. It would open me up to other assignments. It just seemed the logical thing to do.

Tom Goethals: And you were encouraged by people like Jim Smith probably?

Richard Aronson: Jim encouraged me to apply as did some other people.

Tom Goethals: All right. What did you do once you got appointed as a Superior Court judge?

Richard Aronson: Well, I continued on my assignment trying criminal cases and then went over to the civil panel.

Tom Goethals: Why did you do that? Change from criminal where you have spent your whole career and suddenly you decided to go become a civil trial judge?

Richard Aronson: I wanted exposure to different areas of the law. I thought I would enjoy that.

Richard Aronson

Tom Goethals: How did you find it?

Richard Aronson: I liked it. It was again baptism by fire. The whole civil panel was driven by law and motion and that was -- it come up to speed pretty quickly. But the research attorneys over there and the superior court were good and I had help from other bench officers and enjoy it a lot.

Tom Goethals: And you did that for about five years and then you applied for a new job.

Richard Aronson: I did. There was an opening in the Court of Appeal, so --

Tom Goethals: Who had retired at that point? Which place did you take?

Richard Aronson: God, I'm trying to think. Tom Crosby was retiring. And who else left? Justice Scoville left, Justice Moore left.

Tom Goethals: Not Elieen Moore, Henry Moore?

Richard Aronson: Henry Moore. So there were some new positions. The court originally was four judicial positions and the legislature expanded it to seven. So I either took Tom's spot or I think I took a new position and I think that Justice O'Leary may have taken Tom's seat.

Tom Goethals: Okay. Anything about the application process that you want to talk about or that you recall specifically, stands out in your mind? Who appointed you?

Richard Aronson: Governor Wilson appointed me.

Tom Goethals: No. Governor Wilson appointed you to the Superior Court.

Richard Aronson: I'm sorry, thank you.

Tom Goethals: Gray Davis?

Richard Aronson: Gray Davis appointed me.

Tom Goethals: Who appointed me to superior court.

Richard Aronson: Yes.

Tom Goethals: That's why I remember.

Richard Aronson: Right.

Tom Goethals: So you got appointed by a Republican governor to the Superior Court and a Democratic governor to the Court of Appeal?

Richard Aronson: I did.

Richard Aronson

Tom Goethals: Little bit unusual, probably doesn't happen often in recent years. How did that happen? Did you have any idea about that? What were you -- what was your political registration?

Richard Aronson: I was registered as a republican then. And so --

Tom Goethals: Did you change your registration to get appointed by a Democrat?

Richard Aronson: No, I was a Republican when I was appointed to the Court of Appeal.

Tom Goethals: Okay.

Richard Aronson: But I think Governor Davis and his Judicial Appointment Secretary Burt Pines wanted to change to their credit the idea that only Republican governors appoint Republican judges and that converts for when there is a democratic governor.

00:55:01

So they were interested in appointing people that they thought were good regardless of their political affiliations.

Tom Goethals: And somehow you convinced them that was you?

Richard Aronson: Somehow I snuck through.

Tom Goethals: And so what year did you get elevated to the Court of appeal?

Richard Aronson: 2001.

Tom Goethals: And you've been here ever since? And it's 2021, so 20 years here. Not in this building because this building is only about 10 years old.

Richard Aronson: Right.

Tom Goethals: And so you sat -- the court was actually split when you first got appointed as I recall.

Richard Aronson: Not initially. We were all in Spurgeon Street but then when Justice Feiwell got appointed, we ran out of space. And so, they rented space in another building and Justice Feiwell and I went over there.

Tom Goethals: You were in the annex.

Richard Aronson: The annex, right.

Tom Goethals: It was blocks away. It wasn't right next door.

Richard Aronson: That's right.

Tom Goethals: What's the advantage of being in the annex versus everybody being in the building versus what's the advantage they have in all the justices together in the same building?

- Richard Aronson: Well I don't think there was an advantage in being in the annex. It's much better when everyone is in the same building.
- Tom Goethals: What's the benefit? We haven't had this benefit for the last year because of COVID but what's the benefit for us all being here together?
- Richard Aronson: Oh, the benefit is the interaction that we have, how we can go down and talk about issues and cases and develop a bond about those things, iron out our disagreements.
- Tom Goethals: That suggests that this is a collaborative effort here.
- Richard Aronson: That's right. That's how I view it.
- Tom Goethals: Why?
- Richard Aronson: Because I think the court should speak with one voice when it can. That's important for people to accept and follow our judgments.
- Tom Goethals: What's the difference in your mind having served in both for a lengthy periods of time between being a Superior Court judge and being an associate justice to the Court of Appeal?
- Richard Aronson: The difference? Well, we have a little bit more time to make decisions.
- Tom Goethals: Not as much time maybe as some people think.
- Richard Aronson: Not as much time as Superior Court judges think we have but we do have more time than the judges over there. They're under the gun quite a bit. So that is a big difference.
- Tom Goethals: There's one thing. We talked about your education earlier, but there's one other thing I want to make sure we talk about. Once you got elevated to the Court of Appeal, you pursued some additional formal education.
- Richard Aronson: Right. I applied to University of Virginia, they had a Masters in Law Program for appellate judges.
- Tom Goethals: It doesn't exist anymore.
- Richard Aronson: It doesn't exist anymore but it was an outstanding program. Tom Crosby went through it and he urged me to apply and so I was accepted. It was a three-year program. You spent the summer -- two summers attending classes and then you wrote a thesis.
- Tom Goethals: So did you take a leave of absence? What did you do?
- Richard Aronson: Pardon me.
- Tom Goethals: Did you take a leave of absence?

Richard Aronson

Richard Aronson: No. You continue --

Tom Goethals: How did you do the--?

Richard Aronson: Did both. You work remotely, I guess. That's how we did it. It was more difficult then but we communicated by phone, by computer.

Tom Goethals: So how long did you go to Virginia for in those two summers? How long were you physically there?

Richard Aronson: Eight to nine weeks each summer.

Tom Goethals: At UVA?

Richard Aronson: At UVA. And we have final exams and then the final year we wrote a thesis.

Tom Goethals: What was your thesis?

Richard Aronson: It was on the 8th Amendment.

Tom Goethals: Cruel, unusual punishment?

Richard Aronson: Right. Three strikes and the 8th Amendment issue is surrounding three strikes legislations.

Tom Goethals: How long did that program last? I mean in terms of duration, how long did they have the program, not how long did you go.

Richard Aronson: Well, they had been in existing for a while and it lasted a few more years after that. But when they -- there was a budget crunch later on and it got axed. The program was in large part dependent on federal grants.

Tom Goethals: There's a rumor that I've heard, I've never verified this but someone said your thesis was the finest thesis that they ever seen in the history of the program.

Richard Aronson: Well, that's -- one of the instructors told me that.

Tom Goethals: So it's just a wild rumor?

Richard Aronson: That's what they say to everybody.

Tom Goethals: Now, you're being modest, I'm sure. So how long was the thesis?

Richard Aronson: A little over a hundred pages.

Tom Goethals: And what happened to it? I've never read it. Is it sitting in this building somewhere? Is it in your computer? Where is it?

01:00:02

Richard Aronson: It's in a file. I did think about submitting it to law reviews but I just never got around to doing it because I was just too busy.

Tom Goethals: Do you view yourself as a writer, a thinker, a reader? What are you? Are you a particularly skilled writer if you wrote the finest thesis in the history of the program?

Richard Aronson: This is too much. I do not think I'm a fine writer. In my view, a fine writer is someone like Justice Bedsworth.

Tom Goethals: You worked at it thought. You worked hard at it.

Richard Aronson: I worked at it but I don't consider myself a writer. I'm just a judge that tries to get the right result. I don't have any other notions greater than that.

Tom Goethals: There's a story I think you heard for the first time when you were at the University of Virginia about a Baltimore Orioles manager. You know what story I'm talking about?

Richard Aronson: Oh, yeah. Well, that actually that's right. So, one of the classes was this legal theory class and there was an article by Stanley Fish, a law professor. I still remember it because it sounded right to me. The story goes like this. A baseball writer saw Dennis Martinez who was a Baltimore Orioles pitcher talking to Earl Weaver before a playoff game. And they were in seclusion having this very serious conversation. And the writer thought, "I'm going to see -- I'm going to find out what that conversation is about," because Weaver's a genius and he's probably imparting this terrific theory on how to win the game and how to pitch.

And so he approached Martinez after the conversation was over and said, "What did Weaver tell you?" Martinez said, "He told me to throw strikes," and the writer said, "He told you to throw strikes. Did he say anything else?" He said, "Yeah. He said to keep him off the bases." "Was there anything else?" "No, that was it." So, this befuddled the writer. It couldn't be because obviously that's something that Martinez knows. You need to throw strikes, keep them off the bases. Why does he need to be told that? The point of this, that article, Fish points out is that there is no theory of pitching. You just pitch. You do the best you can.

And so the theory comes later afterwards and it's much like judging. You don't develop a theory of judging and then go judge at least for trial attorney, trial judges. Trial judges just try to get the right result. They try to do what's fair. Follow the law and reach a result so they could look at themselves in the mirror. And the academics have the idea that judges should have some sort of overriding philosophy that they use to decide cases just as inaccurate. Judges are not law professors. They're lawyers trying to do the best they can.

Tom Goethals: Is that your experience as well? Do you agree with that observation of Professor Fish?

Richard Aronson: I think that's true for trial lawyers. I think it becomes less so as you go for appellate judges. You do develop certain theories on how to approach certain problems. Statutory interpretation for instance. You have to really come to grips with how you're going to handle those issues as an Appellate Court or as an appellate justice rather. I can give you an example for instance.

Tom Goethals: All right.

Richard Aronson: So, say there's an ordinance that says a person cannot drive a vehicle into the park. So, the issue is does that ordinance apply to an ambulance that drives into the park to take someone who's injured to the hospital? Justice Scalia for instance would say that it does, that that's a violation of the ordinance. To change vehicle to make an exception for an ambulance would be to change the meaning of vehicle and that would be to change the ordinance and a judge can't do that.

01:05:04

A different theory, a different approach would be those that judges that look at the purpose behind the law that look at language that language has meaning only in context. Dictionary definitions are devoid of context and so the meanings of words changed depending on the background understanding of the parties, the usage and in a certain context. So, in looking at the purposes of statute in context, purposed this, that's what they're called, would come to a different conclusion in Scalia and find that the statute would not apply to the person driving that ambulance. So, it's the same thing as a sign saying, "Keep off the grass." Does that mean the gardener can't cut the grass? So you soon have to come to grips with issues like that as an appellate justice and certainly as a Supreme Court justice.

Tom Goethals: Do you have a judicial philosophy? And if so, do you think it has evolved during your time on the bench either in this building or in this job or on the Superior Court?

Richard Aronson: I don't think I have an overriding judicial philosophy. I have a certain approach to interpreting statutes and interpreting the constitution I suppose. But it is all -- it's flexible depending on, again, the context of how these problems arise.

Tom Goethals: Does the sign outside that says "Keep off the grass" mean our gardeners should not mow our lawn?

Richard Aronson: Not in my view. I think the gardener can mow the lawn.

Tom Goethals: What do you wish you had known that you've learned in the last 20 years? What do you wish you had known when you got this job? Anything?

Richard Aronson: I think all of us that have been here for a while accumulated -- we learned quite a bit. We gain an understanding of the law, a better understanding of the law, we gain some wisdom about justice, I think.

Richard Aronson

And so, if I can do anything of course, I would take what I know now and insert it into Justice Aronson when he started this job. That would have been nice.

Tom Goethals: Maybe that's impossible though because it is something that you developed as you sit on the job.

Richard Aronson: Right.

Tom Goethals: You used the word "wisdom." It seems a little vain for us to talk about justices having wisdom, but --

Richard Aronson: Well, yeah, experience. You hope that you gain some wisdom, right? Otherwise, you're not really -- and how does wisdom come about? A lot of times, it comes through the mistakes you make.

Tom Goethals: Did you ever have a chance to sit on the Supreme Court on assignment?

Richard Aronson: I sat on a few cases, yeah.

Tom Goethals: Ballpark number?

Richard Aronson: Three.

Tom Goethals: Any recollections, anything stand out in your memory about those?

Richard Aronson: None of them were close cases. Issues were not -- well, I take the fact, the last case I was on ended up being a unanimous decision but it was close at the outset. So, someone looking at that case would think that the issue wasn't close but all the justices worked through to get to the result. We all kind of settled on -- we kept examining the issues and re-examining issues and we settled on a solution.

Tom Goethals: In a perfect world, would you have liked to have sat on the Supreme Court?

Richard Aronson: Sure. Who wouldn't? But this is really a great job. I'm quite satisfied here.

Tom Goethals: Any takeaways from your three cases on the Supreme Court? Did you learn anything?

Richard Aronson: Just gained a tremendous amount of respect for the justices on the court and the lawyers that helped the justices up there.

Tom Goethals: You probably in some of those cases were pre-COVID so you actually went up and sat on the bench in the San Francisco courtroom?

Richard Aronson: I did.

Tom Goethals: What was that like?

Richard Aronson: It was intimidating. It was the first time I've been in the Supreme Court.

Tom Goethals: Who was the chief on the first case you sat on?

01:10:01

Richard Aronson: Ronald George.

Tom Goethals: And that was good experience dealing with Chief Justice George?

Richard Aronson: It was a great experience.

Tom Goethals: Good. All right. Something else you and I have talked about, I don't know what you might want to say about this but you have a high regard for the process and you feel that process is important, due process I guess, but the process is important. What do you want to say about that if anything?

Richard Aronson: Just that. That our adherence to proper procedures is fundamental. We don't have a justice system when we're not doing that.

Tom Goethals: Some people, in sort of a speculative way, worry about what a judge does when he or she faces this situation. The law seems to require this but your personal beliefs, your conscience, however you want to describe it, might suggest or require something else. Have you ever had that experience?

Richard Aronson: A couple of times, thankfully not that often but a few times, yeah.

Tom Goethals: How do you resolve that conflict?

Richard Aronson: Well, on the Appellate Court, you can write a concurrence. Which is you must follow the law as you see it. If you think the law is unjust or is unwise, you can write in a concurrence and urge the legislature to re-examine the issue and that happens occasionally. A lot of justices have done that. I've signed an opinion and joined an opinion that urged the legislature to re-examine a law.

If you're on a Supreme Court, I had to say you're able to change that. But as an intermediate Appellate Court, we're bound by president, Supreme Court president. The Trial Court though where it surfaces maybe is in the area of sentencing. That's difficult when there's a determinant sentence. But again, that's difficult. You have a decision to make. And again, it depends on the issues that arise by the lawyers but if it's sentencing -- if you feel the sentence is draconian and unfair, you can voice your objection again for the Appellate Court and let the Appellate Court know how you feel about it.

I know that some determinant law sentencing can be harsh and the federal sentencing guidelines were harsh at times and I think they've since been revised but several judges resigned. Federal judges and some state judges. So that's an option as well.

Tom Goethals: We don't generate, it seems to me a lot of descent in this court, but you probably have written while I've been here as many descents as anybody. There's contrary as anybody. What world do you think a descent plays in our process?

Richard Aronson: I think, again, we don't armies to enforce our judgments so it's important that the parties feel that their arguments were heard and sometimes if I feel the majority opinion didn't do that that it got off track in the analysis or misapplied or misunderstood, the arguments raised by the losing party and I agree with that party then I think it's my obligation to say so, so the party feels that the losing party feels that at least one justice understood the arguments and agreed with them. And even if the majority did understand or rejected their arguments, the losing parties' arguments, one justice agreed with that party and that - - and if I'm writing a descent, I'd probably feel pretty strongly about it, I didn't want to write descents on trivial matters. And so, we all know that a descent would usually flag the attention of the Supreme Court and so that would give the losing party an incentive to petition for review, petition to Supreme Court to look at our opinion.

01:15:02

Tom Goethals: That also relates to what we talked about a minute ago concerning process. It seems to me that because we don't have armies to enforce our judgments and whatnot, we want to make sure that the parties -- or we try to make sure that the parties understand that we have looked at and conscientiously considered their positions and we sort of talked our way through it in the opinions that we write. That's the process, to generate respect for what we're doing here or at least not agreement necessarily but some understanding of why we went the way we went.

Richard Aronson: Right. So they see the exchange of ideas that the legal principles that were advocated by the appellate and the respondent were discussed that we saw the implications of their positions. That is crucial to an effective justice system.

Tom Goethals: You were only days away from turning out the lights and taking your well-deserved rest. What are you going to miss?

Richard Aronson: The friendships here, seeing everyone. I miss talking with the other justices, with the lawyers, with Ronda my assistant, judicial assistant. And I'll miss oral argument, really enjoyed oral argument. This court has a reputation as being a hot court I think, that's how --

Tom Goethals: I've heard that description.

Richard Aronson: Yeah.

Tom Goethals: We ask a lot of questions.

Richard Aronson: We ask a lot of questions, really. That's one thing. The pandemic really -- it's a shame. I miss that. It's not just the same doing it remotely.

- Tom Goethals: Right, we did it on by telephone only for a couple of months. Now we've been on Webex or BlueJeans and it's better but --
- Richard Aronson: It's just not the same.
- Tom Goethals: It's not same. There's no question about it. You can't engage the other side to see what they really thought.
- Richard Aronson: Right. So, I miss all that. And I enjoyed figuring out the legal issues and tackling legal problems. I'll miss all of that. But at some point, you move on, right?
- Tom Goethals: You're old.
- Richard Aronson: I'm old.
- Tom Goethals: You're old.
- Richard Aronson: I'm old, at 71, it's a big number.
- Tom Goethals: We talked about a lot of things that we would touch on during this conversation. We've been going almost an hour and a half. Is there anything that comes to mind that I didn't give you a chance to talk about or you didn't bring up?
- Richard Aronson: These opening questions, Justice Goethals. You're a veteran trial attorney, you need to ask more specific questions. I can't think of anything.
- Tom Goethals: One other thing I thought about that we did talk about, I was going to ask you, is that what do you think trial judges misapprehend about what we're doing over here in this building? They're only 200 yards away across the plaza. What are all those judges over there not understand about what we do here?
- Richard Aronson: I think we mentioned this before that they think we have a lot of time. So that's the main thing I can think of. Did you have something else in mind?
- Tom Goethals: No. I just was wondering if there's anything else. What I always say is the candy keeps coming down the conveyer belt to use the Ethel and Lucy analogy. It never stops although the pace is a little slower perhaps than over in the Superior Court.
- Richard Aronson: Yeah. We have a lot of cases in. And I think the judges know this but maybe the people don't realize that we are very dependent on the research attorneys who do a great job but we are dependent on them quite a bit. We just have too many cases. We can't sit down and tackle every case. Some of these cases are -- especially jumbo cases, they're so fact driven, fact intensive. We need help from the lawyers and we have some really good lawyers here that make the process enjoyable and produce better outcomes.

Tom Goethals: Is there anything that --?

Richard Aronson: Can we take a break?

Tom Goethals: We're almost done. I just have a couple more questions I wanted to ask you. It's kind of an obvious question but are there any cases as you reflect back on your career, especially on Appellate Court, but the Trial Court as well that stand out in your memory?

Richard Aronson: Well I have a lot of serious cases in Trial Court that stand out one in particular was a double-murder in a coin shop with two defendant case. That was a very interesting and quite serious case obviously.

Tom Goethals: One of my former law partners was the defense attorney.

01:20:00

Richard Aronson: Was a defense lawyer.

Tom Goethals: Now a Superior Court judge.

Richard Aronson: And another friend, was the prosecutor and I tried that case. There was a Brady violation, a Habeas Petition was filed on behalf of the defendants, the --

Tom Goethals: Who had been convicted and sent to prison?

Richard Aronson: Who had been convicted and sentenced to life imprisonment and the habeas came in front of me, the DA conceded the merits of the Habeas and the issue was whether it was going to be dismissed altogether or whether there's going to be a re-trial. It was a very interesting habeas proceeding. So, that one stands out on the Trial Court because it was so involved on the Appellate Court. Over 20 years you run into a lot of issues that end up being published.

Tom Goethals: I just wrote a deal for an introduction to the book that we give retiring justices. It's a bound volume that contains all your published opinions and you have published while you were here somewhere between 180 and 200 opinions, pretty impressive.

Richard Aronson: Yeah, I don't know how -- it just shows I've been here a long time.

Tom Goethals: Any of those cases stand out in your memory?

Richard Aronson: A lot of them do but it's getting late. One in particular though is a 14-year-old boy was given a life without possibility of parole sentence for committing the crime of kidnapping for ransom. So, it was a non-homicide, non-injury case and he was 14 and he got life without the possibility of parole. We wrote a decision reversing that finding that to be a violation of the 8th Amendment and the violation of the California constitution. That's cruel and an unusual punishment.

The reason it stands out is because we anticipated the holding a year later in *Graham v. Florida* where the U.S. Supreme Court found a violation of the constitution, the 8th Amendment. And on that case, it went back for resentencing and the judge gave that defendant, that young man -- then, he was a young man, five consecutive life sentences. And a life sentence could mean that you have parole, an opportunity for parole, so he would've been eligible for parole if he lived to be about 150.

Tom Goethals: Right. So, you went from life without possibility of parole to five consecutive life sentences.

Richard Aronson: So, the Trial Court's view was that well, that's not a life without possibility of parole sentence, and that's what was unconstitutional so this is a determinative sentence. And we issued another published opinion saying that that was a distinction without a difference, we found that to be the equivalent of a life sentence and found that to be unconstitutional as well.

Ironically, there was another Appellate Court decision that held that that was not a -- that it is a life sentence with a possibility of parole even if it would exceed the expected life expectancy of the defendant that that was not unconstitutional. The California Supreme Court sided with us and that one stands out. And one of the reasons I remember that case as well is that attorney arguing it was Bryan Stevenson who wrote the book "Just Mercy" which was made into a movie and he was quite an effective lawyer.

Tom Goethals: Another reason you remember that case if I might add is because you knew the trial judge and you had an encounter with him after the fact which sometimes we appellate justices do have and it was not a particularly positive encounter.

Richard Aronson: Well, right. I was in the locker room where the judges and lawyers mingled, this was after the case was filed and was over. And he told me that -- well, he called me Father Flanagan and said that not every boy is a good boy.

Tom Goethals: So, it does also stand out for that reason?

Richard Aronson: It was hard to forget, yeah.

Tom Goethals: I couldn't let this conversation which is what I really consider this to have been, and without asking you about people who have influenced you in your life and also your legal mentors.

01:25:10

let's talk about influences first. And I'm guessing you might want to talk about your mom a little more. We talked about her during the first five minutes and we haven't circled back.

Richard Aronson: My mom was just a remarkable person.

Tom Goethals: I don't know if you told us her name, -- oh yeah you did.

Richard Aronson: Lorraine.

Tom Goethals: Lorraine.

Richard Aronson: Lorraine Aronson. She was just such a generous soul. A large heart, she got that from her mother, my maternal grandmother who was the kind of person during the war, for instance, in Santa Barbara there were a lot of Navy personnel in Santa Barbara. And my grandmother would invite all of them -- these were just kids who were lonesome, they were homesick.

Tom Goethals: This is World War II?

Richard Aronson: This is during World War II and they would -- my maternal grandmother would invite them into her place for dinner and feed them and that's -- and my mother was like her. My mother just thought -- found the good in everyone and strong as a rock. My dad was, in my high school, as I started high school, my dad got very sick and was sick the rest of his life.

Tom Goethals: And he passed away at a relatively young age.

Richard Aronson: 57.

Tom Goethals: To us, that seems pretty young today.

Richard Aronson: Yes. And he had super nuclear orbital palsy which is a neurological disease that was debilitating and very hard. My mother had to care for him. She was raising my two sisters, I was in college, we had no money, we lived on mother's salary as a teacher. Somehow, we managed to get through this and it was because she was so courageous and an inspiration to my sisters and me and taking care of my dad. I just don't know how she did that.

And she managed to do it. You couldn't have a better example as a parent -- not just as a parent, this is an adult, a person who took everything, every bump and blow that life can give you and you muddled through. And look at -- my sisters are terrific. My youngest sister is president of Guild Mortgage down in San Diego. My other sister owns her own real estate company. They're just terrific people and it's all because of my mother. So, she was the most influential person in my life.

Tom Goethals: How about legal mentors? Other than me of course.

Richard Aronson: Other than you, right. There are plenty of those. Jim Smith is one. Jim just had such an open mind, humility and so generous, and so even (01:28:33). Just a remarkable person and really very influential in my life. His sense of humor comes in mind which -- anybody that meets

Richard Aronson

Jim is Jim's friend. Dave Carter who is a different -- he's kind of a different judicial personality.

Tom Goethals: Even those two are very close friends.

Richard Aronson: They're very close friends but very different on the bench. Dave takes charge. He is -- how do you describe Dave? I would say he's a Marine with a heart of a social worker. He is in charge, works beyond the pale brutal hours yet tackles every issue with gusto. He is quite an inspiring figure and he is now dealing with the homeless issue in Orange County and Los Angeles. Those two come to mind. Tom Crosby also was also was a legal mentor and his scholarship, his love of the word, the written word and the law. Those were inspiring as well.

Tom Goethals: What are your plans for the future?

01:30:00

Richard Aronson: I'm probably going to do some private judging and see how that pans out. I'm going to do nothing for a couple of months.

Tom Goethals: Maybe travel with your beautiful wife a little if we ever can get in an airplane again?

Richard Aronson: Maybe. We look forward to that. We look forward to doing something with the Goethals, that would be nice.

Tom Goethals: And you have a big new dog that is the light your life these days.

Richard Aronson: We have a rescued a dog, a very temperamental husky who's got some mental issues we've got to try to work through. She's in counseling right now. And I'm planning on seeing my son and hope that -- well, just looking forward to maybe grandkids.

Tom Goethals: Maybe some grandchildren someday?

Richard Aronson: Hopefully, yeah.

Tom Goethals: All right. Is there anything we missed, Justice Aronson?

Richard Aronson: I don't think so. I think that we more than covered it probably way too much.

Tom Goethals: Well then, I want to say turn out the lights, the party's over. We miss you already.

01:31:06