

Judith McConnell: Good morning, I'm Judith McConnell, administrative presiding justice of the Court of Appeal and I'm here to interview the chair of the Legacy Committee, Justice Judith Haller. We sit on the same court together, Justice Haller.

Judith Haller: Good morning and everybody, I'm the other Judy on the court since we have two Judys.

Judith McConnell: Yes, that's right.

Judith Haller: And I'm going to say one thing, thanks for mentioning my position as the chair. The other thing I should mention is that David Knight, our videographer, we've done over 120 and I think David has video graphed all but one or two of those, and this is the last one he'll be videoing because he is retiring in two weeks.

Judith McConnell: Don't make me cry.

Judith Haller: No, don't make me cry.

Judith McConnell: Because we've worked with David on many projects, through CJER and other things, and it's always been a pleasure to work with you, David.

Judith Haller: Oh, ditto that.

Judith McConnell: And with you, Justice Haller, and we've had a long time together, working together in the years of our service, but I want to start by asking you a little bit about your childhood and your background. You grew up in L.A.?

Judith Haller: I did. I did, I was born and raised in L.A. My dad's father immigrated from Slovakia in the early 1900s and ended up first in the melon fields of Imperial County and then he started a wire business in Los Angeles, in downtown L.A. on Los Angeles Street. And then Mom's family came from England, first in New Hampshire and then L.A. and I literally was in L.A. until I came kicking and screaming to San Diego when I married my high school boyfriend after college.

Judith McConnell: Well, that's right, and your father's business is still thriving, as I understand it?

Judith Haller: It is. There's kind of a story to that. My grandfather's business was called Wire Products and Dad had to quit high school to start helping his father in that business, and for reasons I've never been told, my dad about 20 years later started Precision Wire Products and so Dad's business has been thriving and my brother, when Dad died suddenly in 1974, took over the business and it still operates in the City of Commerce and manufactures -- probably you have used my brother's shopping cart.

Judith McConnell: Shopping carts, yes.

Judith Haller: And I have a cute story about that is my husband, John, was a patent attorney and when my brother, also a John -- there are many Johns in my family.

Judith McConnell: And your son as well.

Judith Haller: And my son and grandson. It goes on and on and on. So, my brother was actually working for JPL because he has a PhD in astrophysics. So he was working for JPL on the Mars, one of the Mars projects, and then when Dad died he took over the business and really renovated it and started making shopping carts as the main product. Dad's main product was making oven racks for O'Keefe and Merritt -- (00:03:07).

Judith McConnell: Oh, no kidding, that's so interesting!

Judith Haller: So that's that.

Judith McConnell: Good, well, so you grew up in L.A. in a business, a very successful business family. I think I met your mom at some point. She was really long lived, wasn't she?

Judith Haller: Yes, Mom -- I'll tell you, Mom lived until she was almost 94 and when Dad died suddenly she and my brother took over the business, and Mom was a very quiet, subdued, but very strong person and Dad was, if Dad was in a room you'd know he was there, with great personality, but I often think that my mother could have come over on the Mayflower and she would have done very well because she was quite disciplined.

Judith McConnell: She was very strong. I remember meeting her when you got the (00:03:56) Joan Dempsey Klein Award given by California Women Lawyers.

Judith Haller: Judy, you have such a good memory. Yes, so anyway, I went to elementary school at 74th Street, then to Horace Mann for junior high, and then to Washington High School in L.A.

Judith McConnell: And Washington is where you met your husband John?

Judith Haller: Yes, John.

Judith McConnell: So I'm going to ask you, when I first came to the Court of Appeal we had a wonderful clerk named Steve Callahan and he said, "You have to remember, Justice Haller is the prom queen," and I'd never heard that before so I want you to tell us a little bit about that.

Judith Haller: Okay, well, the irony of this is, yes, it was a homecoming event and the person that I, the guy that I was dating at the time was on the football team and this little presentation was during halftime, so I needed an escort. So a friend introduced me to John and said, "You know, she just needs an escort, this is going nowhere." Well, that was in, I was 16 years old at that time.

Judith McConnell: And how old was he?

Judith Haller: Barely 17. So anyway, John went off, when we graduated from high school, he went off to San Diego State and graduated 6 months before I did because you had half terms back then and then I went to UCLA and then after I graduated from UCLA and we got married. I mean, I'm laughing about it because, if you think about the fact that you're 16 and 17 when you meet, the likelihood that your interests will continue to go down the same path, but they did.

Judith McConnell: So interesting, and then he went to law school here in San Diego?

Judith Haller: Yeah, John -- I mentioned my brother being an astrophysicist and my husband John, he was one of the guys who had a slide rule all the time, so he was a real nerdy kind of guy and with a great personality, and I say that very lovingly, but he was a physics major and an engineer and then got a master's degree in physics and his very first job was for a company here in San Diego and he basically built computer programming and such early on for the U.S. Navy and he decided, I don't really want to be an engineer anymore. So he went back and said, I think I'll go to law school. He went to law school at night and --

Judith McConnell: At USD [University of San Diego]?

Judith Haller: At USD.

Judith McConnell: And you were already down here? Living with him down here?

Judith Haller: Yes.

Judith McConnell: And you were working at San Diego State?

Judith Haller: Yes, it turned out, after John and I got married, he had a chance to go back to school and one of us needed to work so I became an assistant to a very wonderful woman who was probably number three in the college administration at San Diego State by the name of Marjorie -- (00:06:54). So I worked for her for four years and was very involved in all the student events, her title was Dean of Student Activities, and it was during a very tumultuous time.

Judith McConnell: Was this in the late 60s?

Judith Haller: It was. I worked there '68 through 1972, which was a very tumultuous time on the college campuses.

Judith McConnell: I recall that quite well.

Judith Haller: Yes, and I was there -- I mean, talk about small world, I was there when there was a student demonstration and many of our students were arrested and I remember the first time I met and, I know Justice Epstein will not remember this because I was this young person who had an assistant position and had nothing to do with the law, and he came down, he was legal counsel to the chancellor's office, and when our students were arrested, literally -- back in 1970, I think it was '71 -- the

administration had no clue what was going to happen, so he came down to give legal advice, and that's when I said to myself, You know, Judy, you've always wanted to go to law school so why don't you, instead of -- why don't you go to law school because that will be a great thing instead of a PhD in history to become a college administrator because it would be such a useful thing to have. So I go off to law school. So John was in nighttime, I was in daytime, and then of course after you've worked that hard you're not going to go back to work on a college campus, you want to be an attorney, so --

Judith McConnell: And you did.

Judith Haller: I did, I did.

Judith McConnell: And your husband, did he finish law school before you?

Judith Haller: He did. I'll tell you a story about that because I had started law school at Cal Western. I knew that it would not be a good idea for the two of us to be at the same law school, so he was at USD and I was at Cal Western.

Judith McConnell: Because you were very competitive!

Judith Haller: Well, I don't know about that, but at any rate it just seemed it would be good for our marriage if we weren't at the same school. So anyway John was very, very supportive of me going to law school and I think he was way ahead of his time because I can remember, I had our first child when I was in law school, which as you well know was quite unusual.

Judith McConnell: Very unusual. How many women were there in your class?

Judith Haller: I was going to say a handful, not more than five, and the more pregnant I got, the more I stood out, literally and figuratively, too. So I can remember I was so exhausted sitting in our, the bedroom at home with Jori and I said, John, I just can't do this, I'm exhausted and I can't finish, and he said, Oh Judy, law school is so easy, think about how hard physics is, I'll get you, I'll help get you through, you just hang in there. And you know, I think about that and how, good grief, if I, you know, if I had not just powered through and without that kind of boost, who knows what would have happened?

00:10:13

So anyway, it's so hard.

Judith McConnell: Having a baby and full-time school. That's very difficult --. Was she your first baby?

Judith Haller: She was. And I'll put a bookend in it, so Jori was born first year. And then John and I thought, we'll have a second one, but we needed to time it with taking the bar. I'll never forget that Johnny was born -- let me back up and say, remember you always got bar results the Saturday before Thanksgiving weekend?

Judith McConnell: Yes.

Judith Haller: So, we were expecting bar results to come out. But something had happened and so I went to the hospital and I was also thinking, Oh, my God, what's going to happen? I'm having this baby, where are the results going to be? So anyway, Jori was born on a Saturday, and I got the bar results on a Monday and went to interview with the DA's office three days later.

Judith McConnell: Well, that's just a wonderful story. And you went to work at the DA's. Can you tell us a little bit about going to work at the DA's office? Who interviewed you?

Judith Haller: Well, this is an interesting story. So, I was intent on getting to this interview because they only interviewed once a year, and I was not selected in the first grouping. They hired three people and it would not be a surprise to know they were all men.

Judith McConnell: And what year was this?

Judith Haller: This would've been 1975 in November-ish. And then I got a call back a few months later. And who do I end up being interviewed by but Dick Huffman. Now, people wouldn't necessarily know this but Dick was the number three person in the DA's office at that time. He interviewed me, and he and I have served on this court together for over 20 years. So, small world.

Judith McConnell: Small world. And then both of you later on went to the superior court. But I remember you were a DA. How many years were you a DA?

Judith Haller: Three years. And I'll back up and say that I think there were maybe five women, six women in the office at the time. I can remember Laura Hamas and Barbara Gamer. And there were two or three others. But --

Judith McConnell: I do remember you coming into my court when I was a brand-new muni court judge. And you came in for a prelim or something. And, of course, I was a brand-new judge. And you must have been a brand-new DA, you remember that?

Judith Haller: Judy, I do. But you were so much nicer. I'll tell you my first experience. I mean, back then, you know, now to get into law school and to get hired, you have to do so many more things. But I had my hands full with two little ones, et cetera. And so, when I went to the DA's office, I had literally never worked for anybody. I had not been anybody in the legal system. I had never been in court before. I didn't know any of the protocol. There was no mentoring when you got in. I was in this little cubicle of an office with a very nice fellow by the name of Paul who kind of gave me some guidance of what to do. I appeared -- my first appearance for the DA's office was in Judge Cooney's department, and I didn't know you were supposed to check in. So I sat outside, and all

of a sudden, this bailiff walks out and puts me under arrest for contempt of court, because this --

Judith McConnell: This was your first experience.

Judith Haller: My first experience. So, I thought, Oh, dear, this can only get better. And then it was a search and seizure issue with two defendants -- a drug issue -- and there were two old, crusty defense attorneys there and Judge Cooney, and I was so --

Judith McConnell: Also old and crusty.

Judith Haller: And I was so new you could smell the fear on my face. So, anyway, I got through it. The two got bound over. And so, you were very much a pleasure for me. And things only went up from there because they could not have gotten much worse than that.

Judith McConnell: Well, there were not that many women in the legal profession or on the bench. I remember I never was able to appear in front of a woman judge. There just weren't any.

Judith Haller: No.

Judith McConnell: How long did you spend in the DA's office?

Judith Haller: I was there for three years. I very quickly was assigned -- I was in prelims because they put you in prelims because, if things don't go well, they can always --

Judith McConnell: You can't do too much damage.

Judith Haller: Yeah, can't do too much damage. Then I was assigned to El Cajon for a year. And Bill Howe was my mentor or, not my mentor, he was a supervising judge.

Judith McConnell: He was the supervising DA.

00:14:57

Judith Haller: Thank you, Judy. He was the supervising DA of that office. It was a small office, only five judges, it was a muni court out there. It was a wonderful experience because I did prelims, I did trials, I did everything. Also, though, my introduction to the office was a supervisor saying to me, I really don't understand why you're here. I don't think women should be lawyers. If you conduct yourself like Laura Hamas, we may be okay, but that's about as good as it's going to get. So, anyway things got better. And then I was assigned back. The next place I went was to juvenile dependency. And that was quite a shock.

Judith McConnell: Up on Meadow Lark [Drive].

Judith Haller: Up on Meadow Lark. I mean, juvenile is such a hard assignment.

Judith McConnell: So hard, especially when you have two babies.

Judith Haller: Well, I was assigned to both dependency and delinquency, and juvenile was always a very hard assignment because you had so many children, there were bad things that happened to them, or you had kids who were in trouble. But I mean, from a professional growth standpoint, it was a wonderful experience. And it was at a point in time when the DA's offices were becoming very aware of child abuse and, Judy, you'll remember that out at Children's Hospital there were doctors who were willing to testify that a spiral fracture on a two-year-old is abuse, it's not a skiing accident. So, that was Dr. Chadwick, and there was an orthopedic doctor whose name I will think of who was critical in that.

So, anyway, but Dick Huffman, who then came out and said, "Okay, Judy, we're going to put you in charge of the little dependency unit here and such." But I will tell you, husband John did not want to hear about those cases.

Judith McConnell: No, you couldn't talk about it.

Judith Haller: You don't talk about it.

Judith McConnell: And in those days, the district attorney handled both dependency and delinquencies.

Judith Haller: Exactly.

Judith McConnell: They no longer do. But they certainly did then.

Judith Haller: Absolutely.

Judith McConnell: And was Ed Miller the DA?

Judith Haller: He was. He was the DA back then. But this was all very brand new at that time, nothing like it is now.

Judith McConnell: And the advantage of the delinquency is you got to try felonies but didn't have to do it in front of a jury.

Judith Haller: Yes. Yeah. Exactly.

Judith McConnell: Yeah.

Judith Haller: So, I was there for about a year. Then I came back to the DA's office and I was assigned to issuing. And this is when the police officers every Monday -- it was primarily Monday -- would come in, give you all their cases, and myself and a fellow by the name of Roy Gunner -- do you remember Roy? We're in an office. It was probably 10 feet by 15 feet at the most. And all of the cops would come in and we make decisions in terms of what to file and what not to file. And I do remember vividly, this one day, I remember when we had that horrible shooting, Brenda Spencer.

Judith McConnell: Yeah. And she was 16, I think, at the time.

Judith Haller: And Roy and I were in the office and none of the police officers were coming in, no one. It was like, you know -- what in the world's going on? And that was one of the first mass shootings ever.

Judith McConnell: Ever. That was horrible. She killed the principal and the janitor who saved children's lives.

Judith Haller: Yes, I know.

Judith McConnell: By their actions. So, you were in issuing at the DA's office, and then you went into a private practice with the Higgs firm. Is that right?

Judith Haller: Yes.

Judith McConnell: How did that happen?

Judith Haller: Well, I, you know, Judy, I should say how I ended up going to law school. I gave you the story of how I did that because I had really always wanted to go to law school, even when I was very young. But as you know, when we went to college, quote, the girls became either teachers or nurses or social workers.

Judith McConnell: Or secretaries.

Judith Haller: Yes. Yes. I had one friend out of everyone at UCLA who went on to professional school. And so --

Judith McConnell: Were you summa cum laude or something like that at UCLA?

Judith Haller: I was. I should tell you the story, I actually wanted to go to Occidental College. And when I applied, the high school I went to was not considered very academically strong. And so, I applied at Occidental and they said, "I'm sorry, you're just -- we don't think you'll make it. If you go to UCLA and do okay. If you go to UCLA and get a B average, call us up and let us know and we'll reconsider." So anyway, I loved UCLA, all good things. So, anyway, back to I had always wanted to go to law school but didn't, I was going to be a teacher, was assigned to be a student-teacher at a wonderful school right by UCLA, sixth grade. I thought, Oh, boy, this -- I will be terrible. I just am not really liking this all that well. So I decided, okay, I'll get a master's in history and then I can teach at junior college level.

00:20:07

So then I go off to San Diego State.

Judith McConnell: San Diego State.

Judith Haller: And I think the best thing to do is to get this law degree and then, where do I end up --

Judith McConnell: The rest is history.

Judith Haller: So anyway, so I thought -- in the DA's office back then, you basically went in for three years and then you kind of made a decision, Am I going to stay and be a DA for the rest of my life professionally, or am I going to branch out into a civil background? So it turns out that Jerry Lewis, who was a very beloved judge, muni court, superior court, and on our Court of Appeal, said -- knew that Higgs Fletcher was looking for somebody with trial experience and, back then, you know, if you were in a DA's office, you got a lot of trial experience.

So I applied at Higgs and was -- Higgs, Fletcher & Mack -- and historically there were about five firms in town that were homebred, there was Higgs, Gray Cary, which is now DLA Piper, Luce Forward, which is now Dentons, Procopio, Harrison Hollywood --

Judith McConnell: At Hollywood and Rhoades, yes.

Judith Haller: Yes. So anyway, I went with Higgs and again the story is, I think there were three women out of about -- there were probably 50 people -- 50 attorneys at Higgs at that time.

Judith McConnell: It was a big firm. And you were there for how many years?

Judith Haller: 11 years.

Judith McConnell: And what kind of work did you do when you were at Higgs?

Judith Haller: I was really -- I ended up being very lucky because they needed someone with trial experience so I ended up working for a partner there who -- let's say, many, many people would've referred to Dan as not being overly supportive of women attorneys, but we ended up having a great relationship and Dan did almost all insurance defense work but he did very significant insurance defense work in terms of -- he loved to do interesting cases. He did a lot of that -- he did admiralty work, which meant I got to do admiralty work. We were involved in -- one of the big clients was Industrial Indemnity, we were involved in the MGM fire litigation. So I did more depositions --

Judith McConnell: Was that in Las Vegas?

Judith Haller: It was. It was that. One of the first fires out there.

Judith McConnell: Horrible.

Judith Haller: And it was one of the first mass torts as well. And then we got involved in the asbestos litigation early on. So I had a real variety of cases. Also it was at a time when many people -- there were cases involving plaintiffs who were suing landlords for the criminal acts of third parties and tragically some of those plaintiffs were women who had been at apartment buildings that weren't sufficiently secure. And so oftentimes, the insurance company would want me to be representing the landlords in those because, of course, the plaintiff was a female.

But anyway, I had, you know, sometimes insurance defense practice is pretty mundane and rote but this was not --

Judith McConnell: Not at all, and you had jury trials, many jury trials.

Judith Haller: Let's put it this way. I was a very, I had -- I probably had 10 to 12 jury trials, which actually was quite a few back then. Because as you know, 96 percent, 98 percent of them settle, but one that is a very fond memory, excuse me, there was -- our case -- our firm had a lot of cases out in Imperial County and I mentioned my grandfather who -- that was his first stop. So Dan Hedin, my boss, comes to me one day, and he says, There's this case that's been pending forever in Imperial County and it's so hot out there, I really don't want to go try it, it's probably not going to go to court. But it had to do with a dispute between two farmers. One had a lettuce field and one had onions and our client had had somebody spray their lettuce field -- I beg your pardon, spray their onion field with something because it was having a problem, and the claim was it went onto all the lettuce and ruined their lettuce.

So Dan comes to me, it's the middle of August, it's hotter than heck and he said, This case is set to go to trial on Monday but it's never going to go, so don't worry about it. I had never seen the file.

00:25:06

So the file, by this time, because it had been pending for years, is about like, I don't know where it go, it was huge. So I go home thinking I better do something about this and Monday I go to work and we get a call from the clerk there, saying, "Oh, by the way, a court has opened up, be here tomorrow." So I go out there --

Judith McConnell: And you hadn't talked to any of the witnesses?

Judith Haller: Nothing. I knew nothing about this case other than what I had crammed for over the weekend and there were four defense attorneys and the plaintiff's attorney. I go out, I called John and say, Hey, you're going to be in charge of the kids for, I don't know, a week, two weeks, I don't know what it's going to be. Throw a suitcase together, went out there and pick Dean, who was with the McGinnis firm, said, "Well, I'll give you as much information as I can about the plaintiff's expert." So it was one of those things where I was up all night. We picked the jury, loved this part too, you go to their -- when you're out in Imperial, you say, There's anyone in the jury pool know any of the witnesses or the parties? And everybody raises their hands.

Judith McConnell: They knew everybody. Everybody knows everybody, and the lawyers.

Judith Haller: Yes, everybody. So we picked a jury. We start, do my opening statement, the expert is the first one on the stand and, let's say, things did not go well for the plaintiff's attorney on that. Case settled and I was home at the end of the week. But I always have a soft spot in my heart for El Centro because of that.

Judith McConnell: Were you in that old courthouse that has --

Judith Haller: Yes, that looked like it was the Scopes Monkey Trial.

Judith McConnell: Yes, the high ceilings?

Judith Haller: Yes.

Judith McConnell: Good.

Judith Haller: And not very much air conditioning.

Judith McConnell: No, no air conditioning, but they had ceiling fans.

Judith Haller: Yes, they did, Judy, you have said, yes.

Judith McConnell: Yes. But as you -- who was your judge, do you recall?

Judith Haller: Lenhardt?

Judith McConnell: Oh yes. I think he just retired not too long ago.

Judith Haller: So anyway.

Judith McConnell: Well, oh good.

Judith Haller: So anyway --

Judith McConnell: So did you become a partner at the Higgs firm?

Judith Haller: I did, and that's where I was going to say, Dan was very supportive of me becoming the partner.

Judith McConnell: Were you the first woman to become a partner?

Judith Haller: No, I was the second. And then there were many after that. Of course, now the Higgs firm, they're doing so well and there's so many prominent women attorneys there. They have proudly a very fine appellate department at Higgs. But you know, of course I've had virtually no contact with them other than from afar.

Judith McConnell: Well, so, what made you think about becoming a judge?

Judith Haller: I'm not exactly sure other than, for reasons I really don't know or understand, it was always on the back of my mind, I thought -- as an attorney, I always was looking for solutions as opposed to making problems and you know, I mean my job was to get this done in the best way that I could, to look for solutions so we could get things resolved. And from -- gosh, from the time I was a little child, I was always a joiner and was in various organizations. So I was part of the county bar, I was on the board for that and I was on the group called California -- the San Diego Defense Lawyers, which was the civil group -- and also there was a push, thanks to people like you and Len --

Judith McConnell: Push to get more women in the bench, yes.

Judith Haller: Yes. And so I always think, you know, you and on the famous -- I'm sure the sit-in at the Grant Grill with you and Len and --

Judith McConnell: (00:28:42) -- exactly.

Judith Haller: Okay, yes. So I was in your back wing on that and so you also were encouraging people, women to become attorneys.

Judith McConnell: Absolutely. No matter who the governor was.

Judith Haller: Yes, no matter who the governor was. And the time was right, I mean the time was right, 1989.

Judith McConnell: So what year were you appointed, went on the superior court?

Judith Haller: Went on the superior court with Deukmejian and luckily he was looking for attorneys who became judges who had both criminal and civil background. So that worked.

Judith McConnell: That you were the perfect person for that.

Judith Haller: Well at least, you know, you just never know what the governor is going to be looking for.

Judith McConnell: So what was your first assignment? I think I was the assistant --

(Voice Overlap)

Judith Haller: So this is where we collide again and you give me good experience on the bench.

Judith McConnell: Did you do civil law and motion?

Judith Haller: Judy, you did, you assigned me to El Cajon and I was there for about two or three months, then you put me into civil law and motion, which for people who --

Judith McConnell: Perfect choice, really. You were the perfect choice.

Judith Haller: Well, you're nice -- but I will tell the story. This was at the point in time when we didn't have enough courtrooms for judges. So we were using the San Diego Hotel, and my courtroom was in the San Diego Hotel and literally, we were in hotel rooms that had been converted into -- I mean, we were in rooms, hotel, people would have used.

00:30:12

Judith McConnell: Horrible rooms. Yes. Bedrooms, bathrooms, ballrooms.

Judith Haller: So, initially, I was in what was an old bedroom that had been converted and so, there I was. I still remember my first day appearing in what was called Department 35 law and motion. You'd have anywhere from 12 to 15 motions, morning calendar, and then there was an afternoon calendar. Just talk about throwing you into the fray and it was the best thing.

Judith McConnell: It was a lot of work too.

Judith Haller: Yes. And it was one -- it was also my experience. Anyway, I had done fine as a litigator and trial attorney and it was only when I got into law and motion, I thought, my goodness, I had no idea how important the paper, the motion work, the written work was as compared to what I did so much of as an attorney.

Judith McConnell: And a lot of reading was required.

Judith Haller: Yes.

Judith McConnell: Yes. And as I recall back in those days there were two civil law and motion judges. One did the morning, one did the afternoon.

Judith Haller: Right.

Judith McConnell: And a team of lawyers who helped you out.

Judith Haller: Yes. I mean, that was, it was like an epiphany that I thought, okay, it's really different being the judge making the decision as opposed to the attorney who's making the argument.

Judith McConnell: You don't realize how hard it is until you have to do it.

Judith Haller: Right.

Judith McConnell: I mean, it's a lot of hard work.

Judith Haller: Well, and also, you come to understand that your job as a judge is making decisions. Some of them are tiny and some of them are life changing and you really have to make the decision. You can't -- I can remember somebody giving me the good advice, Judy, just got to make the decision because you can't go back to them. You start forgetting what the details are and then the attorneys need to know what you're going to do.

Judith McConnell: They almost don't care which way you go as long as you make it efficient.

Judith Haller: And so, Tom LaVoy was my partner in law and motion. And so, I basically spent some time out in El Cajon, some time in law and motion, then I had a backup assignment, again, this was you. I had some really interesting criminal cases. I remember one in particular of two police officers who had been accused of rousting and kidnapping someone in

downtown San Diego and they were charged with assault and kidnapping. So that was quite a high-profile case.

Judith McConnell: So, how long were you in the hotel? I have a funny feeling you were in the courtroom where the ceiling collapsed.

Judith Haller: Yes. I was in the courtroom where the ceiling collapsed. We were doing a -- it was actually, I think it was a burglary case.

Judith McConnell: I think you were in trial.

Judith Haller: Yes, we were, and all of a sudden, the asbestos, not asbestos but the tiles started falling.

Judith McConnell: The ceiling had collapsed.

Judith Haller: Started collapsing, but that part was -- I have two funny stories there because I also --

Judith McConnell: I just want to say something. As I recall, the place was full of asbestos and you were not allowed to go back in.

Judith Haller: That's correct. See, you have a good memory of it.

Judith McConnell: Everything had to be decontaminated before you could get anything out of there.

Judith Haller: Yes. Yeah.

Judith McConnell: What was your other part?

Judith Haller: Well, the other part was, this was a huge ballroom. So, we were smack dab in the middle on the dance floor was where we set up the court, and one day, all these tiles started falling down and the jurors were always flabbergasted when they came over to the hotel, thinking, Oh you know, it won't be anything important. We were doing murder cases in there. We were doing child molest cases in there.

Judith McConnell: It was a tough, tough time.

Judith Haller: Yeah. The bathroom that happened to be connected to this, quote, courtroom, I remember one day, I was there and I realized the only thing between me and the public on the other side of this wall, because there was a big hole in the wall, was a piece of visqueen [plastic sheeting]. So, it was quite an experience but, you know, somehow, you maintained a real level of dignity even in those kind of circumstances. And as I recall, Judy, after the hotel fell apart, somehow you were able to get the county to understand we needed some decent --

Judith McConnell: We did and they rented a bank building, a part of a bank building. We built courtrooms, temporary courtrooms --

Judith Haller: Yes, which was far more dignified.

Judith McConnell: Very. I remember some of the judges were pushing everything around in grocery carts, literally, because they didn't have a courtroom assigned to them. So, how long were you on the superior court, Judy?

Judith Haller: Just a little over five years, and I'll tell you, the other assignment you gave me, which was the best ever, was an independent calendar judge.

Judith McConnell: Well, yes and that was my project.

00:35:00

Judith Haller: I know it was.

Judith McConnell: And I picked, I wanted a very diverse group of judges with good backgrounds who could handle the management and so you were obviously one of them.

Judith Haller: Well, I had the right background and I -- oh gosh, I had great cases. I loved that assignment. We would start in the morning and you'd have X party and then you'd have either trials going or you'd have law and motion on Friday and I had two cases that I will never forget. I had the case involving the little girl whose family sued, claiming that SDG&E's power lines with the emission of EMFs, electromagnetic field things, had caused her cancer, and that of course got a lot of attention and I can remember the defense was, No, it doesn't cause that. Their view was this was not reliable science and, in any event, whatever caused this little girl's cancer was a genetic issue, and so they had all sorts of very high-powered doctors in. If you didn't have two or three PhDs or medical degrees and that as an expert, you just didn't make the cut.

Judith McConnell: You learned a lot.

Judith Haller: Yes, we did learn a lot, and the good part of that story was the little girl was completely recovered by the time of the trial. So, that one was a big one. Then the other one was that horrible case involving the little girl who was kidnapped out of her bedroom and was horribly sexually assaulted, then brought back to her home, and the next morning, the little girl of course was complaining profusely about pain and discomfort and the father and mother take her to the navy hospital and of course, social workers are involved and doctors are involved because this was something terrible. And in inquiries of the father, he made comments about the fact that he can't imagine that he ever would've done that but he does suffer from blackouts. To make a long story, and this is a five-year case, it really was, went through dependency, the little girl was very, very close to rights being terminated and we were then at a point where you could take her little nightgown and we were much smarter about DNA, and the little girl had said for years that somebody came in and "took me out of my bedroom" and so, they did the DNA and there was the proof that it was not dad at all. I mean, they were within, I don't know, two months of a 2-6 hearing termination.

Judith McConnell: Wow, to termination? Terminate their rights?

- Judith Haller: Yes. So, anyway, there was then a huge civil lawsuit that followed that and I had the civil lawsuit that was brought by the parents for -- and it was against the agency, it was against the DA. We had a full panoply. So that was quite a case.
- Judith McConnell: Well, so all of the -- in those days, we were doing delay reduction. So, all of the old cases were divided up among the nine new independent calendar judges. So you got all of the oldest cases out there and had to manage them in addition to getting new cases that were under delay reduction.
- Judith Haller: So, to say there were so many pretrial motions in that and so many important legal issues because, of course, immunity by the social workers and the deputy district attorneys was big. So, I set a day when we were going to hear seven summary judgment motions by seven different parties and Herb Hoffman, who was on the court at that time, was assigned as a settlement judge and he calls me two or three days before. He said, "Do you know what you're going to do on the motions?" I said, "Yes, I do." "Really? I'll hear them on Friday, so don't tell me what you're going to do." He said, "I think we've got a settlement. If you're willing to delay decision-making for a week, I think we have a settlement." And the whole thing settled.
- Judith McConnell: Wow.
- Judith Haller: That's quite a story.
- Judith McConnell: That is a great story.
- Judith Haller: And I have never told her or anybody what --
- Judith McConnell: Where you were going to go?
- Judith Haller: Yeah.
- Judith McConnell: And you're not going to tell me?
- Judith Haller: No. Definitely, by now I'm not sure I could remember exactly accurately. That was 26 years ago.
- Judith McConnell: Many of the names you mentioned in the DA's office all became judges later on.
- Judith Haller: Yes.
- Judith McConnell: Except for Roy Gunner. I don't think he became a judge.
- Judith Haller: He didn't, no, but --
- Judith McConnell: But yeah, so you've got a lot of family of colleagues on the bench here including Judge Hoffman.

Judith Haller: Yes. Yeah, that goes way back.

00:40:00

Judith McConnell: So, you were on the trial court doing both criminal and civil and then the Court of Appeal came along?

Judith Haller: Opened up. Right, that's because Howard --

Judith McConnell: Whose seat did you get, Howard?

Judith Haller: I took Howard Weiner's. And in fact the chambers I'm in, Howard was in, and his research attorney, Melanie, became my research attorney and Melanie and I have been together since, not that I remember the date, August 9, 1994. And here's another tidbit. Howard's other research attorney was Bill Dato, and Bill Dato is now on our court. So, Bill went into private practice, then went to the superior court, and now has been at our court for five years.

Judith McConnell: What a small world! So, were you appointed to this court by [Governor] Pete Wilson?

Judith Haller: I was. And again, that was very much a timing issue. The position was opened and I thought, "Gosh, these positions just never come open, so maybe I ought to put your name in for it," and I did. And then Pete Wilson made the appointment and here I have been.

Judith McConnell: It was such an exciting day. I had mentioned earlier that I remembered the party at Rainwater's. Rainwater's no longer exists.

Judith Haller: I know.

Judith McConnell: But all of us in the bar were very happy and the bench were happy to see you elevated. For one thing, we'd only had one woman on this court, Pat Benke.

Judith Haller: Yes.

Judith McConnell: So, I'm sure she was happy to have you join her.

Judith Haller: Yes. Now, Judy, I have to tell this part. So, when Pat Benke was on our court, first woman, when I joined, I was the second. Then you came and then came Cindy and then Joan then Trish and now Truc, so our court is now six women and four men.

Judith McConnell: That's right.

Judith Haller: Yes.

Judith McConnell: As it should be.

Judith Haller: Yes, there we go.

Judith McConnell: Did I say that? Yes.

Judith Haller: No, but I mean it's just --

Judith McConnell: And so, I'm going to ask you. You've been now on the Court of Appeal for quite a long time. And just let me back up a little bit.

Male: I'm sorry. I don't mean to interrupt. Just for a moment.

Judith McConnell: So, Judy, over the years, you've been very active off the bench as well as on the bench, and I'm going to talk to you a little bit more about your important cases on the Court of Appeal. Maybe I should do that first. Let's talk about important cases. What would you consider your most important cases?

Judith Haller: I knew you would ask me that question and I'm not so sure that I can name them by name. There are some that stand out and they're important for very different reasons. One of the ones I remember so vividly was, again, another horrible case out of dependency where this child had been brought to the United States. And I won't go into the details, because they're so grim and ugly. But the big question when she got into dependency was whether she should go through the dependency system, because she had been brought in from Guatemala. And when I say brought in, I literally mean that.

And so, fortunately, she is, the police officers learned what's going on and get her out of this horrible situation, but there was a huge jurisdictional issue as to whether she should be helped through the state dependency system or the federal system. And I learned so much in that particular case that that stands out. Now, that was very important to this child and all. In the annals of all cases, probably didn't affect many people, but I remember that one. I remember the cases more by subject matter. So, when I first arrived, Three Strikes was coming in. It had just been implemented. And the issue was whether or not judges had the authority to strike a strike. So, we had a lot of cases arising from that. Then we started getting into cases such as, what's the meaning of these SLAPP motions. And for attorneys, they know exactly what I'm talking about. I had many, many SLAPP motions trying. That was a statutory scheme.

Judith McConnell: Strategic lawsuit against public participation.

Judith Haller: And the intentions behind that were wonderful. It was basically to provide protection to people who were exercising, their petitioning or free speech rights, to get out of lawsuits that were meant to derail --

Judith McConnell: -- meant to shut them down, yes.

Judith Haller: Exactly. And that was the intent, but it grew into this, to something it had never intended to be. So, many, many cases in SLAPP.

Judith McConnell: Still?

Judith Haller: Still, because we've been working our way through that for a long time.

00:45:03

Then we went through a period where, what was the meaning of wrongful termination in violation of public policy. That was a big issue and I remember having several cases in that area. And what did it mean, in working on cases on jury instructions in terms of what had to be established in those types of cases, were discrimination cases, et cetera. Then we went into a period of arbitrability. What has to go to arbitration and what doesn't? And I remember Cindy and I had so many cases in that area, that she and I were asked to speak to --

Judith McConnell: -- I put you on a panel.

Judith Haller: Yes, you did. You put Cindy and I on a panel to speak to the appellate judges. That was so interesting, because up and down the state, all of us had had very similar issues and there was a big case pending in front of the Supreme Court. All of the Supreme Court justices were there. There are Cindy and I opining on arbitration cases and what we thought might be the result of *Iskanian* 46:08. And you could see, I think, at least four or five of the Supreme Court justices were there and they were not giving any clues whatsoever as to what was going to happen on that case. So, we went through the arbitration period, and then we started into wage and hour cases. And I had several wage and hour cases involving, like, *See's Candy* and a Starbucks case. And now, we are, for the last four or five years, some of the biggest issues have been all the statutory changes with respect to crimes and new -- crimes and punishment.

Judith McConnell: Crimes and punishment. Yes. Fines and fees.

Judith Haller: Yes, and retroactivity.

Judith McConnell: Yes, huge.

Judith Haller: So, I remember them more in terms of subject matter and feel like I've touched each one of those areas.

Judith McConnell: It's never boring, is it?

Judith Haller: No. In fact, we won't talk about it other than to say that you and I were just on a panel, on an area that was new and different. And about a month ago, Melanie and I worked on a case where, I had never even known of the statutory scheme that applies when a fire district decides that they are going to take their independent and want to be part of a county fire system. So, it's never, never boring.

Judith McConnell: Never boring, yes. I remember a case you and I were on where a woman was targeted by another person who wanted to -- the home that she had bought. And you and I got into quite a vigorous disagreement with the man we were on the panel with.

Judith Haller: Oh, Judy, yes.

Judith McConnell: And because he didn't see it as a viable lawsuit, as I recall. And you and I were so appalled we took it over. And I believe you wrote the opinion in the case. She was criminally prosecuted for harassment or blackmail or whatever.

Judith Haller: Yes. She had wanted to buy this woman's home. The woman was selling it to somebody else and the person who didn't get it decided she'd start harassing her by sending horrible messages inviting men to go to her house for any number of --

Judith McConnell: On Craigslist.

Judith Haller: On Craigslist.

Judith McConnell: Advertising.

Judith Haller: Yes, anyway, we'll stop there.

Judith McConnell: But it was interesting because, I do think that sometimes the woman's perspective can affect the outcome of the case. Normally, you wouldn't know who is deciding the case. But every now and then, there's a factual pattern where maybe you have a little bit different take on the facts than somebody with a traditional male background. Do you think that's true?

Judith Haller: I think there are some cases where that perspective becomes extremely important in seeing subtleties that the other side may not see. I think what has always been amazing to me is how much agreement there is. I mean, we go through thousands of cases -- if you take the entire court system -- and really how much agreement there is, because what it is our court does and what our responsibility is, is very defined.

Judith McConnell: The standard of review.

Judith Haller: Yes, the standard of --

Judith McConnell: I don't think most trial judges appreciate how important that is.

Judith Haller: There are three things when I came here that, again, I had another epiphany. And the epiphany was, I knew what the standards of review were as a trial judge, but I didn't really understand them until I got to the Court of Appeal. And I thought, maybe it's a good thing I didn't know just how broad my power was because if you tried to stay a little bit on the straight and narrow, you don't get in trouble of abuse of discretion.

00:50:00

The trial judges have a lot of discretion.

Judith McConnell: Especially on evidence.

Judith Haller: Yes.

Judith McConnell: Yeah

Judith Haller: So my other epiphany was just how quiet it is here compared to the trial courts. The work is wonderful but it's completely different. I still to this day miss the buzz of the trial court because our only time with lawyers is during the oral argument.

Judith McConnell: That's right. And just for the sake of history, we should note that this recording is taking place just as the pandemic is ending and just as we're starting to feel safe enough to gather together.

Judith Haller: Yes.

Judith McConnell: But our oral argument for the last, over a year, maybe 16 months, has been virtual. And next month, we'll be back together as judges, which I'm looking forward to.

Judith Haller: I'll mention one other thing that's very different. If you're a trial judge, you make the decision, you make the call. That's it. You don't have to get the input of anybody else, you make the call. Of course, on the appellate court, your thinking and your reasoning and what you do has to be clean enough and persuasive enough that you want two other people to agree with you. But it's not as if -- it's just not you, and that's a very different responsibility. Oh, one last other difference, on the trial court you're out there, if you're the hardest working judge in the world, the level that the amount of work is such that you do your very best to make the call. If you have two hours to spend on a summary judgment motion, that's a lot of time. Up here, I always say we have the luxury of time but we have the responsibility of time, too, because we're supposed to get it right.

Judith McConnell: Yeah, I think that's very interesting. There was something in the paper the other day about how the Court of Appeal rendered their decision in nine days and I think the reporter doesn't understand how our court works. The opinion may have been filed nine days after oral argument but certainly not nine days' worth of work. I want to talk a little bit about your work outside the court itself. I mean part of the judicial system but you've been very engaged in both professional and judicial activities, and the bar received huge honors for your work. Can you talk a little bit about how you got involved in ethics?

Judith Haller: Yes. That has been I think some of the things I'm most proud of.

Judith McConnell: And you are my guru, I want you to know.

Judith Haller: Well, thank you.

Judith McConnell: You probably know because I'm always asking you questions.

Judith Haller: Well, I hope I've not given you any bad advice. But at any rate, I was invited to join the California Judges Association ethics committee and little did I know --

Judith McConnell: You were on the superior court at the time?

Judith Haller: No, I was on the Court of Appeal at the time. It was shortly after I arrived here. That's one of those things that you say, Oh that sounds like a good idea, I should do that. And little did I know that the purpose of that ethics committee was to take emergency telephone calls from judges who were on the bench who needed an answer and needed it now.

Do I have to disqualify? Do I have to disclose? I have this problem, this has happened. What do I do about this? Now, you also had a sane period where someone would call and say, "Hi, I have a problem. What do you think?" But there were days when you literally would get a call and you needed to help that judge out and give the best advice you could.

And back then, as is true now, I think the CJA Ethics Committee had an intake of about 300-350 calls per year. They are now up to closer -- they issue about 400-450 what they call informal responses over the year. So it is an extremely valuable service and so that was very eye-opening because you become very familiar with the Code of Judicial Ethics, et cetera.

So I served on that and became the vice-chair and then the chair of that committee. And that, I think I was the chair in probably 2001-ish, 2-ish, sometime in that time period. And I remember, an interesting issue occurred because one of the things that's made very clear to the judges is that they can call and that it is held to be confidential. And while I was the chair of that committee there was a challenge to the confidentiality aspect and the Judicial Council appointed counsel to represent the CJA in that. So that was an interesting sideline. Then I think, Judy, thanks to you, you said, Why don't you apply to become a special master?

00:55:02

Judith McConnell: Oh I'm sorry, I roped you into that but you certainly have had a lot of experience now as a special master.

Judith Haller: So those are formal proceedings. Just as a little bit of background, there is the Commission on Judicial Performance, which you of course were chair of and very involved in, but who takes care of disciplinary issues relative to judges and those that cannot be resolved can go to a special hearing and they have special masters.

Judith McConnell: Did you participate in the special educational program that was set up for special masters?

Judith Haller: Judy, for the first one, they didn't do that.

Judith McConnell: No, we did that later on.

Judith Haller: Correct, and then I participated in the educational program, which was extremely helpful because the special masters have to make findings of fact. There are three of you. You make findings of fact. You also say, based on those findings of fact, what if any of the alleged canons of ethics have or have not been violated. Sometimes that's very clear and sometime it's not so clear.

And you provide a very, very detailed report that then goes to the commission itself setting forth what the allegations that have been made, have they been proven, what factual findings have we made. And given those factual findings, what particular canons do we think have or have not been violated. And then what is the level of violation. It's akin to basically a misconduct, prejudicial misconduct, and willful misconduct. We do not opine on what the discipline should be but we can weigh in on either mitigating or aggravating circumstances.

Judith McConnell: And you've had some real hot potato cases, as I recall, including a Court of Appeal justice who was removed for sexual harassment.

Judith Haller: That's true, I've had four, and the first one was a very sad story of a judge who was beloved on the superior court but who had a drinking problem that was precipitated by a divorce situation. He had several DUIs and just couldn't get a handle on it. So, as I had mentioned, at one point, people who come in to testify on his behalf, you had the DA, the probation officer, members of the court, appellate justices.

Judith McConnell: All the leadership of the bench and bar.

Judith Haller: Yes, were there. So anyway, that was a scenario where the Supreme Court gave this judge an opportunity to rehabilitate himself if he could, so he did retire from the bench, but so he could sit on the assigned judges program. Unfortunately, he just never was able to get to that point. The second one was a superior judge out of Inglewood in Los Angeles who I think really would like to have been a Judge Judy.

Judith McConnell: Yes, he really wanted to be on TV.

Judith Haller: Yes, he did. And so he was --

Judith McConnell: He had a radio interview where he talked about a pending case, as I recall.

Judith Haller: He did and he did merit many community outreach issues that were not in compliance with his ethical requirements to not talk about cases, et cetera. So that one resolved and then the third one I had was a superior court judge who was up in the Fresno area. That was a very hard case because it was a well-respected judge who had quite an impressive background, who had come to the bench from very difficult circumstances and was highly respected. Basically, just became overly enamored with his court clerk. Things went downhill very quickly.

Judith McConnell: He was removed the bench.

Judith Haller: He was removed from the bench. And then the hardest one and really most difficult one was the one with justice, an appellate court justice, Justice Johnson in Los Angeles.

Judith McConnell: And you had many justices testifying.

Judith Haller: Yes, we did. The incidents all occurred in the Los Angeles area. That was a very difficult case. We went to Los Angeles, myself and two superior court judges.

Judith McConnell: Just to back up, in all of these cases you were the presiding special master?

Judith Haller: I was, in three of them.

Judith McConnell: In three of them, and then there were two superior court judges with you? Yes.

Judith Haller: The first one, there were two appellate judges and a superior court judge. But the one where I was a special master was two superior court judges. And so, the three of us lived in Los Angeles basically for a month and conducted that hearing.

01:00:00

It was very, very difficult, very emotional. I think we had about 80 witnesses who testified, some obviously were on the stand for quite some time, some for a short period, but it involved -- the accusations involved members, employees, and colleagues at the court. Also involved women attorneys and a couple of superior court judges.

So, it was very difficult, and we wrote the report and Melanie, my research attorney, and I wrote the initial draft and it's very helpful for the commission to have detailed findings, which we may --

Judith McConnell: And credibility findings, those are critical.

Judith Haller: Yes, you make credibility findings as well. You know, sitting in judgment of someone who is a colleague at your level and who, I did not know him well but I certainly had met him. And also making credibility findings of justices who testified during the proceeding, making credibility findings of judicial assistants and research attorneys. It was a very taxing and difficult, but probably, yeah, really important.

Judith McConnell: Really important, important for the bench, but also for the public. Frankly, I want to thank you for your willingness to take on that horrible duty because I know that it's very hard to get special masters to agree to take those tough cases.

Judith Haller: Well, I was just going to say, there were many tough parts of that. One was the fact of, Hi, how would you like to move to Los Angeles for the month? Secondly were the number of people who were simply recused. I mean, the Second District was -- no, nobody in L.A. could participate,

and then there were also judges from other districts who wouldn't participate because he had been very actively involved in judicial activities, and then just the nature of the case. So, any rate, it was a very tough case and it was handled very seriously by his attorneys and by the CJP, and then by the commission and then by the Supreme Court.

Judith McConnell: And then by the Supreme Court. Yeah. Well, that was a big case. In your lifetime, you've had a lot of other roles. Now, you're chair of the legacy committee, but before that, it seems to me you chaired the 50th anniversary of the Courts of Appeal. Could you tell us a little bit about that?

Judith Haller: All right. Again, this was your fault, Judy. [Laughs] I'll say the very first thing that I did that was I sat on a commission after I've been a judge on this Court of Appeal for about a year. Dan Kremer suggested that I participate in that and that was very eye-opening. I had been on the bench for a year and they were looking for diversity in terms of experience on the bench, so I was the newbie. But more importantly, the Courts of Appeal were constitutionally provided for in 1904 and the Chief Justice, who was Ron George at the time --

Judith McConnell: Oh, it was the 100th anniversary?

Judith Haller: It was the 100th.

Judith McConnell: Sorry, I think I said 50th.

Judith Haller: At any rate, it was the 100th anniversary, and so, Ron George wanted to do something celebratory. So he put together a committee to put together a celebration of the Courts of Appeal. I don't know how I ended up as chair of that, but I did, and we did something that was both historical and important and fun, and we had a lovely celebration at the Biltmore Hotel.

Judith McConnell: We have a picture of that in our court.

Judith Haller: We do. We had various speakers and then we had a very serious event the next day, but part of -- and I'm looking at Dave, who's here videographing us. Because he knows that his life changed because of that. In one of the last meetings, we said, "You know what, we should keep all of this going," because Ron George wanted the community to understand what it is the Courts of Appeal do because I think we're very misunderstood. People know trial courts and they know the Supreme Court or the state supreme courts, but they know very little about what we do. So this was to educate, et cetera.

So, at one of our last meetings, George Nicholson, who was the representative from the Third District, said, "You know what? We ought to do an oral history of the Court of Appeal judges," and everybody said, "Well, that's a good idea." Actually, Ron George liked it very much, and the next year, which was 2005, he put together this committee, which was called the Appellate Legacy Committee, and I was on that and became chair. There was a representative from each one of the six

districts, and we came up with this idea of, yes, doing oral histories, it's like the one I'm doing right now.

01:05:04

Judith McConnell: Do you do the Supreme Court as well?

Judith Haller: We do not. The Supreme Court does their own. They do long, professional interviews that go on for hours and then are edited. We did not have those kinds of resources. So, we decided the best thing to do was to have members of your own court interview you, do these videos. Dave did the first and he's doing the last, and all of them in between, except one or two.

Judith McConnell: How many have there been so far?

Judith Haller: About 122.

Judith McConnell: Wow, what a wonderful historical undertaking.

Judith Haller: Well, and I'll tell one thing that was very interesting. When this started, everyone -- you know, the internet did not exist. It existed, but not in the framework that it does now. And we were going to do these interviews, and we had all these discussions about the importance of what we were doing and that we wanted them to be used historically, but we needed to protect them and use -- do them in a library type of setting where you had to come in and ask for permission to review them.

Well, that became so unrealistic, that about two years later, we said, "What are we doing? No one's able to see these." So, they're now -- we have our own court website. I think it's beautifully -- it's quite well done, but it's also -- you can link to any one of these interviews on YouTube. So, we've gone from an archival approach to here we are and --

Judith McConnell: Make it accessible.

Judith Haller: Yes.

Judith McConnell: Do you know how many hits you get on that website?

Judith Haller: I don't, and that's one of the things we need to do is rejuvenate. I mean, I know that there is traffic on it and people come and hit on it because, otherwise, the site would be -- the court can't put up every site, so, no, we're doing fine.

Judith McConnell: Well, I think it's great. Here you are, finally getting interviewed. I know it's been like pulling teeth to get some people interviewed, but David's been very busy in the last week or so getting people interviewed.

Judith Haller: He sure has.

Judith McConnell: And the pandemic shut things down for a while, didn't it?

Judith Haller: It did. I mean, yes, as with everything. We went into a mode of not doing anything for about nine months, and then, gratefully, the Chief Justice and administrative presiding judges of the district said, We need to get this back moving again, and we were able to do that.

Judith McConnell: I'm so glad that you're doing that. I don't want to leave out another part of your work. I mean, you do so many things, it requires a lot of time. You're a member of the -- what we call the CJEO, the California Judicial Ethics Opinions.

Judith Haller: Very good.

Judith McConnell: And we set that up, we got the Chief to set that up when I was on the CJP, because we wanted formal opinions that could be cited in more of an official capacity rather than just informal opinions of CJA, and now you're doing that. Can you tell us what that committee is and what your role has been on that?

Judith Haller: Yes, I'm a member of that committee and I've been on the committee for about five years.

Judith McConnell: It's a Supreme Court committee.

Judith Haller: It is a Supreme Court-appointed committee that is to tackle the ethical issues that are more systemic than applying to an individual person. So, we've written any number of formal opinions, and these are worked up like an appellate court opinion. There are about 15 members, Ron Robie has been the chair since the beginning. We issue opinions. People come to us, judges who have a problem and who would like us to write on an issue. We have suggestions that come to us from justices who say, I think this is an important area, or a judge will say, I think this is important, or a supervising judge of a superior court. They come from any number of different people or from the CJP. They are serious, but first thing is for the committee to decide, Is this something that we ought to write on? Yes. If not, how do we --

Judith McConnell: You do also give informal.

Judith Haller: We also give informal, because oftentimes, people need an answer quickly. Obviously, if you're working through a committee and you have something that is going to have statewide implications, it's going to take you more than three days, four days, five days to get this turned around, but the committee has done some very important work. They've issued about 25 formal opinions, ranging from issues as to how you can deal with outside vendors to issues having to do with, recently, and this is very important, during the pandemic.

01:10:00

CJEO, not in a formal opinion because there was not time to do it but in an informal -- it's called an expedited opinion -- put together a subcommittee and responded to the need of how and under what circumstances can judges participate in social justice.

- Judith McConnell: Black Lives Matter, for example, yes.
- Judith Haller: And recently we worked on an official opinion having to do with restrictions on judges in terms of what kind of advice having to do with legal matters can they give to friends and family.
- Judith McConnell: That's a big issue.
- Judith Haller: It was a big issue.
- Judith McConnell: Yes.
- Judith Haller: So, we work on any number of different issues and that has been rewarding and important work.
- Judith McConnell: How does the committee actually hash out an opinion?
- Judith Haller: Well, a subcommittee is appointed and that subcommittee meets with the assistance of what I will call a research attorney that is appointed to CJEO, and we all have our says, everybody says what they have to say, there's a chair of that subcommittee. Draft opinions are put together. Those are then circulated among the subcommittee and then circulated to the entire committee, and that sometimes is a very -- obviously there are many bright people on these committees who have very strong sometimes points of view.
- Judith McConnell: You have both trial and appellate judges.
- Judith Haller: Yes, and commissioners.
- Judith McConnell: Yes, good.
- Judith Haller: So, we have commissioners, trial judges, and appellate court judges.
- Judith McConnell: Yes.
- Judith Haller: And if there is a majority of the group who agree with it, it then goes out for public opinion.
- Judith McConnell: Public comment.
- Judith Haller: Yes.
- Judith McConnell: Yes.
- Judith Haller: And the public comment typically -- the public can comment on it but typically, we get input from judges. And those have been in some situations very instrumental in revising, taking things out, putting things into the opinion. So, they are much stronger and better opinions at the very end.

Judith McConnell: Yes, and it's very important for the judiciary that you do that work, I have to say. I am speaking on behalf of myself and my colleagues. I wanted to ask you a little bit about -- I haven't got notes here, Judy. I'm just going off the top of my head but I know that you've been very active in the inns of court and you've got a huge honor from the Ninth Circuit a few years ago. Can you tell us a little bit about that?

Judith Haller: Yes, but you'll --

Judith McConnell: Never mind.

Judith Haller: Yes. That's the crying gene. Let me talk about the inns of court.

Judith McConnell: Yeah, tell us.

Judith Haller: All right.

Judith McConnell: Now, what inn are you a member of?

Judith Haller: I'm a member of the Enright Inn of Court, and that's named after a beloved federal court judge, Bill Enright.

Judith McConnell: Who just passed away not too long ago.

Judith Haller: Yes, yes. And Bill was very instrumental when Rehnquist was the one who wanted to start inns of court in the United States, and San Diego at one time had five inns. We now have four inns, and proudly one of the only appellate inns.

Judith McConnell: In the country, yeah.

Judith Haller: In the entire country. So, I was invited to be part of the original group for the Enright Inn of Court in setting it up and that was through my good friend. When I came onto the bench, I could keep one friend who was an attorney, and that was Jenny Nelson.

Judith McConnell: Yes, she's wonderful.

Judith Haller: So, I served with Jenny and several others, and I've been in the Enright Inn for 25 years, and I still serve on the Enright Inn, and I think most people know what inns of court are. Very quickly, they are to mentor young attorneys. We have attorneys, we have judges, we have justices, and we have attorneys who have two years' experience and attorneys who have 30 years' experience, and we meet out eight or nine times a year and we discuss various legal issues and have presentations, et cetera. So, that's been very rewarding work, and yes, I was honored by the Ninth Circuit.

Judith McConnell: And what was the name of the award?

Judith Haller: Professionalism and --

Judith McConnell: Civility.

Judith Haller: Yes.

Judith McConnell: And you know, I can't think of a better person to receive that honor than you, Judy.

Judith Haller: Thank you, Judy.

Judith McConnell: Because even under stress you are always a rock for all of us here at this court.

Judith Haller: Well, anyway, thank you.

Judith McConnell: Okay.

Judith Haller: And then recently -- it's probably been five or six years in the making but it feels recent. Several of our appellate specialists, and we have such a fabulous appellate bar here, who had been members of the inns of court in San Diego, said, "You know, you all talk about trial stuff all the time," which is very important and good, and every now and then we talk about appellate issues but several of our most enthusiastic appellate specialists got together and pulled off an Appellate Inn of Court.

01:15:08

And I think we're either maybe two, but I know we're the only one west of the Mississippi.

Judith McConnell: It's just been fabulous.

Judith Haller: And it has been fabulous.

Judith McConnell: Yes. Federal and state, civil and criminal.

Judith Haller: Yes. Yes, and we do the best -- I mean, what's better than an appellate attorney who, you get them together and they put on a program? I still, to this day, am -- remember that program that they did on writs of supersedeas, et cetera? It was the best thing ever, and we learned some --

Judith McConnell: And who would think you could do an interesting and sometimes humorous program?

Judith Haller: Yes, and they built it all around the James Bond theme.

Judith McConnell: Right.

Judith Haller: It was great.

Judith McConnell: They do videos.

Judith Haller: Yes. We do it all.

- Judith McConnell: The programs are fabulous.
- Judith Haller: They are fabulous.
- Judith McConnell: Yeah. And I think many of our attorneys here at the court also participate as I recall.
- Judith Haller: That's the other thing on participation I did want to mention, because our attorneys, here in San Diego and with your leadership, over the years, you and I know how much the court has changed in any number of ways but one of the biggest is, when I started in 1994, once in a blue moon you would have a self-represented litigant on appeal.
- Judith McConnell: Now it's about a third of our cases.
- Judith Haller: On the civil. That's exactly right, yes.
- Judith McConnell: Yeah.
- Judith Haller: So, that changes things dramatically, and we've all become very aware of how tough it is for self-represented litigants to maneuver through the procedure. So, many of our attorneys and our court have been intimately involved in setting up self-help workshops. Our court developed a self-help manual. I sometimes say to attorneys, If you want to know how to do your first appeal, get the self-help manual.
- Judith McConnell: Well, the manual for self-represented litigants got a statewide award.
- Judith Haller: It should have.
- Judith McConnell: One of our managing attorneys put that together, and our attorneys have always been very active in working to improve the resources for self-represented litigants.
- Judith Haller: And clearly in the last five years, we've seen so much attention being given to self-represented litigants, and the other activity that I was on, again I think this was at your urging, that I become part of the commission on the futures of the court, I did that in 2016 and 2017, and there were any number of recommendations of how we need to assist and make the courts more available to everyone, but especially to self-represented litigants, to make sure they're getting the kind of assistance they need. And then, one of the big things in that report had to do with, the courts need to get up to date with technology.
- Judith McConnell: Exactly.
- Judith Haller: And so, we had any number of recommendations about using technology for court appearances, for arraignments, for law and motion, for trials, for depositions, whatever. And so all those recommendations were made and then here comes the pandemic.
- Judith McConnell: And then we were forced to implement them.

- Judith Haller: We were forced. Otherwise -- yes. It had been widely --
- Judith McConnell: And you probably know that our Court of Appeal is the first in the state to be completely electronic.
- Judith Haller: Yes.
- Judith McConnell: In its records.
- Judith Haller: And Judy, had we not done that, it would have been a nightmare.
- Judith McConnell: And it has been a nightmare for courts who haven't been electronic, but it has been interesting to see the changes. What's the biggest change you've seen take place in the legal system over the years that you've been practicing as a lawyer and sitting as a judge?
- Judith Haller: Well, I think technology has been huge. Number two has been the expense associated with civil litigation. I think arbitration has many wonderful aspects to it but because so many commercial disputes have been going to arbitration, a lot of our jurisprudence in that area has not been coming to the courts, and so that has been a change. The use of private judging has been a big change. That's all on the civil side, the lack of civility has been very problematic, I think.
- Judith McConnell: And that's also more on the civil side, I think, than in the criminal arena.
- Judith Haller: Yes, absolutely.
- Judith McConnell: The criminal arena, they all know they're going to be up against those people again.
- Judith Haller: Right.
- Judith McConnell: And they behave themselves.
- Judith Haller: They absolutely do, but on the criminal side, I've been here long enough that we've gone through this enormous change legally. When I arrived, the emphasis was on very stringent punishment. So, we had Three Strikes, we had enhancements, we had longer sentences. And now we are in any number of initiative or changes statutorily that are taking a completely different look at punishment issues, incarceration issues, length of sentences.
- 01:20:10
- So that's why initially I was talking about, we've gone through these phases and one of the biggest phases lately has had to do with all the changes in the criminal law.
- Judith McConnell: Well, when we started off, there was indeterminate sentencing.
- Judith Haller: Yes.

- Judith McConnell: And then the determinate sentencing law came along.
- Judith Haller: Yes. You and I have been around a long time.
- Judith McConnell: And you see the pendulum swing this way and then it swings back and now we're seeing it swinging back.
- Judith Haller: That I've seen, but also, it just seems like it's very tough to be an attorney now. What's demanded and expected, and things are hard and complicated and fast paced, and I oftentimes I think I love my job. When John used to practice and I would say it, when we come home from work and we would be chitchatting and I would be complaining about something, he'd say, "Judy, just get a break. Get a life here." Think about it. You do not remember that discovery dispute I just went through or that Markman hearing.
- Judith McConnell: And you do gardening in your spare time, don't you?
- Judith Haller: Yes, that comes from Mom because her view was good to get out and she found it very therapeutic to weed. So I do a lot of things in the yard that are to beautify. I don't consider myself a gardener but I am good at weeding and clipping and making things look pretty.
- Judith McConnell: And don't you find that when you're doing that, you completely forget about all the burdens that you carry during your workday?
- Judith Haller: Yeah, I do. Well, I know you love sports, I love sports, so I'll take my transistor radio out there and I'll listen to a baseball game or a football game or if you want something completely inane, and my apologies, I'll listen to a sports talk show. I mean, those people can talk about nothing.
- Judith McConnell: Anything.
- Judith Haller: Yes.
- Judith McConnell: Yes.
- Judith Haller: And I just kind of zone out for an hour or two and there we go.
- Judith McConnell: So what have I forgotten to bring up? You've had such an interesting -- oh, I know what I've forgotten to bring up.
- Judith Haller: What?
- Judith McConnell: You have now grandchildren.
- Judith Haller: Oh, Judy, thank you.
- Judith McConnell: And they're a big part of your life too, aren't they?
- Judith Haller: Oh, my goodness gracious, yes. When Dave was setting up, and I have some pictures, I think the pictures I have here are all so old because -- let's see. Our oldest one is 13.

Judith McConnell: How did that happen?

Judith Haller: I don't know, but I'm really excited because he is very good at math like his dad and his grandfather, so he is following suit on that and is in a coding school, but he's really excited about that. Then his brother, who for a long time -- my grandson's name is Justice and it was really hard for me to call him that because I always thought I was talking about a title. So he is 10 and he is very creative. He and his brother couldn't be more different, but he's so funny. One time when he learned the Pledge of Allegiance, he said, "Oh, did you notice, they mentioned me in 'justice for all'?" And then the youngest one is just turning seven and she's graduating from first grade today so she's very exciting. And she has gone from the period of Disney princesses to, I'm now informed, she is a warrior, and don't let me be confused. So that's the youngest one.

And the kids, my son is a big data kid. When you hear about those guys, that's what my son does. And my daughter, who I think would have been a fabulous attorney, ended up working for Disney for about 20 years and now works for Warner. I've been around her when she's been on conference calls and I thought, Wow, she's pretty amazing.

Judith McConnell: Impressive.

Judith Haller: Yeah.

Judith McConnell: Very impressive.

Judith Haller: So that's it. Judy, thank you for doing this.

Judith McConnell: What have I left out? What more would you like to tell us about yourself? Because you've had such an interesting life and career.

Judith Haller: Gosh, I feel like compared to so many people who are on the appellate court and stories and things they've done, and I've listened to so many legacy interviews, I kind of think like I just sort of plodded around along and did stuff.

Judith McConnell: Oh no, I don't think that.

Judith Haller: Well, anyway.

Judith McConnell: Well, I'll tell you something. As chair of the Commission on Judicial Performance, we were so grateful for the hard work that you have done as a special master.

Judith Haller: Thank you for letting me do that.

Judith McConnell: It was huge and it was so important.

Judith Haller: Well, if I can get through this without crying, husband John --.

Judith McConnell: He's been great for you, hasn't he? Yes, yeah. And what a nice guy he is.

Judith Haller: He is.

Judith McConnell: Yes.

Judith Haller: Patent attorneys are special people.

Judith McConnell: Well, I know he is a collector of patented items.

01:25:00

Judith Haller: Oh my goodness, Judy, yes. I should talk about that. John and I, for fun, after the kids were out of the house, we did a lot of antique looking and he was always in search of patent models because all patent attorneys know that in the old days, you had to make a model. So you know, the cotton gin, the Smithsonian has that model, but there are many other models. So you have a model and a tag goes in when you come, and a tag is put on it when you leave, when you get the patent issued. So we were always in search of patent models. So we over the years bought about 30 of them and we proudly, when John retired a few years ago, we brought them home and we thought, the kids will want these or something. Oh no, they had -- let's just say that was not their cup of tea.

Judith McConnell: They weren't interested in antiques.

Judith Haller: But kindly, John and I have, quote, gifted them to the federal court and they are displayed over there, which is very nice.

Judith McConnell: Which is wonderful because that's where all the patent cases are heard.

Judith Haller: Yes, so that has been nice. Thank you, Judy.

Judith McConnell: Well, thank you, Judy. I'm so glad to be on the same court as you and always have been.

Judith Haller: So we've been here a long time.

Judith McConnell: We have.

Judith Haller: Thank you for paving the way.

Judith McConnell: Oh well, I'm just glad to see you here.

Judith Haller: Thanks, Judy.

01:26:32