

David Knight: One more time again, Judge: Just your name; spell your last name.

William Wunderlich: All right. My name is William Wunderlich. My last name is spelled W-u-n-d-e-r-l-i-c-h. I'm a United States Magistrate Judge for the Eastern District of California, assigned to the courthouse in Yosemite National Park.

David Knight: OK, Justice Manoukian, your turn.

Patricia Manoukian: OK. My name is Patricia Bamattre-Manoukian: B-a-m-a-t-t-r-e M-a-n-o-u-k-i-a-n. And I currently serve as an associate justice on the Sixth District Court of Appeal.

David Knight: We're all ready to go.

Patricia Manoukian: OK. Good morning.

William Wunderlich: Good morning.

Patricia Manoukian: My name is Patricia Bamattre-Manoukian, and I currently serve as an associate justice on the Sixth District Court of Appeal. It is my great pleasure today to interview my friend and former colleague the Honorable William W. Wunderlich for the Appellate Court Legacy oral history project. Judge Wunderlich currently serves as a United States Magistrate Judge for the Eastern District of California, and he is assigned to the beautiful courthouse in Yosemite National Park. We will be conducting our interview today in his chambers in Yosemite.

So, Bill, let's begin in Nebraska, where you were born and raised. Can you tell us a little bit about your early life, your family, your siblings, you mom and dad, and life in Nebraska?

William Wunderlich: I was the third of five children. And please, let me apologize at the outset, I've been having a problem with a little bit of flu lately and my voice is not what it should be. But I'll try to keep it up as high as I can.

My parents ended up having five children total. I was the middle child. I was born in Lincoln, Nebraska, in November of 1946. When I was about one year old, my father – who was a master craftsman, a master watch repairman, he was a clock maker, a watch maker, and he trained under that and achieved his status as a master watch maker, he got his training in Lincoln – he had an opportunity to buy a business, an ongoing jewelry store in Creighton, Nebraska.

Now, Creighton is not to be confused with Creighton University, although they do have something in common. Edward Creighton and his brother strung the telegraph lines across Nebraska and the Midwest in general, and Edward Creighton was the one who endowed Creighton University. But 2:38

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that's in Omaha. And then he had a small town up in Knox County named after him. I'm not at all sure that Edward Creighton ever visited Creighton, Nebraska. But the Creightonians were very proud of the fact that their town was named after Edward Creighton.

We moved there when I was one year old, and I was raised there until I left Creighton at the age of 17 to go to the university in Lincoln.

Patricia Manoukian: Can you tell us a little bit about your mother?

William Wunderlich: My mother was a high school graduate. Both of my parents were high school graduates; neither of them had any college education at all. My mother was a high school graduate. She was a stay-at-home mom through most of my upbringing. When I was in high school, and there were still two kids coming behind me that were four and five years younger than I am, but they were pretty much on their own, they were probably in what you would call junior high, we didn't have junior high back there, they were probably in the seventh or eighth grade -- my mother got a chance to buy a flower shop across the street from my dad's jewelry store. So she bought the flower shop. My mother had never done flower arrangements in her life, but she bought the store and the owner of the store promised to show her how to do flower arrangements, and she did. And my mother did very well as a florist. And she kept that business until . . . I'm thinking she must have bought it in about 1962 or thereabouts, and she held it until about 1972. So she was a successful florist and they had the wedding business coming and going: my dad had the wedding rings and my mom had the flowers.

Patricia Manoukian: So they had a lot of business going on in your town. And how many people lived in your town?

William Wunderlich: Well it's . . . I can tell you that with near certainty because it hasn't ever changed. When I left for the university in 1964, there were 1,400 people in Creighton, Nebraska. In 1987 I went back to the University of Nebraska, where I was given an alumni award at the halftime game . . . halftime of the Homecoming Game, and we went a few days early so I could check out my old home town. And when I got back 20 years later, it was 1,410 people. So it might be as much as 1,420 by now, 'cause another 20 years have passed. It was . . . It's a long . . . It's a town built along a long main street, it has no traffic signals, it's . . . I suppose other than being named for Edward Creighton, its claim to fame is Creighton, Nebraska was supposed to have the third finest drinking water in the state, by test. *[laughs]* So that was a big deal.

Patricia Manoukian: And what high school did you go to? **5:29**

William Wunderlich: I went to a Catholic school. My family is Catholic. All my brothers and sisters graduated from St. Ludger's Academy – that's L-u-d-g-e-r-s. I'm not sure who St. Ludgers was; I've forgotten now, over the years. I think he was some sort of a dragon slayer or something. But in any event, it was the only – or certainly the largest – Catholic school in the county. And you have to know a little about the county I grew up in. The county was Knox County. It's a largely rectangular county. Creighton, at 1,400 people, was the largest of the eight communities in the county, and they ranged down to as low as 150 people in a town called Center, which was the county seat and it, believe it or not, was in the center of the county. So there wasn't much imagination in the names back there, but There were no other Catholic schools in the county. Creighton St. Ludger's was a magnet school for Catholic families from all over the county and was a very good school. The School Sisters of St. Francis were the nuns that taught the classes, and they lived up on the top floor of the school. And we had the -- not Jesuit -- I can't remember what denomination of priests we had but we had a monsignor who had a parsonage on the school property as well as an assistant. And they taught classes as well. And also, our monsignor was our basketball coach, so they did a little bit of everything.

Patricia Manoukian: Several roles. And I understand you were the valedictorian of your graduating class.

William Wunderlich: I'm proud to say I was, although I have to add, very quickly, that there were only 21 kids in my graduating class.

Patricia Manoukian: Still, that's quite a distinction. And then you went on to the University of Nebraska.

William Wunderlich: Correct.

Patricia Manoukian: Now, why did you choose that college?

William Wunderlich: Probably mainly finances. The nuns at St. Ludger's desperately wanted me to go to Marquette, and I was accepted at Marquette. But it was way too expensive for my family. My family had no money for college finances. I mean, we were getting by all right. We were — by Creighton, Nebraska standards — an upper-middle-class family. But in terms of paying for tuition and things like that, I mean, the college loans – you keep in mind this was 1964 – the loan business wasn't what it is now. You couldn't just walk into the desk at some office at the college and immediately qualify for student loans, so I was looking to finance my own college education. And I did it through a combination of things. I got a grant from the government. I don't remember the name of the grant, but it was for . . . a grant for people that were agreeing to major in engineering, science, or teaching, I think. And it was a grant that paid about half of my tuition, and I was lucky enough 8:30

— my grades were good enough in high school — that I was given a — what is it called — a university The governing board of the university would give scholarships to the top 250 graduates statewide, and I was one of them. And that paid for the other half of my tuition. And so it was largely financial. And plus, I mean, even in those days, the Nebraska football team was something to be reckoned with, so I kind of wanted to be near the epicenter of the action.

Patricia Manoukian: That would be the Cornhusker action . . .

William Wunderlich: Correct.

Patricia Manoukian: . . . there in Nebraska? But also, another wonderful thing happened while you were going to school there, as I understand it. You met your wife!

William Wunderlich: That is correct.

Patricia Manoukian: Can you tell us a little bit about that?

William Wunderlich: Well, it's kind of curious. I went off to the university from a small town with visions of being a being stud on campus and dating all the women from . . . you know, like every young man coming into a university plans. And the university started something that year that they had never done before. They observed that the incoming freshmen were having a hard time melding with the upperclassmen. And so they decided to start a thing called "Freshman Camp." And it went on for several years, but this was the first. And so they selected 50 incoming freshman men and 50 incoming freshman women to attend this Freshman Camp, and it was conducted out on the Missouri River at some . . . I don't know if it was a Boy Scout encampment or what it was. There were cabins there. There were large rooms where they could serve meals and hold lectures and things like that. And the idea was to have a weekend where the new underclassmen could meet with some of the professors and some of the existing upperclassmen to get a better feel for what they were in for. So this was the first weekend of classes at the University of Nebraska. And that's where I met Norma. And we were married about four months later.

Patricia Manoukian: You were married while you were a freshman at the University of Nebraska.

William Wunderlich: Correct.

Patricia Manoukian: And how old were you when you got married?

William Wunderlich: I had just turned 18.

Patricia Manoukian: Eighteen. And how old was Norma? 10:47

William Wunderlich: She was 18.

Patricia Manoukian: And you've now celebrated how many years of marriage?

William Wunderlich: Last January was 43.

Patricia Manoukian: Forty-three years. So tell us a little bit about your days at the University of Nebraska. You were married your freshman year and attended classes and . . .

William Wunderlich: I worked. I always worked at the University of Nebraska. I always had a job of some sort. But meeting Norma was the best thing that ever happened to me, because instead of having to work at a . . . carrying a . . . like at a drive-in restaurant or something like that, I got a job in a cancer research laboratory, which is a very strange thing because . . . Well, I have to back up and say that I went to the university to major in engineering because that's what that grant said I had to major in. I wasn't interested in science, I wasn't interested in teaching, so I chose engineering. And I was completely out of my league. The math was way over my head, and I just *hated* it. And then I found out that if you once had the grant, you could go ahead and change your major and they wouldn't take it away from you. So I literally sprinted over to the Political Science Department and changed my major to pre-law, with a political science major and a minor in American history.

So here I am a political science major, working in a cancer research lab. And the way that all happens is Norma's father was a very famous research scientist. And by famous, I mean internationally famous. When he eventually retired, he had – you know, you've heard the old phrase "publish or perish" – well, he had to his credit, when he finally retired, 160 publications and 4 books. His subject area was cellular physiology, and he ran this lab out on the east campus of Nebraska. Lincoln has two campuses – the downtown campus and the east campus. The east campus is where the agricultural college is. And they gave him a lab down in the basement of the plant research building of some sort out there, and that's where he conducted research. And so he said to me one day, at the end of my freshman year, "What are you planning to do for the summer?" And I said, "Well, I'm going to look for work, obviously." I said, "I've got my wife to support." And he said, "Well, how'd you like to work in my lab?" So I came over, and pretty soon I was culturing and scraping and changing human lung cells and examining them under the microscope. I was the grunt man in the lab, obviously. I prepared the muriatic acid that they used to sterilize all their glassware, and I did all the . . . I ran things through the autoclave. I mainly was a cleanup guy, but they gave me little side stuff to do, I think really to justify in their own **13:42**

minds that they were paying me to do this and that I wasn't just the boss' son-in-law.

And so anyway, I got lucky there. And then when Norma's family left for California, which I'll elaborate on in a minute We lived with them until they left in January of 1967 for California, and we moved into student housing out at an abandoned air force base outside of Lincoln. And I got a job running the student union on the east campus. I was the night manager. So I had to make sure the pool table was in good shape and the You know, I didn't have much to do, but it was a job.

So that's what I did with my days. I mean, I studied, obviously, but I kept busy with a lot of little side jobs. And that's kind of the history of my academic career.

Excuse me, can I move this?

[mike turned off briefly]

Patricia Manoukian: Are you ready?

William Wunderlich: I forgot where we were. Tel me where we were?

Patricia Manoukian: I'll ask you another question.

William Wunderlich: OK.

Patricia Manoukian: OK. So while you were at the University of Nebraska I know you have three wonderful sons. Can you tell me, were any of those born while you were a student there?

William Wunderlich: Two. We got married of January of 200 . . . I'm sorry, 1965, and our first son was born a year and a week later. And as we laughingly tell people, we finally figured out after that what was causing it. So we had two sons within We had one a year later, and then 18 months after that we had another son. So by the time I graduated in June of 1968, we had two boys. And because I had been used to working, going to college, it didn't bother me too much the idea of working my way through law school.

And now we get back to Norma's parents. Her father, in his day, was perhaps the most widely known scientist in his field. I tell people jokingly that growing up in Creighton, I spent my summers fishing in farmers' ponds for catfish. Norma spent her summers following her father around Europe, because he would teach classes during the school year, and then in the summer he would be asked to give speeches all over Europe. So she'd be in Heidelberg or Edinburgh or someplace like that, spending her summer. She gets very angry when I say that, 16:13

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'cause it wasn't every summer, but it was more than I was doing from Creighton, I can tell you that.

Anyway, he was so well known that he never *dreamed* this would happen to him. The University of Nebraska had this draconian rule in those days that you *must* retire when you're 65 years old – no exceptions. So her father – kind of smugly, perhaps – assumed that they would make an exception for him. So he went to the Chancellor and said, "You know, I'm going to be 65 in a few years, and I'm bringing an awful lot of money into this university in grants, and I assume you can look the other way on the 65 rule. I'd like to work 'til -- at least until I'm 70." And he says, "Sorry—no exceptions." He says, "Seriously?" And he said, "Yep – no exceptions." He said, "Okay."

Now, he had a former graduate student who had been bugging him for years to come out to the University of the Pacific in Stockton. Now, UOP has a pharmacy school, and they offered him a position directing graduate research. So at about the age of Well, let's see, they moved in '67, and he was born in '06, so he was 61 years old. He moved his wife and their belongings out to Stockton, California, built a house -- they were raising Old English sheep dogs at the time. So they bought a place out in an area they had no idea whether it was a good area or not. Fortunately for them, it's turned out to be one of the finest neighborhoods in Stockton, and their property is worth a very . . . a lot of money. But he raised sheep dogs, he continued his graduate research, and happily retired when he was about 70. He's one of the men that should *never* have retired, because he languished in retirement and died when he was 72, I believe – something like that.

Anyway . . .

Patricia Manoukian: So when you graduated

William Wunderlich: So when I graduated – getting back to UOP – McGeorge had always been a night school. In 1967, the very year my father-in-law came to Stockton, UOP bought McGeorge. So here's this fine night school who has these tremendous passage rates on the State Bar exam. And I should have seen it coming because I'm not that obtuse, but suddenly we get this call from Norma's parents, senior year at Nebraska, saying, "Why don't you guys come out to California for spring break? We'll pay for everything. We'll send you the air tickets, we'll show you a little bit of California." We fly into San Francisco, we end up in downtown San Francisco on a cable car, then we end up at Lake Tahoe, and then the real reason for the visit sets in: I end up in an interview with Gordon Schaber, the Dean of the McGeorge School of Law. My father-in-law had set all this up, and Dean Schaber interviewed me, asked me what my LSAT scores were, offered me a 2/3 scholarship to go to 19:22

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McGeorge. And so I accepted and told my parents-in-law I was going to go to McGeorge, at which time we started house-hunting. I'm a 21-year-old kid, and they're looking for houses in Sacramento, and of course houses in those days were peanuts. They bought a house for \$16,200, took a \$600 down payment – the payment including taxes and everything else, insurance was \$141 a month. So we lived in our own house while I was going to law school, and it was a pretty great deal.

But I went to McGeorge because I knew I could handle the pressures of being a night student and working during the day - - I was used to that. And so when I got to Sacramento I looked for anything I could and I found a job as a management trainee for Allstate Insurance Company. It lasted about as long as it took for them to find out I was going to night law school, 'cause they were planning on me being a manager. So they decided in no uncertain terms I probably should look elsewhere.

So less than a year after I took that job, I went to work for the State Board of Control in Sacramento. As you know, that is the agency that screens the tort claims against the State of California. And I worked there for the better part of two years – maybe a year and three-quarters. And I was going to law school with a good guy who's still a very famous practicing attorney up in Sacramento named Emilio Varanini (he goes by Gene). Gene Varanini and I were very good friends. Our wives were good friends, we socialized together, and I still consider him a friend although I haven't seen him in years. But Gene had been working for the Budget Analyst for the State of California, and he couldn't stand his job.

So, curious things happened in Sacramento in 1970. 1970. You may recall – if you're not a student of California history you won't recall this – but in 1968, for the first time in as many years as anyone could remember, the Republicans were able to wrest away from the Democrats the speakership of the State Assembly. And a guy named Bob Monagan from Lodi was put in – or from Tracy – was put in as Speaker of the State Assembly. Well, in 1970 the Democrats got it back. And the way they got it back was a guy named Bob Moretti from the Los Angeles area became Speaker because he promised committee chairmanships to several Republicans if they would vote for him. So he had several people switching sides. And one of the people that switched sides was a guy named Paul Priolo, who at that time was the Republican representative representing Santa Monica. Now, that tells you how long ago this is – a Republican representing Santa Monica. In those days, a Republican represented Santa Cruz, too. So we're talking ancient history here. But in return for their votes, Moretti created several new environmental committees. The environment was just becoming an issue in those days – it was becoming kind of a cause célèbre and *the* cutting-edge guy in the State Assembly .

. . . 22:45

Yes?

Patricia Manoukian: Do you want to go back to

David Knight: You were talking about Moretti.

William Wunderlich: Okay. Bob Moretti repaid his debts by creating new environmental committees. Now, before that, as I was saying, the leader in the environment was a Sacramento Democrat named Ed Z'berg. His name is spelled Z-apostrophe-b-e-r-g. And Ed Z'berg was the be-all and the end-all in the environment. Well, Moretti reasoned that the environment was too big an issue for one committee. (Z'berg had the Environmental Quality Committee.) So he created two new environmental committees. He gave one of them to March Fong, who later was known as March Fong Eu and we all know went on to other offices in state government. And the other committee – the Planning and Land Use Committee – he gave to Paul Priolo. But he wasn't so confident of Priolo that he was going to let him run amok, so he stacked his committee with Democrats. There were more Democrats than there were Republicans on the committee.

Well, anyway, these new committees were created, and these guys over in the statehouse were looking enviously at these jobs. And my friend Gene Veranini landed the job as the chief consultant to the Planning and Land Use Committee. So he calls me in the spring of 1971 and says – we're in our third year at McGeorge at that time – and he said, "You know what, our committee has been informed that we're entitled to two consultants – a senior consultant and an associate consultant. Would you be interested in the job?" Of course I was, and the pay was better than what I was making across the street, so I hung up my job over at the state and went across the street and started working for the state Legislature.

And it was a fascinating time, and it ties in a little bit because that's what gets me to Monterey County. We worked for . . . on a number of issues on the Planning and Land Use Committee. The most interesting to me was preserving the California coastline – what eventually became Prop 20. In those days we had competing bills from Alan Sieroty and other people. Every year they were introducing these bills; every year nobody could agree on anything. Eventually it went to the voters in the form of Prop 20, forming the Coastal Commission.

Well, in those days, the direction of the coastal preservation wasn't clear. So Priolo decided that the smart thing for his committee to do would be to conduct a series of hearings up and down the state on the coast. Of course, the fact that those were nice little boondoggles didn't have anything to do with it at all. So we started in San Diego. We did a 25:30

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three- or four-day hearing down there at some nice hotel, I'm sure – I don't remember where. Then we went to Los Angeles. Then we skipped Monterey, because we were offered the opportunity There was a lobbyist working in Sacramento at the time. I can't remember his name; his brother was a famous author. Anyway, he represented the Dole Corporation, and he offered us a de Havilland Otter – an 18-seater plane with wings above the windows so everybody could see everything. He offered to fly us from the Executive Airport in Sacramento all the way up to Eureka and back at about 500 feet above the coast, so we could get a good look at the coast. Now, again, it wasn't without a price. His company was developing a place called Sea Ranch, which is a big development now but in those days it was very tenuous. We landed at the Sea Ranch Airport, they had vans waiting for us, they whisked us away for wonderful hors d'oeuvres and stuff, looking out over the ocean. And Conrad – no, I'm sorry, I can't think of the name

Anyway, then our final hearing was in Monterey, and it was in the spring of 1971, and we went down and we stayed at what at that time was called the Mark Thomas Hyatt House – or the Mark Thomas Inn. It's now the Hyatt House. And we stayed there for three days and had hearings and I just fell in love with the Monterey Peninsula. I mean, honest to heavens, it was the most beautiful place this kid from Nebraska had ever seen.

So I went back to Sacramento and I said to Norma, "We gotta raise our kids down there." At that time "our kids" was two; by the time we got down there, there were three, because another one came along I'll tell you about in a minute. But anyway, I fell in love with the Monterey Peninsula in 1971. 1972 I took the Bar. And here's where the third son comes in. Norma announces to me in the fall of 1971 that she's pregnant. Typical of my good planning, my son Brian was born on the Well, let me back up and say, I was still working full-time the summer of the Bar exam. And Veranini and I were both sitting for the Bar exam, and we were both jealous of each other, so neither one of us got any time off except weekends, of course, and we were taking a BAR review course down at McGeorge at night, and we were doing pretty well on that. So I was pretty confident.

But then we decided They came to all the committees. 1972 was an election year, and the Speaker announced, "All the members want to be able to go back to their home districts and campaign, so I want all the bills cleared out of committee by such-and-such a date." It was a Thursday. And so we did that. We got all the bills out of our committee on Thursday. Then we got Friday off, I got Monday off, and the Bar exam started Tuesday. So I had a four-day uninterrupted study period. The problem is, Brian was born Sunday morning. So I'd never had this option with the older two boys. No 28:44

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one ever offered me the opportunity to go in and watch them be delivered. They offered me that option with Brian and I declined. I was studying my criminal law outline out in the waiting room. So, you know, I regret that but I did what I had to do.

And so I get down to McGeorge later in the morning and my study group says, "Where have *you* been?" I said, "Well, my wife just had a baby." "Well, we got the Bar exam coming up on Tuesday, you know that, don't you?" "I hadn't forgotten, guys."

So I took the Bar exam, started Tuesday, middle day was the multi-state, and the third day was all essay. And they tell you not to study during the Bar exam. Well, forget about it. At the end of the first day I could see what subjects we'd covered in essays but I knew that there were only five subjects covered in the multi-state. So I'm studying all night for the multi-state. I take the multi-state. During the multi-state on Wednesday, my brother-in-law Jim Pace has to come up from Stockton and bring Norma and Brian home from the hospital; I couldn't even do that. And so And then I studied again Wednesday night 'cause, you know, there were 16 subjects on the Bar in those days and I knew which ones we'd already covered, so I concentrated And I have to tell you, I would never repeat this I mean, it's 30 years now, so I guess the statute of limitations has passed, but I knew when I walked out of there that I had passed the Bar exam. And I also knew that I probably would never sit for it again if I didn't, because I never could have done a better job than I thought I had done. And I did pass.

And now we'll get back to Monterey. I passed the bar exam; I got the results in November. One of the worst days of my life was December 13, 1972. That's the day I was sworn in to the Eastern District of California and sworn in before the state Supreme Court in Sacramento. And when it was all done, all my buddies were talking about where they were going, who they were going to work for. I walked back across the street to the state Capitol, back into my little, you know, rabbit warren of offices back in there where I was writing speeches. And I'd been doing the same speeches for two years, and I sat there and said to myself, "You know, is this why you went through four years at McGeorge, to write speeches for some politician?"

So I had a name. There's a guy I had met at McGeorge; he was a year ahead of me. Good guy named Bill Reed. And I knew that Bill Reed had gone to work for the D.A.'s office in Monterey County. And Monterey . . . anything in Monterey County was attractive to me. So I called Bill Reed, and it's one of those crazy calls that stands out in your life, you know, like the call you get . . . you know, whatever. But I called Bill Reed and he said, "I can't believe you're calling me today. 31:32"

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They're just about to close the deal. We've got an opening down here. But they're not real happy with their applicants. Can you put together a resume and You know, there was no such thing as faxing anything or e-mailing anything. So I had to type out a resume, put it in the mail, and mail it to him. And I'm proud to say that's the only resume I ever wrote in my life.

I got a call a couple days later from Bill Curtis, who was the District Attorney of Monterey County. And my interview process was completely in reverse. Normally an applicant for work down there goes to Salinas and interviews with Bill Curtis' chief lieutenants. And then if he's good enough – or she – they get an interview with the boss. Well, I got my interview with the boss to begin with. The Director of Corrections in those days was a guy named Raymond Proconier, and he had an office, of course, in Sacramento. And Bill Curtis calls me and says, "Well, I'm going to be in Raymond Proconier's office tomorrow. Can you come over and meet me?" And at that time I was wearing a moustache, and not a very good one, by the way. And so I went over and interviewed with him, and he says, "I like everything I see. I want you to come down to Salinas and meet with my chief deputies. And by the way, lose the moustache." *[laughs]*

So I did. I went down to Salinas and interviewed with this old warhorse of a prosecutor named Ed Barnes. And he wanted to grill me on Miranda – that was a big issue, still, in those days. And I, of course, had the law school take – you know, constitutional right to remain silent. And his retort was, "But what's that got to do with the truth?" *[laughs]* That's hard to argue with!

And then I interviewed with John Phillips, who is now a retired superior court judge in Monterey County (at that time was one of the assistant D.A.s). And then they put me in the library, and I sat in this library for what seemed like two hours. It was probably 45 minutes. And they came in and they said, "OK, you've got the job. When can you start?" And I said, "Well, what are you talking about?" And they said, "The sooner, the better." And I said, "Well, I've got a house to sell, I've got two kids in school, I've got a family to move, and I've got to find a place to live down here. You've got to give me some time." He said, "I'll give you 'til the first of February." So that's what I got. And that's when I started, was the first of February.

We rented a house out in Carmel Valley. We sold our house in Sacramento for what we thought was a killing: we bought it for \$16,200, sold it for \$19,400, thought, "What? There just can't be any better than that." Now that same house would sell for \$80 or \$90 thousand, probably. It's not a very good neighborhood, but it wasn't that bad in those days. 34:12

So we moved down to Carmel Valley and rented a house and I went to work as a prosecutor, first in Salinas and then eventually in Monterey. And I had a pretty storied career in the D.A.'s office down there. I don't know if you want to get into that or not.

Patricia Manoukian: I'd like to ask you a little bit Your third son is Brian, and your first and second sons' names are?

William Wunderlich: Bob and Bill.

Patricia Manoukian: OK. So, Bob and Bill. Obviously Bill's named after you. Bob named after anybody?

William Wunderlich: My older brother.

Patricia Manoukian: Your older brother. And is Brian named after anybody?

William Wunderlich: No.

Patricia Manoukian: OK. So you moved your family down to Monterey, and started as a young deputy D.A. As I understand your career, you worked yourself up very quickly in the D.A.'s Office and you handled a number of very serious prosecutions. Are there any cases that you tried that stand out in your mind that you'd like to talk a little bit about?

William Wunderlich: Well, clearly, my I wouldn't say it was the most publicized, but the most difficult case I handled in the D.A.'s Office was a quadruple murder in the city of Seaside, where a young man named Harold Bicknell stabbed to death his grandmother, his maternal aunt, and two of his cousins. And he did so in consort with his 17-year-old girlfriend. And it was a crazy case.

It happened in August of 1977. No, probably '76, probably '76. And, you know, Charles Manson was still on everybody's tongue in those days, and what happened here was this family – this elderly woman and her daughter and the daughter's daughter and another cousin – were living in this tiny little apartment in Seaside. It couldn't have been much more than 700 square feet. And so the blood and gore in an apartment that small, when you have four victims stabbed up to 50 times each, was amazing. But the most amazing thing was – one of the amazing things was – the bodies weren't discovered for a couple of days. It happened on a I'm kind of making this up from whole cloth right now 'cause I don't remember the exact days of the week, but I'm going to say that it happened on a Saturday. And the family took exception and kind of raised their eyebrows when Grandma and the . . . her daughter didn't show They were very devout Baptists, and there was a visiting minister in town who was giving lectures on Sunday, and they didn't show up. They didn't show up 37:09

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again on Monday. So on Tuesday morning another daughter of this older woman told her husband, "On the way to work, stop by and check on Mom." So he went over to the house and the porch light was burning and there were lights on inside, and what he saw just horrified him. He immediately called the police. What had happened was these bodies had mainly exsanguinated all over everything. There were pets in the house that had traipsed around and left bloody footprints everywhere. And there were bloody human footprints all over the house.

So what had happened . . . Well, I don't want to get into that yet. But anyway, the police were called in. They had no suspects. In the meantime, Harold Bicknell had joined the navy, and he was down at the navy recruit depot in San Diego. And eventually he was developed as a suspect. And the arrest wasn't made 'til Halloween Day that year. So from August until Halloween, the Monterey Peninsula was frozen with this case. They just couldn't get a . . . they were paralyzed with fear that somebody like a Manson family was out there, because the butchery was beyond belief. One of my good friends was the deputy D.A. on call and he went to the scene, and the next thing he was out in the gutter puking. You know, he just . . . it was unbelievable. Nobody in law enforcement that worked on that case had ever seen anything like it before or since.

So they arrested Harold Bicknell in October of that year. I'm trying to think now if that was '76 or '77; I think it was '76. Now, one of the things that they had noticed when they went into the crime scene were these human footprints. But they didn't appear to be human footprints left by the planar surface of your foot. They appeared to be clothed. So they reasoned that whoever did this had stockings on, and they were walking around. So there was a very bright detective named Alan Frees working for the Seaside Police Department. And any time they had a suspect that they brought in for sentencing -- or questioning, excuse me -- he would have them put on a pair of nylon socks and step in paint and walk up and down these long strips of butcher paper. And they would have one for each possible suspect.

So after they made the Bicknell arrest, they were in consultation with a criminologist -- or a, that's not the right word. I wish I could think of his name. He's from San Francisco, he's a very famous . . . he does autopsies and things like that, and he's very well known. But he advised the cops and the D.A.'s Office that he had gone to a lecture by this scientist from the University of North Carolina at Greensboro, who was the foremost expert on foot marks -- I say foot *marks*, not foot prints -- foot marks in the world. She was studying at the caves over at Olduvai Gorge. And she came eventually and testified for me in the trial, and by the time the trial was 40:21

over, she had been invited by Mary Leakey to come and study with her at Olduvai.

So they brought Louise Robbins in, and they said, "What do you need?" She said, "Well, I want to examine these footmarks that you have on this butcher paper." And what they had done at the scene is they had sprayed the entire apartment – it wasn't much of a spray 'cause it was a very small apartment – with whatever it is that brings out the blood, makes it stand out very obviously for the photographers. And then they took a special camera that they would put on a tripod or a fourpod directly above the footprint. And they would take it, and the photograph they got was the real dimensions of the footprint. It didn't have to be measured against anything.

So she had these footprint photographs, and she had these butcher paper strips, and she said, "What I want is a quiet room, and leave me alone." And they said, "We want you to tell us if you can identify any of these people that have walked in this paint as possible suspects." She goes in the room and she's in there for a while. She comes out and she says, "I've identified Harold Bicknell as a suspect." She said, "He's about 5 foot 6. He's of, sounds like, Irish heritage, perhaps. He weighs about such-and-such." And she was just dead-on in her description. And then she said, "But I've got another suspect for you." Now, they never knew that there were two people involved until this happened. She said, "There's a person that you call 'Milligan.' Milligan was also in that room. She walked around. She's a pre . . . , not prepubescent, "She's a pre-adult, probably 16 or 17 years old." I think she was in fact 17. "Her family comes from the British Isles. She's about 5 foot 8." Blah blah. Describes her to a tee, based on these footmarks.

And so then they go out and get a statement from Of course, they got a statement from Bicknell down at the marine recruit depot in San Diego, so they already had his confession. And then they got Milligan's as well. And they solved it that way.

And then to put on the trial You know what Kelly-Frye hearings are, where you have to prove scientific evidence is widely accepted where it's never been admitted in court before. We had a huge Kelly-Frye hearing in the case, involving the admissibility of Dr. Robbins' testimony. My opponent in the case, by the way, was a well-known Monterey County defense attorney named Larry Biegel. And to this day he's unhappy about the verdict because, in all candor, later Louise Robbins was discredited.

But Harold Bicknell I'll finish the story and tell you why it didn't do Harold Bicknell any good. We tried the case over a long period of time. Verdict came in, Judge Jim Leach was the sentencing judge, and he set sentencing for a Monday 43:34

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morning in Salinas. And on Sunday about four in the afternoon I got a call from Larry Biegel, saying, "How would you like to interview my client prior to sentencing?" And I said, "Well, you know I'd love it," and he said, "Well," he said, "he's also asking for Bob Russell." Bob Russell was an investigator with the D.A.'s Office that Bicknell had a special affinity with.

In fact, I'll just tell you a funny little side story. After Bicknell had confessed Oh, I left out a part. I'm sorry. There's a huge gap in this story. When they went to San Diego to arrest Bicknell and get his statement Well, the big thing in those days was hypnotizing witnesses. So the police chief in Seaside was invested 100 percent in the idea of hypnosis. So he tells Alan Frees, "You get this guy to a psychotherapist or get him hypnotized, or don't come back, 'cause I want a hypnosis report on this guy." So after they get the confession and everything, then they take him to a Against everybody else's advice, they take him to a hypnotic expert who starts cajoling him and Well, Bicknell never did go under. He kept doing these little jerky things that . . . to suggest that he was under hypnosis, and he would never give up anything under hypnosis. So after it was all over, he and Bob Russell – getting back to his affinity for Russell – they sat out in the parking lot of the hypnosis doctor's office, on a curb, and they were singing. They both liked country music. And they were singing "Please Release Me." *[laughs]*

So he wanted Bob Russell. And Bob Russell and I went over and spent the entire night at the Monterey County jail interviewing Harold Bicknell, in which he completely He had denied everything on the stand. And of course the confession in San Diego was the result of a polygraph, which we couldn't get in. But he confessed to everything on the witness stand, everything, and offered to testify – and did testify – against his cohorts. So the fact that Louise Robbins was later discredited doesn't do Harold any good on appeal 'cause he's still got that big fat confession waiting for him when he comes back.

So anyway, it was a very interesting case. Many in Monterey County think it was probably the cause célèbre of that century down there. It's the largest multiple homicide in the history of the county – five, four people killed. And I was lucky enough to get the case from Bill Curtis, who You said, I advanced quickly in his office. He assigned me murder cases early on and trusted my judgment. And I had a good career in the D.A.'s Office.

Patricia Manoukian: And you enjoyed what you were doing. You enjoyed being in court, and you enjoyed trying cases, and

William Wunderlich: Yeah, and that's kind of crazy, because in law school I was all about land use law. I was into coastal conservation and 46:51

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the Williamson Act and second-home subdivisions and things like that. I didn't like criminal law in law school. So I had to kind of start from scratch when I got down there. But I learned to love it. And I enjoyed what I was doing and I always felt like I was on the right side of the aisle, and I never felt like I had to apologize for anything I was doing. And I tried always to be ethical about my decisions, and I think I gained a reputation among the defense attorneys as a straight shooter.

Patricia Manoukian: Well, and certainly all the articles about you and all the comments support that. But I notice you left the D.A.'s Office in about 1980 with a wonderful career under way and some . . .

William Wunderlich: Well

Patricia Manoukian: . . . very serious cases assigned to you. You left in 1980. Can you tell me a little bit about that?

William Wunderlich: I had a wonderful career going, but they were paying me \$40,000 a year. And I had just won a huge murder case. You may remember, in downtown Monterey, very near the big hotel that used to be called the Doubletree – it's now called the Portola Plaza – just catty-cornered across the street is a very famous Italian market called Troia's Market. Sam Troia was going home with the day's receipts in January of 1979, and he was shot to death brutally in the street by one of his former employees who knew the ins and outs of the business. He knew Sam would have the moneybag. And he bragged about it later, how Sam had dropped like a buffalo. And he used the money for drugs. And it was his He already had nine felony convictions. So I got that case, and I got the death penalty on him in February of 1980. And on the crest of that publicity – and they had a big article about me in the *Monterey Herald*, a Sunday feature article not unlike these articles they've been running on me up here in Yosemite – and on the crest of that publicity, I decided it was time to leave the D.A.'s Office and maybe make some real money.

So I announced that I was leaving the D.A.'s Office and I was going to start a partnership with my former colleague in the D.A.'s Office, Gary Gray, who went to McGeorge with me, who actually went to Nebraska with me, although I did not know him at Nebraska. I was . . . He was a Phi Delt and I was an ATO, and I . . . we never . . . our paths never met. But we met and became close friends in law school. In fact, I helped him get his job in the D.A.'s Office. And then he left in '78 to take an insurance defense position with Bob Anderson up in Oakland. And in 1980, he called me, said, "What would you think about leaving? How about you and I just put a shingle together and try our own hand?" He said, "I talked to Bob Anderson about it, and he says, 'I'll buy stock in the firm any time.'" He said, "I think we can make a lot of money." So we announced that we were going to do that. 49:49

Well, no sooner did that run in the press than I got a call from Donald Hubbard, who was the name senior partner in an AV firm in Monterey called Thomson & Hubbard, which does civil litigation. They represent a lot of big business interests on the Peninsula – a lot of restaurants, a lot of car dealerships, stuff like that. Don says, “Bill, Ralph and I’d like to talk to you.” Ralph was Ralph Thompson. So I went over and talked to them. I had to do that without Gary ‘cause Gary was up in Oakland. I told him, “I’ll be your eyes and ears and see what these guys have to say.” Well, they said, “We want you to come to work for us.” And I said, “Well, you probably didn’t read that article close enough, Don. The whole purpose of what I’m doing is so I don’t have to work for anybody. I want to be a partner.” And he said, “We’re offering you a partnership. You can come in as a partner – both of you – and start from square one as a partner in the firm.” So And they offered me a 50 percent pay increase, instead of taking a pay cut and having to, you know, collect my own law library and those things. They had a beautiful law library. They had beautiful offices looking out over Lake El Estero in Monterey.

And it sounds like a dream transition. But it wasn’t for me. I got into civil litigation and civil practice and I found that I was a slave to my timesheets and calls at home at night from clients. And I can’t tell you how much I missed the courtroom. Nobody in civil practice makes any money in the courthouse. But I always loved the courthouse, and I missed the courthouse. And so finally after two years of this, I called Bill Curtis’ assistant over in Salinas, and I said, “Tom, I really would like to come back.” And he said, “Well, it’s funny you mentioned that. Gene Martinez is leaving for Fresno, and we’ve got an opening. Why don’t you come over and apply?” So I did, and I went back into the D.A.’s Office in October of ‘84 – ‘82

Patricia Manoukian: ‘82

William Wunderlich: And I’d be lying to you if I didn’t tell you that I didn’t have some judicial aspirations at that time. I had in mind running for judge. And I thought I would run better as a deputy D.A. than as a practicing lawyer.

And I did run for judge in 1984 in the June election. And I was immensely popular in Monterey County in those days. I had There were 19 law enforcement agencies in the county; I had the endorsement of all 19. The biggest business interests in Monterey County are the shippers in Salinas and the restaurant or business industry over in Monterey; I had all of their endorsements. I had everybody. And even with all of that, I barely defeated the guy I was running against. He outspent me two to one, and when the dust settled I think the final count was 49.1 to 50.9 or something like that. It 52:45

was about a percent and a half that I won by – which I like to call a landslide.

Patricia Manoukian: You ran against a sitting judge.

William Wunderlich: I did.

Patricia Manoukian: And how Tell us a little bit about that experience. I know for many years in many counties there were no open seats to run for, so there were trends developing statewide to run against certain sitting judges. But tell us a little bit about that experience.

William Wunderlich: Well, it was not a pleasant experience, I'll start with that. They I found that the sitting judges felt compelled to circle the wagons around the incumbent, whether they really believed he was going to be a better judge than I or not. I mean, I know these judges in Monterey County, and I know they knew that I would be a better judge than this guy was. But nonetheless they all circled around him and protected him, and But notwithstanding their endorsement, I won the endorsement of the two major newspapers in Monterey County, and that's probably what carried the day. I didn't run against him on any Well, I can't define a particular reason. It wasn't like he had made a palpable error that cried out for a challenge. He just was not a good judge. His background was with the CRLA. He had come through Salinas and had a cup of coffee back in about 1977, and that was his total contact with Monterey County.

In 1980, when Jerry Brown was rotating out of his second term, he sent various of his lieutenants around the state as judges. He sent a guy named David Pesonen to Contra Costa County, who was defeated -- in the same year that I defeated my guy -- by Rick Flier, who's now a retired judge over in Monterey . . . in Contra Costa County. He sent Maurice Jourdane to Monterey County. Now, Mo Jourdane was, if he was nothing else, he was a wonderful guy. He's a *great* guy. But he's a lousy judge, you know? As I told people during the campaign, being a judge isn't, you know Practicing law isn't like going to the garage and taking the bicycle that you haven't ridden in several years and just pedal down the driveway. You've got to be up on the law, you have to be current on what the rules are, and you have to be in control. And that was my big objection. I did not think that he was a judge in control of his own courtroom. And apparently the voters agreed with me. So I took the I won the election in June of 1984, but he would not leave office and let me be appointed, so he stayed in office until the bitter end, which is 12 noon on the first working Monday the following January. That's when his term ended, and that's when my term started. I was sworn in that afternoon. It was January 7, 1985. It happened also to be our 20th wedding anniversary -- just one of those coincidences. 55:46

Patricia Manoukian: And that was the superior court seat . . .

William Wunderlich: Superior court seat, yes.

Patricia Manoukian: . . . that you ran for. And you served on the superior court for about eight years . . .

William Wunderlich: I did.

Patricia Manoukian: . . . until you came to the Court of Appeal.

William Wunderlich: Correct.

Patricia Manoukian: Are there any cases that were of particular interest to you, or any assignments in the superior court that you'd like to discuss a little with us?

William Wunderlich: Well, perhaps the most challenging assignment I had was juvenile court. In a small county like Monterey County, you don't have the luxury of having one judge assigned to delinquency cases and another to dependency cases. One judge does all the cases. And that was the case in 1986 and 1987 in Monterey County, and that was my assignment. It was a tiresome assignment. As you know, it's just a steady diet of bad stories, bad families, bad kids. And it was in those days that Len Edwards was working in Santa Clara County to try to encourage everyone to take a minimum of a three-year assignment in juvenile court. And I went to Len, and I said, "Len, I'll take a second year, but I can't do three." He said, "Good for you. Take as many Do as many as you can." He said, "It's important to the kids."

And in those days, you may recall, Patty, that one of the new-kid assignments on the bench when you were a new judge was to go to juvenile. And that's . . . I think that's a tragedy. And I think that has since ended. It's almost like sending someone to family law court because they're a new judge and no one else wants to do it. Well, the families in crisis are no place for a new judge to get on-the-job training.

So one of the toughest assignments I probably had was juvenile court. I then was the presiding judge of the court in 1990 and 1991. And one of the things that I'm proudest of – I don't know if I can get these dates right – but sometime prior to 1991, one of our judges fell down or went down on the golf course with, curiously enough, an aortic valve problem, and he had to be . . . had to have an aortic valve replacement. And unlike me, who was out for a month, he was out for, like, six months 'cause he was waiting for a human valve replacement. And so there was a long period of time when we were down his position, and we were short another position because we'd had a judge retire, and Judge Bill Curtis, who used to be my 58:25

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boss in the D.A.'s Office, was then a muni court judge, and he had been elevated to superior court. But he was slow to come upstairs because he was trying to get everything wrapped up down in municipal court.

And so John Phillips at that time was the PJ, and he said, "This is crazy. You guys got to help me out here." So what I did – and what I might be most proud of during my career as a trial judge – is, I went to Monterey and I collapsed the calendars down so that I could run Monterey by myself. It had always been a two- or maybe even three-judge assignment, but I streamlined things to . . . with settlement conferences and bench trials and things like that. So I could run Monterey by myself and take that onus off the judges in Salinas. And I was amazed, at the time, that it worked, and I'm still amazed. So I would say that might be my best achievement as a trial judge.

Patricia Manoukian: Well, you know, and as I [12 seconds without video or audio] Okay. So, Bill, when you were serving on the trial bench in Monterey, I'm of the opinion that it was probably during that time that you started thinking about the Court of Appeal. I've known you for many years, and I know that you think about your next career move and you begin to plan for it. So tell us a little bit about your decision to apply for the appellate court seat.

William Wunderlich: Well, unlike many of my career decisions, this one came a little flat-footed for me because I did not know that Nat Agliano was planning on retiring. He called down to Monterey County in a conference call between John Phillips John is about four years older than I am, and I was about 45 at that time, so John was in his late 40s. Nat Agliano called us and he said, "I'm going to step down, and I want to have a hand in who my replacement is." He said, "I believe the Governor will appoint a judge as opposed to an attorney; I believe that judge will be a superior court judge as opposed to a municipal court judge; I believe that judge will be a Republican; and I believe that judge will be a young judge as opposed to an old judge." And he said, "The only two people in Monterey County that fit that description are the two of you, so get together and decide which one of you wants to go for it, and then go for it all the way." So we hung up the phone, and I looked at Phillips, and he says, "I don't want it." He had sat on assignment up in the Court of Appeals and did not enjoy himself. So he said, "I don't want it. You go for it." So I did.

Of course, I didn't know at the time that there were going to be other strong applicants like Nathan Mihara. So I suddenly found Well, the first person I found myself at odds with was an influential attorney from Monterey named Andy Church – from Salinas. The big A big law firm in Salinas is Abramson, Church & Stave, and Andy Church represented, at that time, most of the growers. And he was *hugely* 1:01:35

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well connected, and you need to know a little about contacts in Monterey County. I mentioned earlier, I tried a case in front of a judge named Jim Leach. Well, Jim Leach's brother is Howard Leach. Howard Leach cut his teeth as a grower, first of all, and eventually a financial planner down in Monterey County. He's a graduate of Yale, he's very closely connected with the Bush family, and he was named ambassador to France during the first term of senior Bush, I think it was. In any event, Howard Leach carried *huge* sway in who was going to be named to replace Nat Agliano. And first of all, I was up against Andy Church. Andy Church had Howard's backing. Well, the problem with Andy Church is he didn't bother to disclose to the Governor that he was recovering from prostate cancer. And, you know, being nondisclosive to the Governor is a no-no on any level. And so Andy was found "not qualified." And so one day I saw Andy on the street, and I said, "How's it going?" and he says, "Well," he said, "I just got a call I'd been unceremoniously dumped!" He said, "I'm no longer in the running." I said, "Good, do you mind if I talk to Howard, then?" He said, "Go for it." So I talked to Howard, and Howard pulled in behind me. And then I find out about this guy from Santa Clara County who's got all the Asian-American judges and lawyers' associations backing him, and he – a great guy, I know . . . I know Nate from down at Dana Point. I admired him down there in a class. He had the most comprehensive script for taking a plea that I'd ever seen, and he was good enough to forward it to me. So I knew he was going to be a formidable opponent.

And now I'll just flash up to Sacramento, and I'll tell you the story I heard later from Chuck Poochigian. Chuck Poochigian was the Appointments Secretary at the time, and he was tearing his hair out because he had this strong candidate from Santa Clara, and he had all these growers and everybody pushing for this guy from Monterey ("The appointment should come from Monterey County and nowhere else"; "Monterey County should have a presence in the court"; and blah blah blah). Whether that's true or not, I agreed with it at the time, and I still do. I think Wendy Duffy was a great appointment. So anyway, he "what to do, what to do, what to do." Well, then, out of the blue, Walt . . .

Patricia Manoukian: Capaccioli.

William Wunderlich: Walt Capaccioli announces *his* retirement, and Chuck Poochigian's line to me was, he said, "The day Walt Capaccioli announced his retirement, did you hear my sigh of relief from Sacramento?" 'Cause now the Governor could appoint both of us, and he did. And we were both sworn in on January – no February 4th, 1993.

Patricia Manoukian: However, you have seniority over Justice Mihara. Can you tell us how that happened? **1:04:25**

William Wunderlich: Well, we had to settle the seniority question by the flip of a coin. And we did so in the chambers of the court prior to my arriving there. And Judge Mihara felt that it was inappropriate for him to be personally in attendance at the court until he was actually sworn in, so I went up – I didn't . . . I had no such compunctions, so I was there – and he sent one of his research attorneys. I think it might have been Martha? Is that who it was?

Patricia Manoukian: I think you're right. I think Martha was the one who was there.

William Wunderlich: And so we flipped a coin, and she called on his behalf and lost. And so, so, I had to defer to the lady, of course, and she lost the flip so I was the . . . I was fifth in seniority out of six, and Nate was seventh – sixth.

Patricia Manoukian: And so you gained seniority by the flip of a coin and started your work at the Court of Appeal. We were so glad to have you there and still miss you. And I want to talk a little bit about your work with us at the court.

William Wunderlich: Okay.

Patricia Manoukian: It's a big change from the trial court, going from the . . .

William Wunderlich: Huge, huge.

Patricia Manoukian: . . . busy hustle-bustle of the trial court to this more academic environment. So what did you think when you got there?

William Wunderlich: I felt like I had joined a monastery. Honestly, it's the most monastical existence I've ever undertaken as a professional. And I would go . . . Unless I walked down the hall to find you or Nate or somebody to talk to, I could go weeks on end without seeing one of my colleagues. The only people I would see were my immediate staff and research attorneys. And honestly, I didn't like that. You know my personality well enough to know that I am very ebullient and I love people contact. I liked nothing better as a trial judge than the hustle and bustle of cases moving in and out, and D.A.s and public defenders wandering in and out of my chambers and talking to me about the latest joke they'd heard or something like that. And I *loved* that about the trial court. And I got *none* of that at the Court of Appeals. So I missed the trial court. But I reasoned that the Governor was smart enough to put me in with some very smart people who let me make some law, and maybe I'd better just try to make a go of it. So I did. And it was a wonderful experience. I stayed there over 11 years. Had this job not come up, I'd probably still be there. So it was a job I had to grow into, to answer your question. It was not a job that I took to readily. 1:06:51

Patricia Manoukian: Well, when you came from the trial court, you worked on a lot of cases – a lot of significant cases that contributed greatly to the law. Are there any of those cases over the last 11 years that come to mind, or that you're particularly proud of? I mean, as you know and as I'm sure they know in the Legacy Project, we have wonderful, wonderful research attorneys who help us so much and support us. And we work in panels of three, so it was a pleasure always to work with you, and I know a number of cases that I sat with you on are such significant cases. Are there any that you'd like to talk about?

William Wunderlich: I can't name the name of this case, but I do know that a former public defender from Monterey County named Miguel Mendez went on to teach law at Stanford University. And he's written a book on criminal law. And in his section on attempt, he cites a case that I wrote. I can't tell you what it was; I didn't feel that jubilant about it at the time. I didn't think it was that important. But he did, and since he's the professor I'll defer to him.

You know, it's funny you'd ask me Probably the one that I think of most in terms of my career at the Court of Appeals involved you and Chris Cottle. It was a tax case. We started out I started out gung-ho in one direction and changed my mind completely. And I don't remember what the issues were. I just remember it had to do with the County of Santa Clara and some use they wanted to make of taxes, and was it appropriate under Prop 13, and this and that. And you and Chris decided you wanted to go one way, and I wrote a long dissent, which I was quite proud of. The case went to the California Supreme Court. At that time, the Chief Justice was Malcolm Lucas. And the case was decided by the Supreme Court. They agreed with you and Chris, but Malcolm Lucas agreed with me. And in writing his dissent, he said, "Justice Wunderlich said this in his dissent, and I can't say it any better." And then he proceeded to quote me for, like, six or seven pages in his dissent. And I was pretty humbled by that, you know. I always thought a lot of Malcolm Lucas, and

Patricia Manoukian: He was a wonderful CJ, and Chris and I remember that our names were not mentioned anywhere in the majority opinion by the Supreme Court, but your name was mentioned and your work was right there in the Chief Justice's dissent!

Now, there's another case that comes to my mind. And since you have such a great memory, I'm sure you're going to remember your exact question. It was my case, and it involved goats. And the goats would wander from their property onto their neighbor's property because they were in search of the females. The male goats were looking for the females, and they would break down the fence. And one day, one of the individuals on the – female goats, if that's what you call 'em – property was leading the male goat back and injured **1:10:06**

himself, fell and injured himself because he was struggling with the goat. And he brought an action against the owner of the male goat. And so the whole case involved these goats trying to get over to find the female goats. And your question from the bench, while we were having oral argument – do you remember your question from the bench?

William Wunderlich: I do. I do.

Patricia Manoukian: Yes.

William Wunderlich: I remember the facts as being: neighboring properties had she-goats and a male goat, a billy goat.

Patricia Manoukian: Yes. Yes. The billy goat! That's it.

William Wunderlich: And I think the females are called she-goats, or ewes. I don't know what they're called, but they're female goats. And it had been their habit and custom – these two adjoining neighbors – that when it was time for the she-goats to be bred, they would open a little hole in the fence so that the billy goat could get to the females. And this particular year, the owner of the billy goat had said he wasn't going to do that. If you're going to If you want my billy goat, you have to come over and get him. And it was in the process of getting him and taking him back that the guy was injured. So one of his theories of liability was, if you hadn't . . . if you had let me cut the hole in the fence as you always had in the past, we would never have had this problem.

So I was sitting listening to your questions, and I'm thinking So my question to them was, "Did you feel some risk in not cutting open the hole in the fence?" He says, "Oh, I'm not sure I understand what you're saying." I said, "Weren't you worried about making the billy goat gruff?" *[laughs]* So, bad humor!

Patricia Manoukian: And that's my memory of that question also. And the rest of us were up there trying to control ourselves during the rest of the . . .

William Wunderlich: Well, there are so few

Patricia Manoukian: oral argument.

William Wunderlich: . . . so few opportunities for humor at the appellate level. And I truly believe – I'm not trying to be, wax rhapsodic here or anything – I'm just saying I think there isn't a judge in this state that can survive – certainly at the trial level – without a very sophisticated and well-tuned sense of humor. And I've carried that into this courtroom. And of course up here in Yosemite you *have* to have a sense of humor to just survive, you know. **1:12:26**

Patricia Manoukian: Well, we talk about that case so often, because it is true – it's really hard to express a sense of humor in most of our cases. And certainly that one continues to live in the Sixth District Court of Appeal. So you lived in If I remember correctly when you came to the Court of Appeal, you lived in Monterey County in a community known as Pruneridge?

William Wunderlich: Aromas.

Patricia Manoukian: Aromas.

William Wunderlich: Yes.

Patricia Manoukian: Okay.

William Wunderlich: It's on the very northern border Aromas is a very curious little community. It's the conflagration of Santa Cruz County, San Benito County, and Monterey County. The main street is the county line. We lived outside in a planned unit development out there. We had a big house out there. And it was a nice commute for me, 'cause I could jump right on 101. As you go down 101, when you get into Monterey County, you know where that big red barn is that says "Antiques" on the roof? That's right where I would get on the freeway to head north to San Jose, so it was a pretty good commute in those days. But then the . . . it got heavier and heavier and

Patricia Manoukian: That's the That's one of the hardest parts about being from Monterey County and sitting on the Sixth District, is that commute.

William Wunderlich: Exactly.

Patricia Manoukian: But you had a lovely location and a lovely house. And we loved working with you. And then at some point you made a decision to move from Monterey County to ?

William Wunderlich: Oakdale.

Patricia Manoukian: Oakdale. And can you tell us a little bit about that – why you moved there and what you did while you were there?

William Wunderlich: Well, Norma has always been a live-in mother, if you will – I don't even know what the politically correct term is. She has not been employed outside the home. Interestingly – I'll just say this as an aside – she was employed outside the home when we were first married. She was working for a bank in Lincoln, Nebraska. And then when she found out – when they found out – she was pregnant, they fired her. Of course, we didn't have enough sense to bring a lawsuit or anything. It probably wouldn't have prevailed anyway. It probably wouldn't prevail today in Nebraska on that lawsuit. But she was 1:14:26

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looking for something where we could add to the . . . maybe feather our nest in retirement a little bit, or something like that.

So she watched this article one night on the six o'clock news out of Salinas on raising alpacas, and how profitable it could be. Well, we knew we couldn't do it in Monterey County 'cause it takes a fair amount of land. So And the other thing that was coinciding with this was, we were getting hit with these incredible earthquake coverage premiums on our house. I mean, they were jumping from like \$300 to \$900 every six months; it was just driving us crazy. So I'm saying to her, "I think we need to get out of here. I think we need to find a place where we can get a . . . some land and maybe pursue this alpaca thing." So we looked around and looked around. We found a little ranchette over in Oakdale that had five acres of land, all flat, all irrigated. It was a 2,300-square-foot ranch-style house with a 1,600-foot barn, with big access gates, both front and back, on the barn. You could drive a tractor right through the barn if the gates were up. And so it was perfect for what we wanted, except it . . . we needed a pasture shelter. So we built that within our first year there, and put that out.

And we did our best to ensure ourselves that we could raise alpacas in Oakdale. The problem with that is that. . . . Well, I'll start with the alpacas. The alpacas come out of the Andes. They're very heat-sensitive animals, they're used to cold temperatures, and Oakdale isn't cold. And so we tried to create a way to ensure that our alpacas would be safe during the heat of an Oakdale summer. So we built a big shelter in our We built a fence around it, and then right out in our yard we built a shelter. And we . . . in the middle of the shelter we put down a big trail of pea gravel, with soaker hoses underneath it, so that we could turn on the soaker hoses and make that wet gravel on demand, because the heat exchange on an alpaca is on its belly. And we thought maybe we could make it work that way. Well, we bought two gelded males, they're called – they're castrated males. They knew they weren't going to be good enough for breeding stock, so they were castrated. And they're very cheap – I think we paid \$1,000, perhaps, for each of them. And they were our guinea pigs. And we realized in the second summer there, they weren't doing well. And this was now 1998, I guess, maybe '99, and I knew I was going to be on the ballot in 2000. And I thought it might be the better part of wisdom to be living in Monterey County – living in the Sixth District, at least – if I'm going to be on the ballot over there.

So we gave up our plans, because you have to understand that alpacas – as exciting and interesting as that sounds – a female alpaca with good bloodlines in those days cost \$30,000. And we just didn't have the financial wherewithal to pull the trigger on a deal like that and have her go down with heat prostration. So we were never willing to take the chance, so we **1:17:52**

kind of turned tail and went back to Monterey County. But during the 2-1/2 years we were there, I was commuting to San Jose from Oakdale.

Patricia Manoukian: That was a long commute. And you had two alpacas. Their names were . . . ?

William Wunderlich: Beebe and Bucky.

Patricia Manoukian: And then what did you do with Beebe and Bucky when you moved back to Monterey?

William Wunderlich: We had friends outside of Sacramento in a town called Esparto who were raising alpacas, and they agreed to take them in and just basically feed them and house them. We didn't want any money for them. We basically turned them over to them. We didn't ask for anything in return except that they treat them well, and they promised. And we knew they would because they were good people; we'd known them over the years. And so we basically gave them away, and gave away the equipment we had bought to the people in Esparto. And just turned our backs on the project. It was a I hate to call it a failed experiment, but, you know, all reality it was. And so we came back to Monterey County and ended up buying a house along the Salinas River south of Salinas, and that's where I commuted from for the last several years of my career.

Patricia Manoukian: And you were on the ballot, and you were reelected. And I know your wife, who's a wonderful person, would call this adventure in raising alpacas another chapter in Bill and Norma's Excellent Adventure.

William Wunderlich: She loves that reference.

Patricia Manoukian: And I've talked to her about that before, and the many exciting things that you've done. Well, let's talk just a little bit about your days as a judge – a trial judge, and an appellate court judge. What do you think are the most important qualities of an outstanding judge, whether you're in the trial court or the appellate court?

William Wunderlich: I think the most important qualities of a judge are on that thing over on my bookshelf over there. Can I see that quote from Socrates? I've kept this with me every day that I've been a judge in my life. It says, "Four things belong to a judge. To hear courteously, to answer wisely, to consider soberly, and to decide impartially." And I think if you can do those things, you're going to be a great judge. That's my motto.

Patricia Manoukian: And I know, for all the days we worked together, that was always on your bookshelf. And certainly those are the qualities you carried with you throughout our time together. What advice would you give to trial judges and appellate **1:20:12**

judges, looking back now at both your trial career and your appellate career before leaving to go to the . . . to become a magistrate? What advice would you give to California judges?

William Wunderlich: My advice to trial judges would be, because I was an appellate judge, the same advice you and I got at Judges College: make a good record. But in terms of appellate judges, I . . . most of the appellate judges in this state are a lot smarter than I am. I don't know that I have any right or any ability to advise them.

I will tell you, just as an aside . . . I hate to get off track here, but some appellate judges from around the state have come up here to visit me. I had Jim Lambden from the First District walk in here one day coming right off the John Muir Trail. He still had his hiking clothes on. I took him to my Rotary Club meeting over at the Ahwahnee. Then I got a call from Ken Yegan one day. Ken has a place over in Mammoth, on the other side of the park. He can't get back and forth when Tioga Road isn't open, but he . . . in the summertime, he comes up and often times we'll shoot across and he and I'll go to lunch together. I got all these business cards over here. I don't know if you can see this pile. These are all judges who've . . . all over the nation, all over the world, really, we get visitors from all over the world in this park, and if they have anything to do with the law, well, they have to come in and meet the magistrate judge in Yosemite. So I get these people walking in all the time.

So getting back to your question – what my advice would be. Just stay with the appellate work until you're not enjoying it any more. I would still be there if this job hadn't come up. I loved my work on the appellate court. I had great lawyers, great staff, great colleagues, and . . . You know, things had changed a little bit in our court when Chris Cottle departed. A new PJ took over with quite a different management style. But, you know, you adapt to those things. We're all big people. I would still be there, because especially with the state's new program now that if you work for three years beyond . . .

Patricia Manoukian: Right.

William Wunderlich: . . . your 60th birthday you can earn some additional money. Well, I'm still . . . I'm 61. I'd still be working. I'd be churning out the cases and earning that extra bennies from the state. I probably would have stayed there 'til I was 63.

Patricia Manoukian: But this job did come up.

William Wunderlich: It did come up.

Patricia Manoukian: And you learned about it, and you decided this is what you wanted to do. What interested you about this, and **1:22:42**

why did you decide that you wanted to leave the wonderful academic halls of the Sixth District to come out to Yosemite?

William Wunderlich: Well, to answer that question, you need only walk out of my parking lot and look around. I live in the greatest concentration of natural beauty in the world. I live in a 2,100-square-foot house that's a five-minute walk from my court. I was commuting 70 miles in each direction to get to Salinas from Monterey – or to get to San Jose from Salinas. There isn't a better job in the judiciary anywhere in the United States, and I Well, I'll tell you a story. There *may* be. When you become a federal magistrate judge, you need to know that this is an entry-level position, like the old muni court position in state court judging. So you go to Baby Judges School. That's exactly what they call it. So I went down to Baby Judges School in San Antonio, and there were 20 of us there. Of the 20, 18 had no prior judicial experience. One guy from Ohio had a few years on the state court bench, and I had 20-plus years in the state court. So they put us in a big horseshoe, and they put us in alphabetical order. Naturally Wunderlich, I'm last. And they start with Lincoln Almond, a guy from Rhode Island. And they wanted everybody to introduce themselves, tell where you sit, what your assignment is, so forth and so on. So I had my speech ready. As I told the folks down in Monterey the other day, I was ready to tell them I had the finest judicial assignment in the nation, bar none. And the second person to speak, his last name starts with a "C," his name is George Cannon. George Cannon says, "Well, I'd like to introduce myself. Pleasure to meet all of you. I'm the magistrate judge on the island of Saint Croix." I thought, "Oh, lord, I've got some major competition here. Maybe there *is* a better assignment." I don't know. I think George works a lot harder than I do, because he's got piracy and drug interdiction and things like that going down in the U.S. Virgin Islands.

So I do believe that an argument can be made that this is the best judicial assignment in the nation. And I've always loved Yosemite. And I knew that if I didn't go for it, it wouldn't come up again for probably another 8 to 20 years. I am the 11th judge to hold this position, even though this position has been in effect since 1920. So 88 years, 11 people – that's about an 8-year average. And that's probably what I will do.

Patricia Manoukian: What is your term? Your term is eight years?

William Wunderlich: Eight-year term.

Patricia Manoukian: And then after eight years

Videographer: And any time you're ready.

William Wunderlich: You asked me what the term in office is. The term, when you are appointed to a magistrate position by the The 1:25:32

appointing powers, by the way, are the sitting district court judges of the Eastern District, or whatever district you're being appointed in. And they appoint you to an eight-year term. At the end of your eight-year term, you can apply for reappointment if you wish. When you apply originally, there is a merit evaluation committee appointed to evaluate you as a candidate. And when you apply for reappointment, a similar committee is appointed to evaluate you as a candidate for reappointment. Most magistrate judges, I think almost without exception – I think there was one fellow in Hawaii that did not get reappointed where he wanted to – but most are reappointed if they want to be. And then it's another eight-year term. And you're not locked into anything. You can serve At the end of eight years, you have vested in the federal retirement system, so after that it's . . . you're just building up the percentage of your stipend. You know, it's . . . But they go in eight-year increments.

Patricia Manoukian: Okay. And so you're in the middle of your first eight-year term?

William Wunderlich: I'm just finishing my fourth year, starting my fifth – that will be on the 30th of April.

Patricia Manoukian: And what types of cases do you hear?

William Wunderlich: I hear mostly what you saw in court this morning – Class B misdemeanors. It's a curious thing to me, coming over from the state courts. In the federal court, they have three classes of misdemeanors: Class A's, Class B's, and Class C's. As long as it's either a B or a C A B has a possible fine of \$5,000 or six months in custody; you do not have the right to a trial by jury. So almost all of the Code of Federal Regulations charges that are brought here in my court are Class B misdemeanors. We keep them from beginning to end here in the court. I see them through status conferences, and then I try the case if necessary. And the frustrating thing to me, I'll tell you, is I was used to being a hands-on trial judge in the state court. When I had a bunch of criminal cases on my docket, I would bring the lawyers in and I would basically manhandle them into settling their cases. You can't do that in federal court. By statute, the federal judge cannot participate in plea bargaining. So you just have to let the parties try to work it out, and if they can't then you try the case.

And I will tell you, even though people think this job up here in Yosemite is kind of cushy, it has its moments. Last year, for example, I had more misdemeanor filings in my court than any other magistrate judge in the Eastern District of California. I jumped from 243 the previous year to 321, and now Those cases all get arrested in the summer, then we try to get them tried in the fall. Well, this year that proved to be a problem because I had medical problems in the fall 1:28:27

that carried over into the winter. I had to have surgery. So now I'm trying the cases that go all the way back to last summer's arrests. But we're pretty current. I think the oldest case on my docket might be maybe two years old, I'm guessing. But not much more than that.

Patricia Manoukian: In addition to these cases, you shared with us in Monterey that you handle a lot of habeas matters also?

William Wunderlich: I do. The Eastern District of California has the dubious pleasure of housing many of California's state prisons and many federal prisons because land is cheap in the Eastern District up and down the San Joaquin Valley. Because we have so many prisons and because they are all chock-a-block with prisoners who have nothing better to do than crank out habeas corpus and prisoner civil rights cases, we are inundated. We have in the order of 1,400 to 1,500 filings in Fresno alone every year of these kinds of cases. The magistrate judges expect . . . or the district judges expect the magistrate judges to work these up and handle them. So I get upwards of 300 of those cases a year – about half and half divided between prisoner cases and habeas corpus. But, lest you think me too put-upon, I have two elbow clerks – one working on the prisoner cases and one working on the habeas cases. So, I got a . . . I have a lot of help.

Patricia Manoukian: So how are you enjoying being back in the trial court again? You started in the trial court, and here you are back in the trial court again.

William Wunderlich: I love it. I really enjoy the trial court. It's a different view up here, because it's not like the usual trial court where you're in the middle of a busy courthouse and you have people coming in and out to talk to your clerk and stuff like that. Nobody comes up here. I have a federal defender . . . I'll tell you an interesting story about the federal defenders. The federal defenders are in Fresno. They appear telephonically any time except Tuesdays – they send an attorney up here on Tuesdays – or to try a case if a case has to be tried. So I don't have attorneys wandering around. My prosecutor is not an attorney. She's a third-year law student and she's a park ranger who has legal training under their standards that allows her to serve as the legal representative for the law enforcement agency up here in the park. So I just don't have the give-and-take. I have my bailiffs, I have my clerk, and, you know, that's fine. But it's not like being back in the trial court per se. I love being on the bench – that part I will always love, no matter what I'm doing. That is my first joy, is to go into a courtroom and hear that "All rise" and get up there and start cranking out some business.

Patricia Manoukian: And what do you see for yourself in the future, Bill, in terms of your judicial . . . ? 1:31:24

William Wunderlich: I can tell you exactly what I see in the future for me, assuming that the gods allow this. I see myself working four more years or six more years, depending on what the federal government requires of me. There's a proposal in the federal Congress right now to require magistrate judges to work until they're 67 before they can draw retirement benefits. Right now the rule is 65. If they change it, I will stay 'til I'm 67; if they don't, I'll leave when I'm 65. And my plan at that point is to move back to Monterey County, particularly to Pacific Grove. And Norma and I have a plan that we don't want to have to use a car. We want to park the car and be within walking distance, as we are here, of the market, of the post office, of the cleaners – that sort of thing. So my plan is to retire to Monterey County. I may call Marcia up in San Francisco and see if she's got any work for somebody that wants to sit on assignment – maybe in a criminal case in Monterey County. I think I would find that interesting. But I don't know that *she* would. I hope she would, but I might

Patricia Manoukian: I'm sure she would, I'm sure she would. You've been a trial judge, an appellate judge, now a trial judge again in the federal system. So I know they're always looking for people with wonderful experience. Well, tell me a little bit about Norma. She's been such a great support to you through the years.

William Wunderlich: Norma is a saint. Putting up with me, obviously, she would have to be, but she busies her time doing travel planning. And she's a wonderful cook, so she does a lot of time on line pulling up recipes and experimenting. I'm her guinea pig on some of her recipes, and I've never hit a clinker yet, as I can . . . you can tell by looking. Norma is quite happy on her computer, planning vacations for us. She feels no driving need to be a career woman. Of course, she's 61, like I am. It's probably a little late if she did have the driving need. But she's just a great support person and has always been there. She was my campaign manager in 1984. She ran the campaign office.

Patricia Manoukian: Everyone I know speaks so highly of your wife and her support for you and for your three boys through the years. And tell us about your three boys – what are they doing?

William Wunderlich: My oldest boy and his four partners just sold a company in Colorado. They're in high-tech recruiting. They sold off some of their markets, they retained their Colorado market, they eased out one of their partners, and the three remaining partners have formed a new company and they're going to continue in high-tech recruiting. He's doing very well financially. He lives in a house that Norma and I built in partnership with him when we cashed out our house down in Salinas when I moved up here. Rather than have the tax man come knocking, I reinvested – we reinvested – in a residence on a golf course back outside of Boulder, Colorado. 1:34:37

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Our house sits on a golf course with a fabulous view of the Front Range and the Flatirons and stuff like that. Bob lives there and runs his company from there – sometimes from home, sometimes at the office.

My middle son, Bill, is graduating in about two months, I guess, from Humboldt State University with a degree in computer animatronics, or whatever it's called. He does animation using a computer. He's an artist, basically, and has tremendous skills on the computer.

My third son, Brian, is . . . was living with us until recently. He was the maître d' at the Ahwahnee Hotel. He gave up that position. He got a little "park fever" – everybody does when they come up here, especially when you're 35 years old and single, and he . . . looking for a social life. So he's back in Monterey County in Carmel Valley, working for a new five-star restaurant out at Carmel Valley Ranch, and also working at a prestige property in Big Sur called the Post Ranch and doing very well.

Patricia Manoukian: That's great, that's great. Now, as you were growing up and going through your legal career and your judicial career, are there two or three people that you would pick out as being maybe your heroes or your role models or your mentors? People that you really feel helped you find your path and your direction in life.

William Wunderlich: In my legal career, there would be two. One would be John Phillips, who's . . . both in his role as my supervisor in the D.A.'s Office, where he would accept nothing less than absolute ethics, and he wouldn't require . . . allow any quarter and didn't expect any to be taken. He was a charging prosecutor, and he instilled that in the people that worked for him. And then he became a great superior court judge, and he was a great colleague when I was a superior court judge. John Phillips is probably my mentor – one mentor in the legal profession.

The other would be Chris Cottle. I thought Chris Cottle embodied all of these things and more, you know. Chris Cottle is a genius. And it just doesn't get any better as a judge than Chris Cottle – whether it was when he was in Santa Cruz as a trial judge or on the Court of Appeals. Chris is my hero.

Now, in terms of life inspirations would be my father. This is hard for me to talk about, but . . . My father contracted polio when he was three years old. And he lived on a little farm in rural Nebraska with his parents. This was 19 . . . He was born in '06, this would have been about '08 or '09. I'm pointing this out to give you an example of what a tough son of a bitch he was. He got polio. Both of his legs were implicated. He could not walk. He was taken to a convalescent hospital in Grand Island, Nebraska, which wasn't that far from where the **1:37:48**

farm was, except his parents had no car. So he was in this convalescent hospital about a hundred miles away for a year. And his parents visited him once in a year. And I just think that anybody that could bear up under that is pretty amazing. So he was able to fashion a profession for himself, raise five kids. He was the strongest man I've ever known, both physically Of course, he spent his entire life walking on crutches, so his upper body strength was legendary. None of us ever wanted to box with him, because he would sit down in a chair and offer us the boxing gloves, but you'd never want to try to move inside on Dad, because you'd end up on the floor. He was a good boxer. He was a good man. You know, he took a blow that would have left anyone else as a quivering victim, and he turned it around and made a life for himself and his family.

Patricia Manoukian: An amazing father you had. And your mother. What amazing parents. Solid role models who really dedicated their lives to their families.

William Wunderlich: I might tell you that this watch

Patricia Manoukian: I was going to ask you about that, 'cause I know

William Wunderlich: This watch is a Hamilton self-winding watch. When I graduated from high school in 1964, Dad had me come down to the jewelry store. I never worked for Dad; my other brothers worked for him in the back room, repairing watches. I never had that proclivity. Obviously I was a political science major eventually, so I didn't have that kind of ability. But I worked in the grocery store. And he had me come over one day, and he said, "I want you to pick any watch in the store for your graduation present." And this is the one I chose, and I still wear it.

Patricia Manoukian: And still think of your father every time you look at it. You know, I have one final question I want to ask you. But before I ask you that question, I want to ask you, is there anything else that you'd like to share with us on this interview that will be preserved forever – about your life, your career, your family, or any aspect that I haven't inquired about?

William Wunderlich: Well, I would share with you a letter I got from Jim Lambden shortly after I arrived up here. I might even be able to put my hands on the letter. But somewhere I have a letter from Jim saying, "Several of us were talking about you the other day, and some of them considered you a risk-taker. I consider you a visionary." And he said, "I was in the minority but I still feel that way." And I guess that transcends over to, if you ask me a bit of advice Going back to my colleagues on the Court of Appeals, I . . . it's pretty easy to get sedentary on the Court of Appeals, and get locked into doing the same thing year in, year out. Same caseload, same output, same lawyers, 1:40:44

same colleagues. I guess my advice would be, “Never lose the ability to kind of watch for that unusual thing that might be on the horizon. And go for it, you know.” This was a pretty unusual career move for me to leave the Court of Appeals and come to the federal court. Of course, it happened to be Yosemite, but I’m not sure I would have done it otherwise. But, I mean, sometimes there are little things that pop up that you just need to go for, you know. Take a chance. Don’t always be in the same rut, and usually it will redound to your benefit.

Patricia Manoukian: And you’ve actually just answered my final question. My final question was going to be I have seen you as a risk-taker. I have seen you see opportunities and prepare yourself and plan to pursue those opportunities. And so my last question was going to be: For our young lawyers and for our law students who will be watching these tapes and aspiring to the bench, in addition to that great advice, which was going to be my question about sort of seizing the moment, not letting it pass you by, following your heart, would there be any other advice that you would give our young people coming up in the profession?

William Wunderlich: No, I think I’ve said it. Never, ever let yourself get locked into a rote drill. Most of these people are very bright, obviously; they’re graduating from law school. There may be other opportunities that present themselves completely outside the law. I read an article in the *Chronicle* recently about a woman who gave up a law practice to become a soup chef or something like that. And she’s doing very well and she’s enjoying it. And God bless her. I mean, I think if that’s the kind of thing you need to do

I’ll tell ya I told you, I didn’t like private practice. I’ll tell you a near miss. We didn’t do this one. It wasn’t like alpacas and Yosemite. Norma and I didn’t pull the trigger on this one. The summer of 1972 – I’m sorry, 1982 – I had been in private practice almost two . . . exactly two years at that point. And I took my family to Maui. And my partners were horrified, ‘cause I went for three weeks. And so I just went over there and we ensconced ourselves in a beach house owned by an attorney in Carmel, got a good price on the rental, got a rental car, and we just spent three weeks enjoying Maui. And one of the things we did was we went up to the top of Haleakala for the sunrise, which is a very wonderful experience if you’ve never done it. We took sleeping bags and covers and stuff from the house, and we went up to the top. And I was *dying* for a cup of coffee. Just *dying* for a cup of coffee. There was no place to get a cup of coffee, even though there were hundreds of people up there, and there are hundreds of people there every morning. Nobody was up there taking advantage of all those thirsty people. So we came back from Maui, and I said to Norma, “Wouldn’t it be great if you could develop a recipe for pineapple 1:44:06

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muffins and I'll develop a . . . for Kona coffee, and we'll get one of those, you know, trucks that have the lid that flips out and you sell coffee out of the side of the truck. We'll go up to the top of Haleakala every day and we'll sell coffee and pineapple muffins. I've never really ever told anybody this. But Leon Panetta knows about it because he was our congressman at the time and I wrote to him and asked him what the process was for applying for a permit to do that. And he sent it back to me, and I don't remember now what the process was, but I didn't do that. *[laughs]* That's one of the crazy things I didn't do in my life. But I wish I had, you know? In some ways, I wish I had. Well, you know, let me take that back. I don't wish I had. I've had a wonderful career as a judge. Anybody else can sell coffee and pineapple muffins on Haleakala. Nobody still is, by the way. Nobody has ever jumped on that. I can't believe it.

But anyway, to the young people watching this tape, watch for the alternatives, not only in the legal profession but outside "the box," as everybody likes to say. You know, it's a big world and you're a bright person or you wouldn't be graduating from law school. So just always keep your options open and keep aware of your peripheral vision. Anything that might pop up, don't be afraid to pursue it.

Patricia Manoukian: And we at the Court of Appeal, everyone sends their best. Everyone says hello. We miss you, we love you, we follow your career, we wish you the best, we wish you happiness in all your adventures, and we're just all standing by to see what your next adventure is going to be. So thank you very much for the interview and for your time and for your . . . for sharing your life and your words of wisdom with us.

William Wunderlich: Well, thank you for allowing me to do "Larry King Live" in Yosemite. *[laughs]*

Patricia Manoukian: I think that wraps it up!

*Duration: 105 minutes
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