

California Appellate Court Legacy Project – Video Interview Transcript:
Justice William W. Bedsworth, Court of Appeal, Fourth Appellate District

Manuel Ramirez:

Associate Justice William Bedsworth, as many of us know, we are sitting at the Court of Appeal in Santa Ana, and welcome to your legacy interview. The voice of the moderator is that of Manuel Ramirez, presiding justice, Court of Appeal in Riverside, and I can't think of a greater privilege, Beds—if you don't mind me saying that—to be asked by you to be the moderator for your legacy interview. We have known each other since 1974—50 years, more or less—and so it's a real, real pleasure, an honor—it's a point of great satisfaction for me to be part of your legacy interview. And if you will indulge me for just two or three, maybe four minutes to share my thoughts about what I think of your career, and then you, of course, as we go through the interview process, you'll fill in the blanks and tell me about what you think your career is. So, and I have two or three thoughts, if you will bear with me. My first is of a speech given by Felix Frankfurter, who in 1915 was the youngest elected president of the American Bar Association, and those of us who love the law know that Felix Frankfurter later became a United States Supreme Court justice. And in that speech in 1950 to a auditorium full of lawyers, he said, in part, We make of them clever pleaders, but not lawyers, if they fail to catch the glorious vision of the law.

So, let's hold that thought for just a moment, and there is a parable—a famous parable, in my view—of the three stonemasons, and each stonemason is given a stone and asked, What will you do with this stone? The first says, I will earn a living; the second says, I will shape a nice pattern with this stone; and it is the third stonemason who looks up to the sky, and he says, With this stone, I will build a cathedral. Then, of course, there is someone that I know you enjoy reading books about him—I do as well—Abraham Lincoln. We can say all that we want to say about Abraham Lincoln, melancholy, sad president, best speech-writing president we ever had, but of Abe Lincoln, it has been said that he has been a politician with a heart. I would say so, too, Justice Bedsworth. It can be said of Associate Justice Bedsworth that he is a judge of the heart of passion for the law, life, humanity, and intellect. And so as we go through this interview, I'd like the individual or people watching this interview to see which one of those best fits the nature, the career, the passion of Associate Justice Bill Bedsworth as we conduct this interview, and you can, in your own mind, satisfy your curiosity with thinking about Justice Bedsworth in one of those categories. So, if you don't mind, let's begin, and we'll begin right where everything should begin: your life with your parents.

Justice W. Bedsworth:

Well, first let me thank you for that lovely introduction. Once before I die, I hope to get an introduction I can actually live up to. Today is not that day, but I am grateful to you for the kind words and for the 50 years of friendship. *[Sighs]* To understand me, you have to understand first my parents. I am the product of a very unusual marriage. My father was a field hand in West

Texas, literally picking cotton at the age of 12 in Ysleta, Texas, outside of El Paso. Joined the Marine Corps in World War II, was sent to jump school in Virginia, and one weekend went into Washington, D.C., to the USO. My mother turned to a girlfriend—my mother was working there as a volunteer—and said, Wow, there's a cutie. The girlfriend told my dad to ask Mom to dance because she liked him. My mother, at that time, had a degree in microbiology, at a time when women weren't even going to college.

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Her father was a wealthy chemist who had sent his daughter to school to study the cutting-edge area of microbiology. She fell in love with this field hand from West Texas. When he got his orders to ship out as a marine paratrooper, he went to her father and asked him for his daughter's hand in marriage, and my grandfather told him, You are not only not going to marry my daughter, you are never going to see my daughter again. If you ever contact my daughter again, I will call the police. Dad went off to the South Pacific, and he and Mom wrote back and forth through a girlfriend intermediary because Grandpa would have torn up the letters. And when the war ended, he was sitting on New Caledonia waiting to invade Japan. For reasons known only to the military, they shipped those people back first, and he and his brothers joined together in Southern California and began driving up and down the coast, trying to figure out where in Southern California they would settle. And they chose Southern California because every time they went north, it rained, and so they established their business in Southern California. My dad sent Mom a one-way train ticket to Southern California, and she essentially eloped. My grandfather got up one morning, and his firstborn was gone to marry her marine. I was, therefore, the product of this bizarre combination.

My father had an eighth-grade education. My mother had a college degree in science. My father's entire work history involved being a field hand—he never had two nickels to rub together. Mom had grown up with servants. Dad knew every joke ever written. He was the life of every party. My mother never told a joke in her life. The words two guys walk into a bar never came out of her mouth, but she was the world's best audience. She laughed easily and enthusiastically, and I watched my dad make my mother laugh and decided I want to make people laugh, I want to make Mom laugh, and humor has been a big part of my life ever since. I had this wonderful schizophrenic childhood. I would come home from school; Mom would be playing Rimsky-Korsakov or Beethoven on the piano. We were eating bologna sandwiches, but we had a piano, thanks to my grandfather. Dad would come home a couple hours later, turn on the radio. It would be Merle Haggard and Johnny Cash. My whole life was that way. Dad hated sports. Mom was one of two daughters born to a man who loved sports. Mom loved baseball,

so I loved baseball. My mother insisted the only reason I learned to read was because I found out there was baseball news in the sports pages. I grew up—and it's important to me that people understand that, because when people hear that I'm the son of a casket maker, they think this must be some kind of rags-to-riches story, and it's not. I was born on third base, and I have spent the last 77 years trying to negotiate that last 90 feet.

I was born a white Anglo-Saxon Protestant male in Southern California after World War II. That was the golden ticket—I mean, that is being born on third base. We didn't have money, we never had money, but I had public schools and Little League. I had two parents who stayed together and didn't have substance abuse problems and who loved me, and I had a great childhood without the burden of a great deal of cash. Mom was desperate that I get a great education. So when a pyromaniac, poor, sick, mentally deranged person set fire to my father's business and burned it down when I was a freshman in high school, they kept

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me in the private high school. I don't like to think about what they had to give up for me to stay in that private high school. I remember offering to go back to the public school, where my friends were and I would have been perfectly happy, but my mom felt I needed a better high school education. So I got a great high school education, and then we had to figure out how we're going to negotiate college. And one day, I came home and there was a letter. I was 17 years old—I didn't get many letters. There was a letter informing me that I had been awarded a California state scholarship based on test scores and grades and I don't know what all, and that the State of California would pay for me to go to any institution in California to which I was accepted.

So I was signed, sealed, and delivered for Stanford. It was just assumed I was on my way to Stanford. I wrote the baseball coach there a letter. I'd played baseball in high school—I was good. I wasn't an all-star—I was team captain and a steady player, but I wanted to keep playing. I loved the game. So I wrote a letter to the coach at Stanford asking if I could walk on. He contacted my coach, whom I'm sure told him something like, The kid can't hit a lick, but if you need defense, he's your guy. And the coach sent me back a letter saying I could walk on at Stanford. He said, When you come up to visit the campus, let me know—I'd like to get to know you.

So the day I picked, by chance—the weird things that change your life—by chance, the thing—the day I picked was the day when the baseball team was having a team meeting. So I went to the team meeting with the coach. He said, You know, you can meet some of your future teammates. And I came back from Stanford, and I said, Well, Mom, I'm not going to Stanford, and

she was horrified. She said, Why not? I said, I can't play ball there, Mom. She said, Bill, you showed me the letter. The coach said you— I said, No, Mom. The coach said I could walk on. Everybody at that team meeting was all-league, all-CIF, all-state, all-universe. I'm not good enough to make that team. She said, Well, what are you going to do? I said, Loyola has a terrific catcher, but this is his junior year. Next year, when I'm a freshman, will be his senior year. When I'm a sophomore, they'll need a catcher. I can make that team. I can play ball.

Mom spent weeks trying to talk me out of that. Thought it was a terrible mistake, and told me it was a terrible mistake, and finally—and I can remember this conversation—she finally said, Bill, I think you're making a terrible mistake, but you're a man now. It's time for you to make your own mistakes. You go where you want to go.

Manuel Ramirez: Your reference to the catcher at Loyola in his junior year and knowing that you would arrive as a freshman and the likely successor to the catcher after he graduates, that's a story that goes back some number of years, because in the current sports environment, if you're a great playing-ability-filled freshman, you can play right away with the varsity, as we knew it then—you can't do now. It's interesting that you mentioned this story of your parents and how they met. What an incredible, great love story, and you received in that from your mom and dad, the nurturing, the love, the support, and the transmission of values, I suppose—

Justice W. Bedsworth: Oh, yeah.

Manuel Ramirez: —that made you the person you are today, and it explains a lot: the microbiology, science-oriented mom and the hardworking, loving labor father who blessed with a great sense of humor. And if you blend those together, we would see Bill Bedsworth.

Justice W. Bedsworth: I really think that I am the product of an unusual raising, and you know, I'm a guy who opened every session of court with, Good morning, welcome to the Hotel California, because I thought it would relax people. Courtrooms are intimidating, and I had learned from them my dad's values, which were, you know, an honest day's work for an honest day pay—day's pay and my mother's aspirations to do things that are important. My mother taught me of those to whom much has been given, much will be required.

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Manuel Ramirez: Semper fi, to your dad, that's probably another quality, the quality of loyalty, and over the many more than 50 years we've known each other, that quality is one of your many, many great attributes, as you are and have been and continue to be a very, very good and loyal friend. I'd like to pick up on the theme of

sports for just a moment, because I know it was such a big part of your life. And the L.A. Times had, as I recall, a gifted writer. He could communicate sports and sports stories and talk about legends unlike anybody else, just as you do when you write an opinion. You can—you can create images in your opinions just as he created images with his words about sports and players and tradition and people.

Justice W. Bedsworth:

It's very kind. You're referring to Jim Murray. I made that terrible choice, and I loved my—I spent three years at Loyola, I'll get to that. I loved my time at Loyola. It was a bad choice objectively, but it worked very well for me, and one of the ways in which it worked best was that my freshman English teacher, Father R. A. Taylor, SJ, taught our class Monday, Wednesday, and Friday at 8:45 out of Jim Murray's sports column in the Los Angeles Times. Jim Murray won the Pulitzer Prize, and they don't give those to sports columnists very often. And every Monday, Wednesday, and Friday, Father Taylor would come in and say, Okay, let's look at the first paragraph of Murray's column today. How does he start out? What grabs you in that first paragraph, makes you want to keep reading? Now look at the second paragraph. How does he start that second paragraph? He starts it with the word and. That tells you it's more of the same that's coming. Look down to the fifth paragraph. That starts but. He says, That tells you we're going in a different direction now. Get ready to change speeds or change direction because I'm starting this paragraph with but. Don't listen to people who tell you don't start sentences or paragraphs with and or but, because those words tell your reader before he's read anything else just where you're going.

I have spent the rest of my life—I was 17 when he started talking to me about Jim Murray, so I've now spent 60 years trying to write like Jim Murray, and to the extent that people feel I write differently than other attorneys and other justices of the Court of Appeal, it's because I'm trying to copy Jim Murray, who wrote the clearest prose I've ever seen and knew how to make a point. Now, sure enough, I got to Loyola. Sure enough, John LaBerry, the star catcher, graduated. My sophomore year, I was the last guy cut from the baseball team. Junior year, I played baseball at Loyola—one season.

I figured out because I'd taken a lot of extra units and I'd been sick one summer and gone to summer school, I could graduate in three years, and I was stupid enough that that seemed like a good idea. I tell people now, Spend as much time as you can in college. You spend a lot of time growing up. But to me that sounded like a good thing. I wanted to get married, I wanted to go to law school, so I graduated in three years, applied to Boalt Hall because I was told by the only lawyer I'd ever met that was the best law school I could afford. I got married, we moved to San Francisco. I actually spent three years in the city and had a lovely time in law school. Came out of law school with good

grades but no job, partly because I had fallen in love with the criminal law, and that's what I wanted to do. And there just weren't that many jobs. Ventura County wasn't interested in me. L.A. wasn't hiring. Orange County, the bastion of conservatism, when I wrote to them asking them when they'd be interviewing at Boalt Hall, their response was, We have not found it profitable to interview in Berkeley in the past. Please get in touch with us. We'd be happy to talk to you.

Well, I graduated, moved back home. I wanted to be back in Southern California—that's where my roots were. Sat around for a couple of weeks trying to figure out what to do. And my mail had to be forwarded from San Francisco.

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One day, I picked up the mail, and there was a card from the Orange County DA's office saying they were interviewing for pre-bar result law clerks. If you were waiting for your bar results, they had a job that they were going to fill. The two days that they were interviewing were the day before I got the card and the day I got the card.

It's 10:30 in the morning when the mail arrives. I'm sitting there in my underwear. I look at this card, and it says, We're interviewing. I call them. They say, Well, you know, we do have an opening for an interview at 11:30. Can you be here at 11:30? I said, Absolutely, I'll see you at 11:30. I was not showered. I was not shaved. I did not know how to get to Santa Ana from where I was in Gardena, but I told them I'd be there. And I rolled in about 12:15 and said, You know, I'm really sorry I'm late. Is there any chance of squeezing me in somewhere? And they said, Well, yeah. We're running late too. We'll find a spot for you.

So I got an interview, and I did well. And I got invited back for a second interview. And at the end of that interview, one of the interviewers told the other two people—one of whom later told me—he said, Okay, the three that we've narrowed it down to are all good. I'm late for lunch already. You guys figure out who you want. I don't care who it is. Just don't hire the fat wimp.

Fortunately, one of the other guys said, Dick, he can't be a wimp. He was a Division I catcher. You can't be a Division I catcher—and notice, he didn't try to defend me on the fat charge, only the wimp charge. And the other guy said, All right, if you want to hire the fat wimp, hire the fat wimp. They hired the fat wimp. That was the beginning of my career, and it was started not by my writing sample, not by my law school grades, not by my interviews, it was started by the fact that I had been the second-string catcher at Loyola for one season.

Manuel Ramirez:

That is probably one of many common experiences that you and I share. We were both prosecutors in the DA's office in its heyday

or at a serious Michael Pizzi, Eric stayed the night and I can go on. You know all of them. And the story when I was hired—Bill Evans, John Connolly, and Bruce Patterson, you know them all—I was asked right off the top, What sports do you play? And I'm thinking I'm going to get a search-and-seizure question of Fourth or Fifth Amendment precedent. And when I said, Well, I'm okay in baseball, probably better in football, not so good in basketball, Bruce Patterson said, Let's hire him and put him over at the West Court team and see what happens there. And that was the beginning of my career.

Your career in the DA's office, there are those of us who, and you know of those fellows, John, Bryan Brown, and a number of people that were just litigators.--

(Voice Overlap)

They were litigators. But the people I just referred to a moment ago, they were specialists in writs and appeals, and all brilliant. It was the heyday of the DA's office—California v. Miller, Theodore v. Frank, and all of those interesting cases. Did you like litigating or the research component more over the other?

Justice W. Bedsworth:

I was part of the Perry Mason generation. I grew up thinking I wanted to go to court and I love the criminal law. When I got to the DA's office, I was just thrilled. I had started out in the Alameda County Public Defender's office as a law clerk second year and decided, you know, there just aren't enough innocent people out there who need defending, and all these people that I'm dealing with are guilty. I'd rather be on the other side of the table.

So I started trying cases in the DA's office and found out if you're going to be a litigator in an office like that, you have to meet new people constantly. And one of my character flaws is that I am not good at meeting people. I'm uncomfortable meeting people. I won't even go to a party if I don't know that there going to be some people there that I already know that I can talk to. It's not exactly being shy, it's just uncomfortable meeting new people.

Well, that's what litigation is. You go in and you meet the judge, you meet your witnesses. You go to that world's worst cocktail party called voir dire, and you make conversation with a bunch of strangers to pick a jury.

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And it was constantly meeting new people, and I was not cut out for it. I was uncomfortable with it, and I was going nowhere in the DA's office. They were trying to figure out what to do with me. I had these wonderful credentials, but you know, I was winning, but it was clear then that I didn't want to try a lot of cases. I was only trying what I had to try.

And then I got lucky. Again. The defense bar decided, Look, we can have specialists go in every Friday to the criminal law and motion calendar and handle the motions. The DAs are sending in their trial deputies who've been in trial Monday through Thursday and tried to get ready for this 1538.5 motion or 995 motion or whatever it is on Thursday night. We can have a specialist go in who's worked on the case and knows all the applicable case law and beat the tar out of them. And that's just what they started doing.

And the DA's office said, Okay, we need some of our own specialists, and they said, You, you, you, and Bedsworth. You're now specialists in law and motion. And I started doing law and motion. And then I started doing writs and appeals, and boy, I was at home. I was having the time of my life. I just loved that, and that made my career. They made me an appellate lawyer after five years as an unhappy litigator. I spent 10 years as a pleased-as-punch law and motion writs and appeals attorney and developed a reputation. The judges got to where they trusted me.

Manuel Ramirez: Who were the, you, you and you people that you were pointing your finger at?

Justice W. Bedsworth: Oh, Eric Steven and John Connolly, Jan Nolan. Some really fine lawyers who were also a little miscast as litigators. And so I did that until I decided I wanted to be a judge.

Manuel Ramirez: Can we go back for just a sec? In the heyday of the writs and appeals section, did you have a favorite case that you handled that you enjoyed seeing from local litigation to appellate to Supreme Court?

Justice W. Bedsworth: No, I had some cases that I appeared in the Supreme Court on. I had some trial cases that were big but you've got to keep in mind most of the time after a trial, the attorney general picked up the appeal. The appeals I was handling were our appeals where we had lost and were having to appeal ourselves. So I was the appellant most of the time when I was going to the—

Manuel Ramirez: Were you still in the writs and appeals section when you made your initial attempt, at an appointment to the bench?

Justice W. Bedsworth: Yes. And I first tried when Jerry Brown was the governor, and Jerry Brown rejected me as way too conservative. He's an Orange County prosecutor, for crying out loud. Jerry Brown left office. George Deukmejian came in, a conservative Republican. He rejected me as way too liberal. He's a bearded Berkeley Democrat, for crying out loud. Who sent this guy to me? And I realized, okay, Eisenhower was right. When he came back from World War II and both parties wanted him to be their candidate,

and he was trying to figure out which side to be on, he said, You know, I'm a little uncomfortable with both sides.

It turns out people who walk down the middle of the road get hit by trucks. And I kind of felt like I'd gotten hit by a truck. I was too conservative for the Democrats and too liberal for the Republicans, but there was -again, I got lucky. There was an empty seat. There were a couple of empty seats that came up for election in 1986. 1986 was the year that Rose Bird was on the ballot. Every conservative in Orange County came out to vote against Rose Bird, and while they were there, they said, You know, Here I am voting. What else can I do? Judges! Okay, oh well, this guy's an Orange County prosecutor and he's got an Anglo-Saxon name. That's my guy.

And that's how I became a judge. And I became a superior court judge because I couldn't afford to be a municipal court judge. Now, some listeners don't know our trial system used to be broken up into municipal courts, which tried lesser cases, and felony courts—superior courts, which tried felonies and higher-dollar-amount civil cases. When I decided to run, I asked my advisor, Should I run in central Orange County, where I work, or in southern Orange County, where I live?

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And she said, Billy, you can't run for municipal court. I said, Why not? She said, It's too expensive. The municipal court districts are so small that you have to knock on doors. I mean, you can make an impact by who knows you. That's how you get to the municipal court is people knowing you. The superior court covers the entire county. Knocking on doors isn't going to make any difference, so you don't have to take time off of work. So, to run for muni court, you'd have to take a couple of months off of work without pay. Can you do that? I said no. She said, Great, you're running for superior court. That's how I became a superior court judge.

Manuel Ramirez:

Do you remember the tally? Was the race even close for you, or was it pretty much overwhelming result?

Justice W. Bedsworth:

It was very close. My opponent was a guy named Bob Gallivan, who I knew well. Sweet man. Became a judge later. He was appointed as a judge. He had run for judgeships twice and failed, and he made a tragic error. When he was interviewed by the Los Angeles Times, they asked him what his party affiliation was. And he said, Well, I've run twice as a Democrat, and that didn't work, so I'm going to run as a Republican. Well, needless to say, the Republican Party was not completely in his corner, so they essentially had two Democrats running for the spot, and they didn't get involved too much. And while we were campaigning, he got appointed as a court commissioner, and nobody had ever had a court commissioner run in a race, so nobody knew what

an impact that was going to have. And in fact, it was a fairly close election. I think I got like 51 percent.

Manuel Ramirez: So, you were successfully elected to—and that's a high honor, to be elected to the superior court—by the people in the County of Orange. How long were you in superior court, and what were your various assignments?

Justice W. Bedsworth: I felt there was a certain amount of extra pressure because all these people had come out and voted for me. I spent nine years essentially doing criminal. They sent me to juvenile court for a year, my second year, and then I did nine years of criminal. And then the presiding judge called me and said, You're trying to get to the Court of Appeal, aren't you? I said yeah. He says, All you've got on your résumé is criminal. You need some civil background. We have created a spot for you. We're going to make you an overflow civil court judge. What we're going to do is when people answer ready and we don't have a place for them, we're going to send them to you, and you're going to spend five days a week putting on those civil trials. I mean, the Evidence Code's the Evidence Code, whether it's a civil case or a criminal case. You won't have to do all that pretrial stuff, but it'll show up as a year of civil on your record. I thought, Great!

I did not realize how brilliant he was. I am sure that he was calling cases in the calendar court, and when people said, We're ready, Your Honor; our time estimate is 30 days, he would say, Terrific. I have a judge who can try your case five days a week. You won't get those Fridays off that you're getting in the other courtrooms—five days a week, so you'll be able to do it much quicker. And he's a criminal courts judge. He's been a criminal courts judge. His background is 15 years as a prosecutor. The unspoken subtext was, He has no clue about civil. I will send you to him, and you can spend the next four weeks in front of an ex-prosecutor. And they would say, Uh, Your Honor, we have spent five years trying to negotiate this case, and we have failed, but if you're going to send us to this guy, give us five minutes, and maybe we can come up with this a—I probably settled more cases than any judge in the courthouse just by sitting there waiting for them to send them to me.

The first medical negligence case I ever saw, I was the judge in. And I thought, Man, this is heaven. The civil lawyers spoil you rotten. They've got points and authorities for every big issue that's going to come up in the case. You know, the prosecutors and defense attorneys on this criminal side, an issue comes up and one side citing *Miranda v. Arizona*. That's the extent of their discussion of the case law. So, I spent that year as a civil judge and it beefed up my résumé a little bit—

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—and I began trying to get to the Court of Appeal. An opening came up, and I decided I wanted to be a Court of Appeal justice.

Until that time, I had been a juvenile court judge, a superior court judge, and a National Hockey League judge. That was just more fun than anybody ought to be allowed to have. In 1993, while I was on the superior court, the National Hockey League expanded into Anaheim, and I wrote them a letter. I said, This isn't Saskatoon. You aren't going to have a thousand people who've been goal judges before. I got a day job where people yell and scream about my calls, so that isn't going to bother me. And I've driven 60,000 miles to see hockey in my life. Talk about an embarrassing admission. I had been a Kings season ticket holder for 15 years, 100-mile round trip, 40 times a year. I did the math over and over again. It kept coming out to 60,000 miles to see hockey. And the National Hockey League, bless their hearts, said, All right, interview with this guy.

So I went to interview with the guy who was going to put together the crew. I said, Where should we meet? He said, The Crazy Horse Saloon. I'm a guy who's wearing cowboy boots to work. I figured, Man, this is a sure thing. And sure enough, I got the job, and I got to be a National Hockey League goal judge for 15 years. The best part about it was that when the postseason came around, unlike the rest of the universe, the National Hockey League recognized degrees of impartiality. All season you had to be impartial, of course. But for the playoffs, you had to be, I don't know, extra impartial, super impartial. They would send you on the road. It was every 19-year-old's dream.

They would send me and the four other members of my crew to Vancouver or Chicago or Edmonton or Dallas, and we would get there on the National Hockey League's nickel. We'd get up on Saturday morning and go work the hockey game that night. We'd get up Sunday morning and go play golf. And Sunday night, there wouldn't be a hockey game because they had the night off, so we'd go to sports bars and watch other hockey games. Then we'd get up Monday and go play golf again. And then Monday night, we'd go work the hockey game, and then we'd fly home. It was such a great deal that I would spend the year going to other judges and saying, Look, I've looked at your calendar for Friday. It's a mess. You're going to be here until 8:00. I will take your 1538 and your 995, I'll do them if, when April comes around and I need somebody to handle my calendar so I can go on one of these road trips for the NHL, you'll do mine. And that's exactly the way we did it.

When we got the call from the National Hockey League, other crews often had to turn it down because it was a hobby job, you know, and they'd say, Oh, our guys have to work; we can't go to Dallas. And they'd call us, and I'd say, I'm ready. I can find

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somebody. And the other guys were all self-employed. So we got to work a lot of series.

Manuel Ramirez: In that journey, bouncing back as you did between legal work and hockey work, is there one particular, two particular cases, any case that you can remember that really stands out in your mind that you did at that time? Or was it later, when you got to the Court of Appeal?

Justice W. Bedsworth: There's one that stands out in my mind because I was trying to do it while I was doing the work. It was in Norwalk because there was a conflict of interest and all the LA Superior Court judges recused themselves. And so, I was driving up to Norwalk and finishing in Norwalk and coming back to Orange County for the hockey games. And I was reversed. I didn't have a lot of reversals in the superior court, but—

Manuel Ramirez: Back in those days, a badge of honor, sometimes.

Justice W. Bedsworth: Well, yeah. I mean, you know, Wilt Chamberlain always used to take a great deal of pride in the fact he'd never fouled out. And the reason was every time Wilt got to five fouls, he stopped playing defense. If you want to be a judge who's never been reversed, you just rule for the defense all the time. The prosecution doesn't ever get to appeal.

So anyway, the only cases that stick out in my mind were the ones that made it difficult to get back and forth. And that one made it difficult to get back and forth, going up to Norwalk and back to Anaheim and what have you, but I had a wonderful time. I loved being an NHL goal judge. And I got a Stanley Cup ring out of it. The Ducks—

Manuel Ramirez: Which is the ring you're wearing currently.

Justice W. Bedsworth: The ring I'm wearing now is a ring.

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Manuel Ramirez: It is a beautiful ring

Justice W. Bedsworth: A ring I got because the rule was in the NHL, if you worked a final, you were entitled to a ring. Well, I worked a final in which Detroit won the cup. I worked a final in which Ottawa won the cup. I didn't want a Detroit or Ottawa ring. I was just going to do without a ring. And then the Ducks won the cup, and I took my ring and I retired. And the next spring—next fall, they announced that the season was going to start with the Stanley Cup champion Ducks playing their archrival, the Los Angeles Kings, in London for two games. And so help me, it was a week

when I had a speaking engagement in London. I was speaking to the International Law Section of the American Bar Association

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in London, and I called the NHL. I said, You've got my retirement papers, but really, I'm going to be there. You won't have to pay for my hotel room. You won't have to pay for my airfare. You'll get an experienced goal judge, and it'll cost you nothing except tickets to the game for my wife and some friends. So I finished my career working two NHL games in London. I have had a ridiculously fortunate and privileged life.

Manuel Ramirez: So, you're at that point in your life, and then, of course, you ended up in the Court of Appeal from that moment sometime into the future. How did that happen?

Justice W. Bedsworth: Well, I was never thoroughly convinced I wanted to be in the Court of Appeal. I loved being in the trial court. I used to say, Look, I get paid good money for yelling safe and out. Being an umpire. I say sustained, overruled, reversed. I say these words, and I get to watch the trials for free. Why would I want to go to the league office and argue about whether the foul lines ought to be moved one degree to the left or not? But in 1994, I was sent to the Court of Appeal on assignment. And I was not smart enough to realize it was kind of a tryout.

Manuel Ramirez: For the viewer, the assignment, is it a 90-day, six-month, or one-year assignment? How did that work?

Justice W. Bedsworth: It was supposed to be a 90-day assignment in the Court of Appeal. I came over, they had a stack of criminal cases. They said, Do as many of those as you can do. And so I wrote criminal opinions for a while. And then one day, they came in and said, Justice Crosby's mother is ill. He's not going to be able to attend oral argument next Monday. You're going to take his place with the whole calendar. And that was civil, criminal, everything.

Manuel Ramirez: Who was the presiding justice at that time?

Justice W. Bedsworth: David Sills.

Manuel Ramirez: David Sills.

Justice W. Bedsworth: And so I did a week of calendar, and without understanding what was happening, it convinced Dave Sills, Hey, the guy may not have done civil in the past, but he can handle civil. And I know he can do criminal. And I'm here with a bunch of liberals. I got Crosby and Wallin and a bunch of people who have criminal backgrounds. I would love to have a guy who has been a prosecutor to discuss these criminal cases with us. And I got appointed to the Court of Appeal.

I've always felt that it was largely because of Dave Sills saying, This is the guy I want, and me being everybody else's second choice for the job. And so I started here in 1997. When I was trying to get the appointment, I went around to the other judges in superior court, trying to find out who the competition was.

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And I remember going to see Dick Weatherspoon, who was another superior court judge, and saying, You know, I'm going to try and get that opening at the Court of Appeal. Am I going to be up against you?

Manuel Ramirez: And Dick was a Deukmejian appointee. Municipal court, superior court, and a former FBI agent.

Justice W. Bedsworth: Yes.

Manuel Ramirez: So that was your competition?

Justice W. Bedsworth: Well, I asked him if he was going to be my competition, and he said, Billy, if I could quitclaim you my rights to the Court of Appeal, I would do it right now. I don't know why anybody would want that job. And that was pretty much—my feeling was it broke down 75 percent of the judges in superior court wouldn't take the job on a dare. The other 25 percent would kill a blood relative to get the job. And I got the job. And it has been my dream job.

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Justice W. Bedsworth: I got to work with two of my heroes. Tom Crosby had been one of my first mentors in the superior court. Then he went to the other side of the table and did criminal defense. He was the lion of the left. I mean, he had the lowest righteous indignation threshold I had ever seen. He could get genuinely angry at police officers for things that didn't affect me at all. Dave Sills was a dyed-in-the-wool Republican. He had been Ronald Reagan's son-in-law. He was married to Maureen Reagan for a while. And I got to work with these two guys and to listen to them talk politics. Oh, it was a master's class. It was like sitting and listening to Einstein and, I don't know, Leibniz. It was just wonderful.

The highlight, I've been here twenty-seven years, twenty-seven and a half. You add—I ended up spending eight months on assignment because of Crosby's mother's illness and Sills wanting to get more look at me. Twenty-seven, twenty-eight years. It is my dream job. I tell people our court consists of seven lawyers who write and one writer who practices law, because I've gotten to write all this time, and I love to write. I write because I need to write. There's something in me that needs to express itself.

I have written a monthly humor column, first for the Orange County Bar Association, and then it got syndicated. It's now in a dozen or 15 legal and financial trade papers in the country. I've written that monthly humor column for 43 years because I have a series of jobs—prosecutor, trial court judge, Court of Appeal justice—in which you don't really get to be funny much. And I told you, that was one of my first things that I wanted to

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do. I wanted to make Mom laugh. I need to make people laugh. And the only way I could do it was as a hobby. You know, you can't write an opinion that says your \$5 million judgment is reversed, but did you hear the one about the nun and the parrot and the sailor? I mean, nobody's in a mood at that point to be entertained. So I have written—

Manuel Ramirez: How many Court of Appeal cases that you wrote personally?

Justice W. Bedsworth: I wrote—it's funny that I now know this—I wouldn't have been able to tell you a week ago, but for my retirement party, they totaled everything up. Two hundred nineteen that I wrote.

Manuel Ramirez: They had, as I recall, for your retirement party—I sort of passed it when I attended—baseball cards made of you and your image in the robe. On the back, instead of batting average, on-base, home runs, they had panels and cases, and your cases.

Justice W. Bedsworth: Yeah, 6,000 cases I was on. I mean, you know that's just a function of being around. That's just a function of not leaving.

Manuel Ramirez: And was there one particular case that you're particularly proud of? I can think of one, and you'll talk to us about the one that you think, but the one that had to do with civility. But you have a case probably beyond that that you want to talk about.

Justice W. Bedsworth: Well, Brian Currey, Second District Court of Appeal justice, bless his heart, refers to the three civility cases that I've written that have, you know become my legacy. When I first got to the Court of Appeal, Bill Rylaarsdam, another justice, asked me what I wanted my legacy to be. I said, Legacy? Bill, I'm not trying to get a legacy. I just want to get as many of them right as I can. It turns out I am the civility judge. You do whatever comes across the desk.

And I got cases where lawyers bullied and tried to intimidate others and did things that we never would have thought of in the criminal side, in part because the criminal bar is so small. You know you're going to be up against that guy again, and you don't want to antagonize him. So anyway, I end up writing these civility cases. The American Board of Trial Advocates has named an award after me. It is the only award they give to judges. It is the William Bedsworth Judicial Civility Award based on all the work I've done to make everybody more civil. I'm terribly proud of that.

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Justice W. Bedsworth: It's very strange to me. Like I say, I had no experience with uncivil lawyers. But what I've seen convinces me that it just distorts the system. So, I'm very proud of those cases. And I'm very proud of a case I wrote that starts out something like, A prosecutor has one job: to give the guy a fair trial. That's the

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whole job. That's it. Full stop. Period. Anything else is extra, and somehow prosecutors lose sight of that fact. They want to win. They think their job is to convict. It's not. It's to give the person a fair trial. If you do that, it doesn't matter whether you win or lose—you have done the job. I'm proud of that opinion.

When I was in the trial court, I was the first judge in America to send a polluter to prison. I'm proud of that. The Sierra Club made me aware of that.

Manuel Ramirez: Do you remember the name of that case?

Justice W. Bedsworth: I'm embarrassed to admit I don't.

Manuel Ramirez: No, you shouldn't be embarrassed. You've done thousands of cases.

Justice W. Bedsworth: Yeah, but you can google me and the Sierra Club, and you'll probably find it. The guy not only had been dumping solvents into the landfills instead of disposing of them in the way he was supposed to, he had been hiring undocumented immigrants who were looking for work on the street corner to come and mix sawdust into those things in big bins. They would, of course, inhale these terrible fumes. They'd become sick. Lord knows some of them may have died. They never came back for a second day because they were too sick. And here was this 46-year-old father of two, middle class. I mean, it was like looking in the mirror for me. It's a very hard sentencing, but it seemed to me if he doesn't go to state prison, who does?

Anyway, getting back to the Court of Appeal. The case I am most proud of is a case called *People v. Garcia*. It is typical of the way things happen in a Court of Appeal. This was a garden-variety burglary case in which somehow it came out that they asked one of the jurors if she knew anybody else in the courtroom. She said, Well, I know that other juror. And the judge said, And how do you know her? She said, Well, we both belong to this organization. It was a lesbian rights organization.

The prosecutor used his next two peremptories to excuse those two women. And the defense attorney objected and said, You know, he's got to come up with a good reason other than just the fact they're lesbians. And the prosecutor said, No, I don't. They're not covered by the statute. It is not a protected class, so I don't have to say anything. And the judge looked at the statute and said, You're right. They're not a protected class.

The case came up to us on appeal. That was one of the six issues that was raised, and we said, It doesn't matter whether it's covered by the statute, it's covered by the Constitution. You can't excuse people because of their sexual preference. And I wrote the opinion that said that. And State Senator Carole Migden later wrote me a letter saying that is the first gay rights

case in the history of the world. We know it's the first gay rights precedent in California—as far as we can determine, the first gay rights precedent in America. And they changed the statute. She introduced the bill to amend the statute to include sexual orientation as one of the things you could not base a peremptory on.

Manuel Ramirez: You mentioned Tom Crosby in the same sentence as Dave Sills. I always thought of Tom Crosby as being very heroic. We worked with some really talented, smart—like you—public defenders, and I can think of one: Bill, Kopeny, Michael Ian, Garey David Haight. And whenever we went into superior court on Fridays and we knew we were opposing them, we knew we were in for the fight of our lives as prosecutors.

Justice W. Bedsworth: Yup.

Manuel Ramirez: But just as you said a moment ago about the Garcia case, I would put you into their category for the same reason I used to hold, and continue to do in my mind, them above many others. You, like them—that was a heroic, courageous decision, I think.

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You probably don't. That's just your temperament. That's your demeanor. That's your sense of fairness and justice, but that was a very powerful case, and it just took a lot of courage to do that. Did you get, other than the senator, feedback on that case?

Justice W. Bedsworth: A little bit.

Manuel Ramirez: Any correspondence on that?

Justice W. Bedsworth: But you know, part of the genius of our system is that I'm only up for election every 12 years. I knew there would be flack about it, but I never had to worry because I thought by the time I'm up for election again, this will have blown over. And even if it didn't blow over, it had to be done. It had to be said. I think people would be surprised if they realized how many times on the Court of Appeal you do not what you want but what you think has to be done.

One of my first opinions on the Court of Appeal was to order a local police department to return marijuana plants to the defendant because he had a medical reason. And under the law at the time, he had a right to have the marijuana. So I ordered them to return the marijuana to him. And the complaint was, Hey, it's still an offense under federal law, and I said, Fine, let the feds deal with it. It wasn't that I wanted to do that. I mean, I was law enforcement's darling. They were stunned to have me make this ruling so early in my career.

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I later got a case, a water case. Now, I'm a guy who keeps plastic buckets in his showers so that when the shower water is warming up, it's going into the bucket, which I can then use to flush the toilets and water the plants and stuff. And I got a case in which it was necessary to throw out California's penalties for water abuse because they'd been erroneously constructed. I wrote that opinion, and it just hurt me to write that opinion. But there wasn't much question about it. And Jerry Brown's Supreme Court full of liberals said, We're not going to hear it.

Manuel Ramirez:

The Magna Carta, to the best that I can recall the words—and it's prompted, this is prompted by something you said just a moment ago—the words to the best of my recollection are, We will not make of them constables, judges, and justices of the peace of those who as such do not know the law and mean duly to enforce it. The hidden language, the sub silentio language of those last few words, I think, speak to the courage that—and you've demonstrated it in so many different ways in your writings, in your cases, Garcia and the example you just gave—that yes, there is a law, but somebody has to be able to write about that law, disregard the consequences, and enforce the law faithful to the oath. That is the true heart of the Magna Carta, and that is Justice Bedsworth.

Justice W. Bedsworth:

Well, that's very kind.

Manuel Ramirez:

You have received so many awards, rightly so, and so many acknowledgments. And I'm sure that there are those who, in recognizing your many accomplishments in your career, is there any one person that has communicated with you or talked to you endearingly, I would say, and respectfully that comes to your mind?

Justice W. Bedsworth:

Well, I was very fortunate when I got to Orange County to follow a guy named Bob Gardner. Bob Gardner was an appellate court justice. He'd been a trial court justice here in Orange County who used humor and who was blunt in his appellate opinions. He was so unusual for his time that the Santa Clara Law School law review wrote two articles about Bob Gardner and his opinions. He had no connection with Santa Clara Law. They had no connection with him, but he was very unusual. And when I arrived in Orange County and was writing my rather unusual briefs, instead of writing me off as just an idiot, people said, Oh, he thinks he's Bob Gardner.

So when I applied for the Court of Appeal job, I said that while I didn't flatter myself that I could be another Bob Gardner, I did admire his plainspoken, straightforward approach to the law and I would endeavor to approach it that way.

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- Justice W. Bedsworth: And I got to thinking, Geez, if I were Bob Gardner, I'd want to know that somebody felt that way about me. So I copied that out of my application. I sent it up to Bob, who was sitting on assignment in our superior court at the time. And he sent me back a note that said, Thank you. That was very kind. I'm very flattered, but you don't have a chance. When I got the appointment, I got another note from him that says, I don't know how you did that. This governor likes civil lawyers, not criminal lawyers. It was time for a woman. And you've got a beard. Jerry Brown doesn't like beards—this governor doesn't like beards. Yeah, Bill Rylaarsdam has a beard, but Bill Rylaarsdam looks like Santa Claus. You look like Charles Manson,
- Manuel Ramirez: Uh hardly.
- Justice W. Bedsworth: It was nice getting a note from a hero
- Manuel Ramirez: Well, you, like him, have—the two of you—the unique capacity to blend language—very precise, very articulate, very powerful language—with humor. That's not a quality very many people have, and you, Justice Bedsworth, are blessed with that, as well as many other wonderful qualities and abilities.
- Justice W. Bedsworth: My dad taught me how to be funny. You know, of all the awards I've gotten—and people have been so kind to me, I've gotten the Sills Award, I've gotten the Franklin G. West Award, which goes to our top lawyer in the county, one person a year. I'm like the 53rd person ever to get it. The one that really sticks in my mind is the award from the California Newspaper Publishers Association, who chose my column in 2019 as the best newspaper column in the state. Guy from the L.A. Times came in second. Now, I would hasten to point out I only write once a month. The L.A. Times guy was writing twice a week. But on the other hand, I got a day job too. And having done that for 40 years, to have professional journalists say, Hey, you're good, you really do know how to write, that meant a lot. And then Erwin Chemerinsky—who's a hero of mine, a brilliant man—Erwin Chemerinsky said, There's nobody in the legal profession who writes better than Bill Bedsworth.
- Manuel Ramirez: What a high honor.
- Justice W. Bedsworth: You don't need too many moments like that to sustain you.
- Manuel Ramirez: It's very special.
- Justice W. Bedsworth: Every time I sit down to write and think about all the people who are going to look at it and think, Oh, God, not this guy again. Why do they keep publishing this guy?, I think about Erwin, and it makes me feel better.

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Manuel Ramirez: I was at your retirement party—well, celebration by your colleagues—out in the patio right behind this building. Why did you retire?

Justice W. Bedsworth: I've told every young lawyer, externs, interns, law students, every young ear I could get, You don't come into this business to become rich and famous. You come in to become proud and happy. I'm there. I am proud of what I've done. I am happy with my life. You're never going to meet a happier man than I am. To stay on after you've reached that would just be greedy. I think we need to give somebody else a chance to do this job.

I've been telling people for years the American legal system is the greatest engine for doing good on the planet. Working in that system is a privilege, and this job, this Court of Appeals gig, is the best job in that system. And not just that system, it's the best job in the solar system. I've had a wonderful time. I've had a career better than I dreamed of before my first contracts exam.

And now I'm ready to do something else. I'm going to volunteer at the animal shelter. I hope I'm going to—I've already volunteered. I'm scared to death that I'm going to end up owning three new dogs in a week. I'm going to write. I've got part of a novel stashed away that I'm going to try to finish. The column is going to continue. The publisher has been after me for a couple of years to produce a fourth book, a fourth compilation of columns.

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So that's what I'm going to start with, and then after that, I'll go back to the novel, and I'm just going to continue having one hell of a good time.

Manuel Ramirez: If I may, to the eventual person or persons viewing this video and seeing the character, the stature, the quality, the ability, the sense of humor of Justice Bedsworth and how you went, your life from third base to home plate, I think of trying—someone trying to run you down, and you escaped the rundown, and you made it to home. But more than that, I started out by talking about Felix Frankfurter, Abraham Lincoln. And Frankfurter, the glorious vision of the law was his approach: Law is just not a tool to make money, but you have to capture something bigger than you in the law. Abraham Lincoln, the heart of a politician, and I say, well, so, too, Bill Bedsworth, the heart of a judge, and then the stonemason, the last one, who has had the ability to look upwards toward the sky and build a cathedral with that stone.

I would ask the observer to now try to answer those questions that I posed earlier. Which one is Bill Bedsworth? Or perhaps Bill Bedsworth is all of the above, because that's what I would submit to anybody viewing this video and just getting a small

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glimpse and insight to your heart, to your character, to your mind and to your credible career. So, I would say God bless Bill Bedsworth, Judge Bedsworth, Associate Justice Bedsworth, and thank you for all of your accomplishments and contributions to daily working to improve the administration of justice system and our society. God bless you, Bill.

Justice W. Bedsworth: Thank you, Manuel. I appreciate the kind words. I appreciate the time you've given me today. And thank you, and thank all the lawyers and all the judges for being the good and decent and brave and honorable people I expected you to be when I signed on all those years ago. Thank you.

01:07:39