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Reflecciones: From the Barrio to the Supreme Court

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Thank you, I'm honored to be participating in this unprecedented gathering but I want to say that I don't really feel that I'm a pioneer in any endeavor that I've undertaken, but rather I'm the beneficiary of many other Latinos and Chicanos who have come from California and elsewhere who have gone on to law school and practiced law or have taken various positions on the bench.

It is my honor today, which is my tenth day on the Court, to be here. People expect that I already know the ins-and-outs of being an Associate Justice and frankly I don't, although I think I have now a rudimentary understanding of what is going to be expected of me in terms of performance and work product on the court. So, it's my pleasure to be here.

I think what I want to say will echo some of the comments of what Judge Sotomayor said last night. That is, that I think that for all of you, while you should have some kind of objective for your future, it's important that you be flexible in how you approach your goals. Certainly, in my case I don't think I ever had a very specific plan - but I did have a generalized plan for trying to do the best job that I could do in every position I was able to obtain, and with a combination of preparation, hard work, and opportunity (through politics and community work) I think at least my career was put on the road to success. But I think from the very beginning it's important that you have a steady and balanced approach to what you
are doing now – it’s very important that you devote your primary efforts to doing well in law school, to devote as much time as you can to the study of law, and to be prepared to develop that foundation for whatever you do in the future as an attorney. When I was in law school there were various times (I think Judge Valeriano Saucedo from Tulare County knows this) when all of us had our own self-doubts about whether or not we should be in law school. I’m sure I had those doubts many times when I was at Stanford. But somehow I think we all just plugged away – and if anything can describe me, it’s plugging away at whatever I am doing. I hope when you reach certain milestones, you’ll move on to something else and plug away and then you’ll reach another milestone, and so on.

What I really want to emphasize is that you have unlimited possibilities. You’re very fortunate and I know you recognize this and you probably come from a wide range of socioeconomic circumstances and family and so forth – but you’re in a very privileged position right now to be in law school in the first place. And that’s an opportunity that you should not squander because many people back in your community do not have this privilege. So I think it’s important that you do well in law school and learn your fundamentals. Now I never in my wildest dreams imagined that I would become a judge or in my wildest fantasies envisioned that I would occupy the position that I now occupy – those were the farthest things from my mind when I was in law school.

Like many of you, I think my goal at that time was to practice law in the area of public interest law and I recall a name that goes back to the 70s, and is still around – Ralph Nader. My goal in law school, if you asked me what I wanted to do, was to be the Chicano Ralph Nader. And, in fact, my first year – the summer after my first year of law school – I worked for a group of Chicano lawyers in East L.A. who formed a cooperative called Abogados de Aztlan; and the idea was to have a mixed private/public practice making some profit, but generally trying to work for indigent clients. And I, using work-study money out of Stanford, helped open up that office in the summer of 1973.

The following summer – and again these things just sort of happened – I worked for the Federal Public Defender’s Office in Los Angeles – being hired by John Van de Kamp at that time, because I had all intentions of going into Criminal Law.

During my second year in law school I really didn’t have any sort of firm idea – I guess it was in my third year of law school – I didn’t have an idea of where I would work once I graduated. I thought of going out on my own, I thought of joining the folks back in Los Angeles at Abogados de Aztlan, which was still sort of in process, but I was able to interview with the office of the Los Angeles City Attorney, which at that time was headed by Burt Pines, who later figured very importantly in my career. But at the time, Burt had taken a very public-interest approach to running that office in contrast to how the office had previously been perceived and maintained. The previous City Attorney had been there for about 30 to 35 years, unopposed. Burt transformed that office into one that sought to justify why we were prosecuting certain kinds of quality-of-life offenses, but he also took a very active interest in consumer protection law, which at that time was just evolving. So after graduation, I went to work at the Los Angeles City Attorney’s office.
After a year of trial work, I was assigned to a unit that involved the prosecution of consumer protection crimes committed against people in the Spanish-speaking community. So, it was the perfect fit for me. Yet if you had asked me when I was in law school, is that something that I envisioned doing, working for a public prosecutor, I never would have imagined that. And that led to other assignments within the office – but still in the back of my mind I thought I wanted to go out into private practice, again to open up my own firm.

I was then mentored by another minority judge, Elwood Lui, who was on the Municipal Court and then went on to become an Associate Justice, and he is an individual who has also figured prominently in my life in terms of mentoring and so forth. He was able to recommend me and another Latino, Richard Macias, to work with his former firm, which was really active in the local political community. I spent about seven years doing business litigation – again something I never thought I would do, but looking back I am very happy that I did because I ended up doing all the basic work in a large firm doing commercial litigation – which was a great foundation for what awaited me later on the bench.

All this time – and I think if I neglected to mention this, I should mention it now – it’s important that you always maintain your ties to your community, keep your roots planted firmly in the ground, and always be involved in some kind of public interest work. In law school, as I said, your primary dedication should be to your studies, but there are plenty of opportunities to merge your public interest work with your studies: to legal aid services, as we did at Stanford, or writing articles on matters of community interest.

I continued to be active through the Mexican American Bar Association of Los Angeles, Volunteers in Parole, and various boards in the community. I felt I always – even though I was practicing commercial law – still had to maintain my contact with people within the community. If you don’t know that, you should know it. All these things are very important in terms of becoming a judge at some point in your career.

I was able, after 11 years of practice, to be appointed to the Municipal Court, with a combination of support from people in the community as well as people from my firm, which was at that time fairly active politically in the community. Many people get appointed on merit, and there are merit-based appointments, but I think everybody has at some point had political support. The bottom line is that it is a political appointment that is made by the appointing authority.

Again, I just plugged away – I did the best job that I could on the Municipal Court. I had been out of criminal law for about seven years, so I had to make up for lost time – so I read the advance sheets, the Daily Journal cases that came out, and if the lawyers said “this is the way they do things in Compton,” I would review the law and articulate the basis for my rulings. You can’t always assume that simply because “that’s the way things are always done,” that is necessarily right. So it was really a process of self-education and it’s important as a judge, I think, always to be open, always to listen to both sides, and then to just make your decision and explain
your ruling. It doesn't take much time to do that, but I think once you do that, the parties feel satisfied that at least they have been heard.

I then was appointed to the Superior Court, again I think based upon my track record in Compton — again with a lot of political support and support from various Bar Associations. The federal appointment followed after that — and, you know, I've done this four times but the process has pretty much been the same. The process was not identical each time but there are a lot of similarities — it involves a combination of a good track record, plugging away as I said at whatever you are doing, maintaining contact with people who come across your career throughout your life, including, I might add, people with whom you attended law school. Your classmates will be some of the most important contacts you have as you progress in your career 10, 15, 20 years from now. So it's important that you stay in touch with people you are in school with now.

The Supreme Court appointment, I think again was a matter of a combination of preparation, opportunity, and timing. With this governor, Governor Davis, there were a number of things that I think he found particularly attractive about me, beginning with the fact that I had been appointed by two Republican governors. Governor Davis was a very cautious and careful man and he liked the fact that I had both civil experience as well as criminal prosecution experience. I had a 15-year track record of handling all types of cases on the municipal court (from unlawful detainers to traffic tickets to misdemeanors to preliminary hearings), to the superior court (trying a lot of serious felonies and murder cases), to the federal court, where I dealt with complex litigation and some complex criminal cases.

Finally, you know I mentioned Burt Pines. It was a happy coincidence, I think, that he is now the Governor's Appointment Secretary and one of his top assistants. So, did I know that all of these people would figure in my life as I was doing these things? No. I'm not saying that you should have a plan, that you should be an opportunist or exploit people — I certainly haven't approached it that way. I think if you do your job honorably, be yourself — if you're honest with yourself and are honest with other people — then you will be successful. You never know, they may just have you in mind and that's the way this business is. It happened to me, it happened to Cruz Reynoso, and it certainly can happen to all of you, and I hope it does.

Thank you.