

JOHNSON, Earl Jr.

ASSOCIATE JUSTICE, COURT OF APPEAL, Second Appellate District,
Division Seven

Appointment/Election: Appointed to newly-created position by Governor Brown Jr. Dec. 4, 1982, confirmed by Commission on Judicial Appointments Dec. 27, 1982, oath same day, confirmed by electorate to 12-year term Nov. 4, 1986 and to a second 12-year term on Nov. 2, 1998.

Past Employment: Professor (1975-82) and Associate Professor (1969-75), Univ. of Southern Calif. Law Center, Los Angeles, Calif. (taught Evidence; Criminal Practice; Professional Responsibility; Legislation; and Trial Practice; Director of Clinical Programs, 1970-73); and Visiting Scholar, Center for Law and Society, Univ. of Calif., Berkeley, July 1968 to Sept. 1969; Director (June 1966 to July 1968) and Deputy Director (Nov. 1965 to June 1966), Legal Services Program, U.S. Office of Economic Opportunity, Washington, D.C. Deputy Director, Neighborhood Legal Services, Washington, D.C., Nov. 1964 to Nov. 1965. Trial Attorney, Organized Crime and Racketeering Section, U.S. Dept. of Justice, July 1961 to Nov. 1964 (with assignments in Washington, D.C., Miami, Florida, and Las Vegas, Nevada (headed Las Vegas Strike Force (1963-64))).

Memberships/Awards: Member: Calif. Judges Assn., 1983— (Appellate Courts Committee, 1984-88, 1997-98, Liaison to Calif. State Bar’s Appellate Court Committee, 1989-93; Ethics Committee, 1984-88); American Bar Assn., 1966— (Special Committee on Alternative Means of Resolving Disputes, 1976-82; Consortium on Legal Services and the Public, Access to Justice Subcommittee (Chair, 1991-95)); Los Angeles County Bar Assn., 1973—; and Law and Society Assn., 1975—; Fellows of the American Bar Foundation (Fellows Advisory Research Committee, 1997-2000, Chair, 2000-02); Founding President, National Equal Justice Library, Washington D.C., 1991-96 (Executive Committee, 1996—); Commissioner, Los Angeles Regional Planning Commission, Los Angeles, April 1980 to March 1981. Secretary, National Resource Center for Consumers of Legal Services, Washington, D.C., 1974-83. Vice President and Chair, Executive Committee, Calif. Rural Legal Assistance, San Francisco, Calif., 1973-74. Former member: Calif. Continuing Judicial Studies Program Judicial Planning Committee, 1986-88; Executive Committee, National Senior Citizens Law Center, Washington, D.C., 1974-82; National Academy of Sciences, Washington, D.C., 1977-80 (panel member, Judicial Impact of New Legislation); Center for Public Resources, New York City, 1981-82 (member, Task Force on Dispute Management); International Legal Center, New York City, 1972-75 (member, Committee on Legal Services in Developing Countries, 1972-75); Western Center on Law and Poverty, L.A., 1976-80 (Board Member) and 1971-74 (President,

Board of Trustees); and Board of Trustees, Los Angeles Legal Aid Foundation, 1969-71 (Founding Member); and Beverly Hills Bar Foundation, Public Counsel (member of Founding Board). Recipient: “Appellate Justice of the Year” (1989), L.A.s Trial Lawyers Assn.; “Outstanding Judicial Achievements Award” (1991), Calif. Trial Lawyers Assn.; Legal Service Pioneer Award, L.A. Legal Aid Foundation, (1999); “Loren Miller Legal Services Award” (1977), Calif. State Bar Assn.; “Justin Dart Award” (1971), for Academic Innovation at Univ. of Southern Calif.

Teaching/Lectures/Panelist: Adjunct Professor: Georgetown Univ. School of Law, 1966-68 (taught Law and Poverty), and Howard Univ. Law School, 1965 (taught Trial Practice), both in Washington, D.C.; Visiting Scholar (and lecturer) European University Institute, Florence, Italy, 1978, 79; Faculty, Calif. Continuing Judicial Studies Program (“CJSP”) (Mid Career Judges College) (CJER), 1985.

Publications: Author and Editorial Consultant, *California Trial Guide* (8 vols, Matthew Bender & Co., 1986) and semi-annual revision. Co-Author and Editorial Consultant: *Federal Trial Guide* (5 vols., 1992); *Pennsylvania Civil Trial Guide* (1992); *Calif. Family Law Trial Guide* (1992); *Indiana Civil Trial Guide* (1992); *Illinois Civil Trial Guide* (1991); *Florida Civil Trial Guide* (1990); *New York Trial Guide* (1990); and *Texas Civil Trial Guide* (1990). Author: *A Preliminary Analysis of Strategies for Processing Civil Disputes* (Govt. Printing Office, 1978); and *Justice and Reform: The Formative Years of the American Legal Services Program* (Russell Sage, 1974; 2nd ed., Transaction Books, 1978). Co-Author: *Dispute Resolution in America: Processes in Evolution* (Corporate Press, 1984); *Outside the Courts: Diversion Alternatives in Civil Cases* (National Center for State Courts, 1977); and *Toward Equal Justice: A Comparative Study of Legal Aid in Modern Societies* (Milan and Dobbs Ferry: Giuffre and Oceana, 1975). Author of over 40 book chapters and articles, including: “Access to Justice” in *International Encyclopedia of the Social and Behavioral Sciences* (2001); “Equal Access to Justice: Comparing Access to Justice in the United States and Other Industrial Democracies,” 24 *Fordham International Law Journal* 83 (2000); “Toward Equal Justice: Where the United States Stands Two Decades Later,” 5 *Maryland Journal of Contemporary Legal Issues* 199 (1994); “Preserving Justice in an Era of Global Economic Competition,” in *The Tokyo International Symposium On Civil Justice In the Era of Globalization* 211 (Tokyo, 1994); “The Right to Counsel in Civil Cases: An International Perspective,” 19 *Loyola of Los Angeles Law Rev.* 341 (1985); “Lawyers’ Choice: A Theoretical Appraisal of Litigation Investment Decisions,” 15 *Law & Society Rev.* 567 (1981); “Our Crowded Courts: The Paradox of Too many Cases and Too Little Access,” in *Blackstone Bicentennial* (West Publishing Co., 1980); “Thinking About Access: A Preliminary Typology of Dispute Resolution Strategies,” in *Access to Justice: Emerging Issues and Perspectives* (1979); and “Access to Justice: A New and

Wider Focus,” 13 *Japanese Comparative Law Rev.* 87-107 (1979); “Organized Crime: Challenge to the American Legal System,” *Journal of Criminal Law, Criminology and Police Science*, Vol. 53, pp. 399-425 (1962); Vol. 54, pp. 1-29, 127-45 (1963).

Noteworthy Cases: Significant decisions authored by Justice Johnson include those relating to (1) attorney fee awards, e.g., *Covenant Mutual Ins. Co. v. Young*, (1986) 179 Cal.App.3d 318, 223 Cal.Rptr. 766; (2) civil procedure, e.g., *April Enterprises, Inc. v. KTTV*, (1983) 147 Cal.App.3d 805, 195 Cal.Rptr. 421; (3) constitutional law, e.g., *Del Monte v. Deukmejian* (1991) 281 Cal.Rptr. 380; *Wollersheim v. Church of Scientology*, (1989) 212 Cal.App.3d 872, 260 Cal.Rptr. 331; *Quail v. Municipal Court* (1985) 171 Cal.App.3d 572, 217 Cal.Rptr. 361; (4) contracts, e.g., *Kotlar v. Hartford Insurance Co.* (2000) 83 Cal.App.4th 1116, 100 Cal.Rptr.2d 246; *Montgomery Ward v. Imperial Casualty* (2000) 81 Cal.App.4th 356, 97 Cal.Repr.2d 44; *Gardner v. Downtown Porsche Audi*, (1986) 180 Cal.App.3d 713, 225 Cal.Rptr. 757, and *Ponder v. Blue Cross of Southern California*, (1983) 145 Cal.App.3d 709, 193 Cal.Rptr. 632; (5) corporations, e.g., *Heckmann v. Ahmanson*, (1985) 168 Cal.App.3d 119, 214 Cal.Rptr. 177; (6) criminal and juvenile law, e.g., *People v. Kainzrants* (1996) 45 Cal.App.4th 1068, 53 Cal.Rptr1d 207; *People v. Johnson* (1990) 273 Cal.Rptr. 446; *People v. Valdez*, (1985) 175 Cal.App.3d 103, 220 Cal.Rptr. 538, and *In re Javier A.*, (1984) 159 Cal.App.3d 913, 206 Cal.Rptr. 386; (7) dependency, e.g., *Lopez v. Martinez* (2000) 85 Cal.App.4th 279, 102 Cal.Rptr.2d 77, *L.A. County Dept of Children and Family Services v. Superior Court* (Shawn B) (1996) 51 Cal.App.4th 1257, 59 Cal.Rptr.2d 613; (8) environmental law, e.g., *First English Evangelical Lutheran Church v. County of Los Angeles* (1989) 210 Cal.App.3d 1353, 259 Cal.Rptr. 106; *Friends of Westwood, Inc. v. City of Los Angeles*, (1987) 191 Cal.App.3d 259, 235 Cal.Rptr. 788; (9) evidence, e.g., *In re Anthony P.*, (1985) 167 Cal.App. 3d 502, 213 Cal.Rptr. 424, and *In re Cheryl H.*, (1984) 153 Cal.App.3d 1098, 200 Cal.Rptr. 789; (10) family law, e.g., *In re Marriage of Condon* (1998) 62 Cal.App.4th 533, 73 Cal.Rptr.2d 33; *In re Marriage of Frick*, (1986) 181 Cal.App.3d 997, 226 Cal.Rptr. 766; (11) property and land finance law, e.g., *Ridgley v. Topa Thrift* (1997) 62 Cal.Rptr.2d 309; *West Hollywood Concerned Citizens v. City of West Hollywood*, (1991) 232 Cal.App.3d 486, 183 Cal.Rptr. 470, and *Baypoint Mortgage Corp. v. Crest Premium Real Estate etc. Trust*, (1985) 168 Cal.App.3d 818, 214 Cal.Rptr. 531; (12) remedies, e.g., *County of Los Angeles v. Superior Court* (Valentin) (1999) 78 Cal.App.4th 212, 92 Cal.Rptr.2d 668, *Postal Instant Press, Inc. v. Sealy* (1996) 43 Cal.App.4th 1704, 51 Cal.Rptr.2d 365, 64 U.S. Law Week 2633; (13) taxation, e.g., *Shuwa Investments Corporation v. County of Los Angeles*, (1991) 1 Cal.App.4th 1635, 2 Cal.Rptr. 2d 783; (14), torts, e.g., *Silva v. Silva Enterprises* (1999) 77 Cal.App.4th 152, 91 Cal.Rptr.2d 437, *Alejo v. City of Alhambra* (1999) 75 Cal.App.4th 1180, 84 Cal.Rptr.2d 768, *Green v. Ralee Engineering Co.* (1997) 61 Cal.Rptr.2d 352, 12

IER Cases 940, *Fermino v. Fedco* (1993) 18 Cal.Rptr.2d 719, *Neighberger v. Irwin Industries* (1993) 18 Cal.Rptr.2d 449, *Walker v. Los Angeles County*, (1987) 192 Cal.App.3d 1393, 238 Cal.Rptr. 146, and *Ales-Peratis Foods Internat. Inc. v. American Can Co.*, (1985) 164 Cal.App.3d 277, 209 Cal.Rptr. 917.

Military Experience: Served from Ensign to Lieutenant (junior grade), U.S. Navy, 1955-58 (aircraft carrier, Saipan; and staff, Supreme Allied Commander, Atlantic).

Education: Visiting Scholar: Institute of Comparative Law, Univ. of Florence (Italy), Jan.-Sept. 1975; J.D. (Dec. 1960), Univ. of Chicago School of Law, Chicago, Illinois (book review editor, Law Review); LL.M. (June 3, 1961), Northwestern Univ. School of Law, Evanston, Illinois (Ford Fellow in Criminal Law); B.A. (June 3, 1955, with Honors, Economics) Northwestern Univ., Evanston (Student Body President; Debate Team); Graduate (1951), Watertown High School, Watertown, South Dakota.

Personal: Born June 10, 1933; Watertown, South Dakota; Married (attorney). Three children. One grandchild.

Interests: Enjoys tennis, racquetball, photography, video photography, fiction writing, nonfiction writing, and reading (especially biographies, history, and mysteries).

Admission: Admitted to Calif. Bar May 17, 1972; to Illinois Bar in 1960; to U.S. Court of Appeals, Ninth Circuit, May 11, 1964; to District of Columbia Bar in 1965; to U.S. Supreme Court Nov. 14, 1966; and to U.S. Dist. Court, Central Dist. of Calif., in 1982.

Political Affiliation: Democrat.