

**McDANIEL, Franklin Douglas**

RETIRED SENIOR JUDGE. COURT OF APPEAL, Fourth Appellate District. Division Two

**Appointment/Election:** Elected Senior Judge Status July 1, 1990, expired June 30, 1995. Sitting on assignment by appointment of Calif. Judicial Council for indeterminate term.

**Previous Judicial Office:** Associate Justice. Court of Appeal, Fourth Appellate District. Division Two, Dec. 27, 1974 (date of oath) to June 30, 1990, appointed [succeeding Associate Justice John G. Gabbert. retired by Governor Reagan Sept. 27, 1974, confirmed by Commission on Judicial Appointments, Dec, 6. 1974. confirmed by electorate Nov. 7. 1978.

**Past Employment:** Private law practice, E1 Centro, Calif. 1959-74 (partner, Byrd. Sturdevant, McDaniel & Pinney), and 1949-:51 (with Horton & Knox). Deputy District Attorney, Imperial County, 1951-59 (Chief Civil Deputy, 1954-59).

**Memberships/Awards:** Member: Calif. Judges Assn., 1975--: Phi Delta Phi law fraternity: and Rotary Club, 1975----- (President. San Bernardino, 1984-85). Former member: Imperial County Bar Assn" 1949--74 {President. 1954: Delegate to Calif. State Bar's Conference of Delegates. 1949--74 (Chair (1971) and member (1968-71), Executive Committee)): Board of Trustees, Calif. Rural Legal Assistance, 1967-69: and Calif. State Bar's Disciplinary Board (1965-68) and Local Administrative Committee (1957-66).

**Noteworthy Cases:** Significant decisions authored by Justice McDaniel include: *Park Redlands Covenant Control Committee v. Simon*, (1986) 181 Cal. App .3d 87, 226 Cal. Rptr. 199 (ruling restrictive covenant in residential real estate development limiting residents of each home by age and number- was invalid under Unruh Civil Rights Act): *California Shoppers, Inc. v. Royal Globe Ins. Co.* (1985) 175 Cal.App.3d 1, 221 Cal Rptr, 171 (defining kind of behavior by an insurance company without "proper cause" that would subject it to liability for so called "bad faith" in a first party case); and *Beaumont Investors v. Beaumont Cherry Valley Wafer Dist.*, (1985) 165 Cal.App.3d 227, 211 Cal.Rptr. 567 (ruling that a governmental district that wants to impose a fee on customers has the burden of proving the fee does not fall under Proposition 13's demand for two thirds voter approval)

**Education:** J.D. (1948), Stanford Univ. Law School Palo Alto, Calif. B.S. (1942 with Highest Distinction), Purdue Univ., Lafayette, Indiana.

**Born:** July 13, 1920: Akron, Ohio: Married. Three children.

**Interests:** Enjoys playing golf and tennis and skiing.

**Admission:** Admitted to Calif. Bar Jan. 4, 1949.

**Political Affiliation/Religion:** Republican (managed and raised funds for Republican political campaigns in Imperial Valley for 26 years before appointment to bench).  
Member, Nichiren Soke Gakki International (Buddhist).