

MOSK, Richard M.

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

EDUCATION

A.B., Stanford (“with great distinction,” Phi Beta Kappa, Honorary Woodrow Wilson Fellow, three varsity athletic letters), 1960.

J.D., Harvard Law School (*cum laude*, Roscoe Pound Prize), 1963.

MILITARY

Active duty, California Air National Guard; legal officer, U.S. Naval Reserve (honorably discharged).

JUDICIAL EXPERIENCE AND ACTIVITIES

Justice, California Court of Appeal, Second Appellate District, Division Five (2001–); *pro tem* on the California Supreme Court.

Judge, Iran–United States Claims Tribunal, The Hague, designated by the U.S. (1981–1984, 1997–2001; substitute judge 1984–1997)

PRIOR PROFESSIONAL EXPERIENCE

Admitted to State Bar of California (1964). Admitted to practice before U.S. Supreme Court, U.S. Court of Military Appeals, U.S. Court of Appeals, U.S. District Courts. Served as a State Bar examiner (prosecuted attorney disciplinary case) and as a member of a State Bar Disciplinary Committee.

Partner, Los Angeles law firm of Mitchell, Silberberg & Knupp (1965–1987) and principal in the firm of Sanders, Barnet, Goldman, Simons & Mosk, P.C. (1987–2000). Tried civil and criminal jury and non-jury trials in California and federal courts. Argued cases before U.S. Supreme Court, California Supreme Court, Ninth Circuit Court of Appeals and California Court of Appeal. Experience in arbitration, mediation, litigation — domestic and international (commercial, appellate, entertainment, sports, trade regulation, labor, real estate, employment, intellectual property, construction, public international law). Worked on United Nations Compensation Commission cases.

Chair and co-chair, Classification and Rating Administration of Motion Picture Association of America (1994–2000).

Special Deputy Federal Public Defender (1975–1976) — on leave of absence from firm — handled federal criminal cases, including jury trials; Federal Indigent Defense Panel.

Law clerk, California Supreme Court, Justice Mathew Tobriner (1964–1965).

Staff member, President's Commission on the Assassination of President Kennedy (Warren Commission) (1964).

SPECIAL COMMISSIONS AND BOARDS

Member, Independent Commission on the Los Angeles Police Department (Christopher Commission) (1991), Los Angeles City-County Board of Inquiry on Brush Fires, Los Angeles County Commission on Judicial Procedures (chair), Mass Claims Steering Committee of the Permanent Court of Arbitration.

CIVIC ORGANIZATIONS

Board of Trustees of the Los Angeles County Law Library, Board of Directors of the California Museum of Science and Industry, Board of Directors of Town Hall of California, Southern California Steering Committee for NAACP Legal Defense and Educational Fund (co-chair), Stanford Athletic Board, and various charitable organizations.

PROFESSIONAL ORGANIZATIONS AND BAR ASSOCIATIONS

Member, American Law Institute, American Society of International Law, American Judicature Society, California Judges Association.

Member, American, Los Angeles County, and Beverly Hills Bar Associations. Formerly: Federal and International Bar Associations and Association of Business Trial Lawyers. Served on Council of ABA Section of International Law and Practice; Executive Committee of State Bar Criminal Law Section; and various committees of bar associations, including Los Angeles County Bar Association Judicial Candidate Evaluation Committee. Past president, Los Angeles Chapter of Federal Bar Association.

ACADEMIC

Taught undergraduate seminars at University of Southern California; lecturer, USC Law School (1979–); taught course at The Hague Academy of International Law (2003). Lectured at law schools in the United States (Stanford, UCLA, Loyola-Los Angeles, Berkeley [Boalt], Southwestern), Europe (University of Leiden; Central European University, Budapest), and Australia (University of Queensland, Brisbane); lectured at George Washington University. Participated in symposia at New York University and University of Virginia Law Schools, and at Conference of International Council for Commercial Arbitration, Beijing (2004).

PAST ARBITRATION AND MEDIATION EXPERIENCE

Member, arbitration panels of American Arbitration Association (Commercial Panel; Large, Complex Case Dispute Resolution Panel; Entertainment Panel; International Panel; and Mediation Panel); American Film Marketing Association (Independent Film & Television Alliance); World Intellectual Property Organization; British Columbia International Commercial Arbitration Centre; The Hong Kong International Arbitration Centre; Center For Public Resources (including Commercial, Entertainment and Sports panels); Court of Arbitration for Sport, Geneva; California Tribal Labor Panel; Kaiser Hospital Panel; NASD Panel; Los Angeles Superior Court Alternative Dispute Resolution Program; and Kaiser Permanente Members Arbitration Service. Served as International Chamber of Commerce arbitrator in various cases. Listed in *Parker School Guide to International Arbitration and Arbitrators*.

PERSONAL

Wife — educational therapist (former president, National Association of Educational Therapists). Son — journalist. Daughter — psychologist. Four grandchildren.

PUBLICATIONS

Articles and Chapters

“The State of the Criminal Law: Another View,” 41 LOS ANGELES BAR BULLETIN 90 (1965–1966) (with Harry C. Sigman).

“The Use of Personal Names as Unfair Competition,” 41 LOS ANGELES BAR BULLETIN 266 (1965–1966) (with Michael M. Plotkin).

“The Warren Commission and Legal Process,” 42 LOS ANGELES BAR BULLETIN 164 (1966–1967); reprinted, 72 CASE AND COMMENT 13 (May–Jun. 1967).

“The Role of Courts in Prison Administration,” 45 LOS ANGELES BAR BULLETIN 319 (1969–1970), reprinted in 4 ARKANSAS LAWYER (1970).

“Copyright in Government Publications,” 5 JOURNAL OF THE BEVERLY HILLS BAR ASSOCIATION 24 (1971).

“Justice Tobriner and Real Property,” 29 HASTINGS LAW JOURNAL 127 (1977–1978) (with Jonathan R. Adler).

“Declaratory Relief” in CIVIL PROCEDURES BEFORE TRIAL (C.E.B., 2nd ed. 1978).

“Privacy in Judicial Discipline,” L.A. DAILY JOURNAL, Jun. 5, 1980.

“Early Visions of Justice,” 12 HASTINGS CONSTITUTIONAL LAW QUARTERLY 383 (1984–1985).

“International Commercial Arbitration,” 8 LOS ANGELES LAWYER 58 (Dec. 1985) (with Robert E. Lutz).

“Lessons From The Hague—An Update on the Iran–United States Claims Tribunal,” 14 PEPPERDINE LAW REVIEW 819 (1986–1987).

“The Role of Party-Appointed Arbitrators in International Arbitration: The Experience of the Iran–United States Claims Tribunal,” 1 TRANSNATIONAL LAWYER 253 (1988).

“International Arbitration,” 10 WHITTIER LAW REVIEW 195 (1988).

“Enforcement of International Arbitral Awards,” 2 THE CALIFORNIA INTERNATIONAL PRACTITIONER 9 (1991).

“The Kennedy Assassination,” 78 ABA JOURNAL 36 (Apr. 1992).

“Conspiracy Theories and the JFK Assassination,” 15 LOS ANGELES LAWYER 34 (Nov. 1992).

“Arbitration Disclosure,” L.A. DAILY JOURNAL, Mar. 22, 1993.

“Expropriation: What To Do About It?” 5 THE CALIFORNIA INTERNATIONAL PRACTITIONER 11 (1993–1994).

“The Debate Over Dissenting and Concurring Opinions in International Arbitrations,” 26 UNIVERSITY OF WEST LOS ANGELES LAW REVIEW 51 (1995).

“The Role of Party-Appointed Arbitrators,” 1 ADR CURRENTS 19 (Summer 1996).

“Motion Picture Ratings in the United States,” 15 CARDOZO ARTS AND ENTERTAINMENT LAW JOURNAL 135 (1997); reprinted in THE V-CHIP DEBATE 195 (edited by Monroe E. Price, 1998).

“Celebration Session Honoring the Record Service of Justice Stanley Mosk (1964–Present),” 21 Cal.4th 1314 (1999).

“Clemency Hearings,” L.A. DAILY JOURNAL, May 25, 1999.

“Dissenting Opinions in International Arbitration,” in *LIBER AMICORUM* BENGT BROMS: CELEBRATING HIS 70TH BIRTHDAY 16 OCTOBER 1999 259 (Finnish Branch of the International Law Association, edited by Matti Tupamäki) (1999); reprinted in 15 MEALEY’S INTERNATIONAL ARBITRATION REPORTS 6 (2000) (with Tom Ginsburg).

“Pace of the Proceeding” in THE IRAN–UNITED STATES CLAIMS TRIBUNAL AND THE PROCESS OF INTERNATIONAL CLAIMS RESOLUTION (edited by David D. Caron and John R. Crook, 2000).

“Worldly Wrangles” [Verdicts & Settlements], L.A. DAILY JOURNAL, Oct. 6, 2000.

“International Tribunals Help Redress Injustices Abroad,” L.A. DAILY JOURNAL, Nov. 30, 2000.

“Dangerous Waters” [Verdicts & Settlements], L.A. DAILY JOURNAL, 2001.

“Going Global” [Verdicts & Settlements], L.A. DAILY JOURNAL, Apr. 4, 2001.

“In Memoriam, Honorable Stanley Mosk (1912–2001),” 26 Cal.4th 1240 (2001).

“Rededication of the Library and Courts Building as the Stanley Mosk Library and Courts Building (November 6, 2002), Sacramento, California,” 28 Cal.4th 1296 (2002).

“Evidentiary Privileges in International Arbitration,” 50 INTERNATIONAL AND COMPARATIVE LAW QUARTERLY 345 (2001) (with Tom Ginsburg).

“The Effects of Confirming and Vacating an International Arbitration Award on Enforcement in Foreign Jurisdiction,” 18 JOURNAL OF INTERNATIONAL ARBITRATION 463 (2001) (with Ryan D. Nelson).

“Becoming an international arbitrator: qualifications, disclosures, conduct, and removal,” in PRACTITIONER’S HANDBOOK ON INTERNATIONAL ARBITRATION AND MEDIATION (1st ed., 2002, edited by Rufus V. Rhoades et al.; 3rd ed., 2012, edited by Daniel M. Kolkey et al.) (with Tom Ginsburg).

“The Role of Facts in International Dispute Resolution,” 304 RECUEIL DES COURS 9 (2003) (Collected Courses of The Hague Academy of International Law).

“Comments on Enforceability of Awards,” in ICCA PROCEEDINGS—17TH ICCA BEIJING CONFERENCE 327 (International Council for Commercial Arbitration) (2004).

“Law Graduates Who Pursue Public Service Need Debt Relief,” L.A. DAILY JOURNAL, Jul. 28, 2004.

“Judge Clark: One of Our Great Public Servants,” SAN LUIS OBISPO TRIBUNE, Jul. 5, 2006.

“Communication with Iran—Even Today,” LONG BEACH PRESS TELEGRAM, Aug. 20, 2006.

“Victims of Terrorism Should Be Compensated on Equitable Basis,” L.A. DAILY JOURNAL, Sep. 18, 2006.

“Judges Share Responsibility for Saddam’s Crimes,” L.A. DAILY JOURNAL, Jan. 16, 2007.

“The Iranian Hostage Crisis and the Iran–U.S. Claims Tribunal: Implications for International Dispute Resolution and Diplomacy,” 7 PEPPERDINE DISPUTE RESOLUTION LAW JOURNAL 165 (2007) (with Warren Christopher).

“Injunctions,” in 2 CONTEMPORARY ISSUES IN INTERNATIONAL ARBITRATION AND MEDIATION: THE FORDHAM PAPERS 185 (edited by Arthur W. Rovine, 2007).

Contributor to *INTERNATIONAL MASS CLAIMS PROCESSES: LEGAL AND PRACTICAL PERSPECTIVES* (edited by Howard M. Holtzmann and Edda Kristjánsdóttir, May 2007).

“Trepidations About November 22,” *L.A. DAILY JOURNAL*, Nov. 25, 2009.

“Stanley Mosk’s Letters to His Brother During World War II,” 4 *CALIFORNIA LEGAL HISTORY* 3 (2009).

“Attorney Ethics in International Arbitration,” 5 *PUBLICIST* 32 (2010).

“Education According to the Court,” *L.A. DAILY JOURNAL*, Dec. 20, 2010.

“Trends in International Arbitration,” 18 *SOUTHWESTERN INTERNATIONAL LAW JOURNAL* 103 (2011).

“Arbitrators Should Apply The Law,” *L.A. DAILY JOURNAL*, Apr. 19, 2011.

“Difficulties in Communication,” *L.A. DAILY JOURNAL*, Jun. 14, 2011.

“The Collapse of Civility Among Lawyers,” *L.A. DAILY JOURNAL*, Jul. 26, 2011.

“The Intersection of Two Lives,” *L.A. DAILY JOURNAL*, Oct. 14, 2011.

“Trends in International Arbitration,” 18 *SOUTHWESTERN JOURNAL OF INTERNATIONAL LAW* 103 (2011).

“ ‘Protecting Constitutional Rights’: Supreme Court of California Associate Justice Stanley Mosk,” in “The Storied Third Branch: Stories about judges, by judges,” *Duke Law Center for Judicial Studies* (Dec. 2012), available at <http://law.duke.edu/judicialstudies/thirdbranch/>.

Book Reviews

PREPARATION AND TRIAL, by John Alan Appleman, 16 *UCLA LAW REVIEW* 216 (1968).

POVERTY, INEQUALITY AND THE LAW, by Barbara Brudno, 24 *UCLA LAW REVIEW* 928 (1977).

THE LAW OF SPORTS, by John C. Weistart and Cym H. Lowell, 14 *JOURNAL OF THE BEVERLY HILLS BAR ASSOCIATION* 161, 162 (1980).

INTERNATIONAL TRANSACTIONS AND CLAIMS INVOLVING GOVERNMENT PARTIES: CASE LAW OF THE IRAN–UNITED STATES CLAIMS TRIBUNAL, by John A. Westberg, 24 *VANDERBILT JOURNAL OF TRANSNATIONAL LAW* 587 (1991); condensed version in 21 *INTERNATIONAL BUSINESS LAWYER* 200 (1993).

CASE CLOSED: LEE HARVEY OSWALD AND THE ASSASSINATION OF JFK, by Gerald L. Posner, *L.A. DAILY JOURNAL*, Sep. 30, 1993.

THE JURISPRUDENCE OF THE IRAN–U.S. CLAIMS TRIBUNAL; AN ANALYSIS OF THE DECISIONS OF THE TRIBUNAL, by George H. Aldrich, 8 THE CALIFORNIA INTERNATIONAL PRACTITIONER 34 (1997).

DEMOCRACY DETAILED: INITIATIVE CAMPAIGNS AND THE POWER OF MONEY, by David S. Broder, L.A. DAILY JOURNAL, Nov. 3, 2000.

INTERNATIONAL CHAMBER OF COMMERCE ARBITRATION, by W. Lawrence Craig et al. (3rd ed.), “Dicta,” L.A. DAILY JOURNAL, Dec. 1, 2000.

ARBITRATION INTERACTIVE: A CASE STUDY FOR STUDENTS AND PRACTITIONERS, by Klaus Peter Berger, 17 MEALEY’S INTERNATIONAL ARBITRATION REPORTS 23 (2002).

CALIFORNIA RISING: THE LIFE AND TIMES OF PAT BROWN, by Ethan Rarick, L.A. DAILY JOURNAL, Jan. 25, 2005.

LAW AND PRACTICE OF INTERNATIONAL COMMERCIAL ARBITRATION, by Alan Redfern et al. (4th ed.), L.A. DAILY JOURNAL, Apr. 22, 2005.

JUSTICE FOR ALL: EARL WARREN AND THE NATION HE MADE, by Jim Newton, L.A. DAILY JOURNAL, Oct. 11, 2006.

THE JUDGE: WILLIAM P. CLARK, RONALD REAGAN’S TOP HAND, by Paul Kengor, L.A. DAILY JOURNAL, Oct. 2, 2007.

BIG DADDY: JESSE UNRUH AND THE ART OF POWER POLITICS, by Bill Boyarsky, L.A. DAILY JOURNAL, Nov. 9, 2007.

CLAIMS OF DUAL NATIONALS AND THE DEVELOPMENT OF CUSTOMARY INTERNATIONAL LAW, by Mohsen Aghahosseini, 102 AMERICAN JOURNAL OF INTERNATIONAL LAW 215 (2008).

INTERNATIONAL COMMERCIAL ARBITRATION, by Gary BORN, L.A. DAILY JOURNAL, Dec. 7, 2009.

REDFERN & HUNTER ON INTERNATIONAL ARBITRATION, by Nigel Blackaby et al. (5th ed.), L.A. DAILY JOURNAL, Jul. 27, 2010.

DEMOCRACY’S LAWYER: FELIX GRUNDY OF THE OLD SOUTHWEST, by J. Roderick Heller III, L.A. DAILY JOURNAL, Jan. 7, 2011.

LIFE AMONG THE CANNIBALS, by Arlen Specter, L.A. DAILY JOURNAL, Apr. 19, 2012.

Book reviews for RIVERSIDE PRESS-ENTERPRISE (1960s–1990s).

Op-Ed and Letters to Editor

Letter on the Reapportionment Decision, L.A. TIMES, Dec. 13, 1965, at B4.

Letter on the Warren Commission, HARVARD LAW RECORD, Mar. 10, 1966.

Letter on the Warren Commission, L.A. TIMES, Oct. 26, 1966, at B4.

Letter on Fire Protection, L.A. TIMES, May 4, 1971, at A7.

“Convention Quotas Should be Eliminated,” L.A. TIMES, Jul. 7, 1972, at C7.

“On Trial: The Ground Rules for Grand Juries,” L.A. TIMES, Feb. 4, 1973, at K1.

“Kennedy Conspiracy Discounted,” L.A. TIMES, May 11, 1975, at F1; reprinted in SKEPTIC, Sep. 1975 (with W. David Slawson).

“Hell Behind Bars: In County Jail, the Innocent Suffer Along With the Guilty,” L.A. TIMES, Apr. 5, 1976, at C7.

“Justice System Cries Out for Uniformity” [sentencing], L.A. TIMES, Jan. 16, 1977, at E5.

Letter on Fire Protection, L.A. TIMES, Nov. 16, 1978, at E6 (with Paul Ziffren).

Letter on the Warren Commission, L.A. TIMES, Nov. 18, 1988, at D6.

“The Plot to Assassinate the Warren Commission,” L.A. TIMES, Dec. 30, 1991, at F3.

“Distortions Will Continue No Matter What” [Warren Commission], L.A. TIMES, Apr. 6, 1992, at B5.

Letter on the Warren Commission, PRESS-ENTERPRISE, May 7, 1992, at D9.

Letter on Fire Protection, L.A. TIMES, Nov. 16, 1993, at 6.

“Warren Commission Report is Proving True,” L.A. TIMES, Nov. 29, 1993, at F3.

“Hold Handgun Makers and Sellers Liable,” L.A. TIMES, May 19, 1994, at B7 (with Erwin Chemerinsky).

Letter on the LAPD and Chief Reddin, L.A. TIMES, Apr. 4, 2000, at 8.

“Technical Foul” [athletics], CALIFORNIA LAW BUSINESS, Sep. 25, 2000.

“Lex Mercurial” [international arbitration], HOUSE COUNSEL, May/Jun. 2001.

“Picking our Own Pocket” [legislation regarding foreign blocked assets for victim compensation], NATIONAL LAW JOURNAL, Sep. 17, 2001, at A20.

Letter on The Golden State, L.A. TIMES, Aug. 5, 2002, at B10.

“A Crazy Quilt of Victim Compensation,” L.A. TIMES, Aug. 18, 2002, at M5.

“Conspiracy Theories Have Run Their Course,” L.A. TIMES, Nov. 11, 2003, at B13.

“Debt Precludes Pursuit of Public Service,” CALIFORNIA BAR JOURNAL, Sep. 2004.

Letter on the appointment of Earl Warren, L.A. TIMES, Nov. 20, 2004, at B20.

“Bring Back Pen Pals,” L.A. TIMES, Jul. 10, 2006, at B11.

Numerous opinions are published in the *Iran–U.S. Claims Tribunal Reports*, in the *Iranian Assets Litigation Reporter*, in *Mealey’s Litigation Reports—Iranian Claims*, at the Tribunal website, and at *Westlaw*. California Court of Appeal and Superior Court opinions are published in the official reports and on *Westlaw* and *Lexis*. One article for the *L.A. Times* is reprinted in part in the book, *The Assassinations: Dallas and Beyond: A Guide to Cover-Ups and Investigations*, edited by Peter Dale Scott et al. (1976). Another is reprinted in *JFK: The Book of the Film* (2000).