Tani Cantil-Sakauye: Welcome to the Legacy Project’s interview of Justice Ronald B. Robie, a justice who has served not only on the trial court but also on the appellate court for 38 years and counting. He is a distinguished jurist, a friend, and a mentor to many, including myself. I am Chief Justice Tani Cantil-Sakauye, and it is my pleasure to be here in his chamber conducting this interview. Good afternoon, Justice Robie.

Ronald B. Robie: Good afternoon, and thank you so much for doing this interview.

Tani Cantil-Sakauye: It is a pleasure and an honor. I mean, after all, you were my presiding judge in muni [municipal] court, but we’ll get there eventually. Please, we know so much about your time on the bench, but tell us about how Ron Robie came to California.

Ronald B. Robie: Well, I was born in California, but I was born in Oakland, and I grew up and went to Oakland public schools—grammar school, junior high—and I went to Cal. And I went to Cal while living at home because I couldn’t afford not to. And I was a journalism major at Cal, and when I got out of my graduate degree—out of undergraduate, I got married to my wife, Lynn, who I met as a nurse. She had just graduated from nursing school at Kaiser Foundation Nursing School at Oakland, and then I went to graduate journalism school, and it’s sort of funny because after I got my master’s degree in journalism, they abolished the journalism school. But then they brought it back, so it’s there now.

I was wandering through the halls of Dwinelle Hall one day, and there was a sign on the wall that said there were internships available in Sacramento at the capital working for the Assembly. And I knew nobody in politics or anything about, but I was fascinated by politics. So, I applied, and lo and behold, I got accepted to come to Sacramento in the fall of 1960 as what was then a legislative intern and which now is called a legislative fellow. So, I came to Sacramento, and as is typical of government, I said I would like to be assigned to the Education Committee and they gave me the Water Committee. And so it was an interesting time because Jesse Unruh and his predecessor, Speaker Brown, Ralph Brown from Stanislaus, who later became one of the first justices on the Fifth District—he wanted to increase the influence of the Legislature by having staff because, at the time, the Legislature was part-time and they had no staff. So, when I joined the Water Committee, I was the only staff person and I was the only staff person for most of the nine years I was there. And so it was a wonderful experience, and I have to tell you about my intern class in 1960. It was 10 people who came from various colleges. There were five at the time. And Rose Bird, who later became Chief Justice, of course, was one of my colleagues, and she worked for the Government Organization Committee, and she had not yet gone to law school. I don’t know how she got encouraged to go to law school, but I decided after being here for three years that I wanted to be a lawyer.

So, I went to law school at night at McGeorge while working for the Legislature. And so that’s how I got to Sacramento, and what I did when I got here, and I was very, very fortunate to be in the Water Committee because I knew nothing about it. I grew up in Oakland where you turned on the water, and it was always there, and it was not a political issue or anything else. But anyway, I just loved it. I had a very fine boss, Carley Porter, who was the author of the legislation that created the State Water Project. And then in 1967, he gave me the opportunity to cook up a plan to merge the water quality and water rights functions of state government into what is now the State Water Resources Control Board, and he was a little nervous about embarking on new things. So, he said, “Why don’t you write a staff report? We’ll send it out and see what people think about it, and then if they shoot it down, then we’ll forget about it, but if they like it, we’ll do it.” And they liked it and we did it.

And the board is still there now, and it’s one of the major players in California water management, the State Water Resources Control Board. It consists of five full-time members, including one lawyer, and so after we created the board, then we worked with the board staff and did a review and overhaul of the Water Pollution Control Act in California, which then became—called the Porter-Cologne Act, named after Mr. Porter and Senator Cologne, who later became an appellate justice at the Fourth District, Division 2. And so, then, now I was introduced to the members of the Water Board.

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And in 1969, the lawyer member of the Water Board retired, and the executive officer of the Water Board, wanting to have an ally apparently on the board, suggested me to Governor Reagan and I got appointed, and so I left the Legislature and spent the next six years working as a board member of the Water Board, even though I’d only been a lawyer for two years. But I did have my degree, so it qualified. And so, I got reappointed by Governor Reagan the second time, and then when that term was expired, Jerry Brown became Governor, and he appointed me director of Water Resources.

Tani Cantil-Sakauye: Let me stop you there. So, Ron Robie wants to be a journalist, goes to undergrad, gets a master's or graduate degree, and then one day sees a sign. In many ways, a sign, like capital S sign, go to Cal, go to Sacramento, get into politics, get into the Legislature. So, when you went to the Assembly, you had an interest in education.

Ronald B. Robie: Right.

Tani Cantil-Sakauye: But you landed in water. But then you took such a leadership role in water. Did the issue grow on you?

Ronald B. Robie: Oh, it did. I loved it. It became really fascinating, and then my whole career, people think of me as a water guy because I ended up being director of Water Resources, and during the time I was with Governor Brown for eight years, we had the worst drought in history up until now, and it was just a terrible time, and it was exciting. So, I became an advocate.

Tani Cantil-Sakauye: Well, you are far more than the water guy, but the water guy is part of your portfolio in terms of your expertise and your teaching, and not only judges, but lawyers as well, across the board. But this class, this is some class, this internship of however many of you, 10, where we have you and Rose Bird, who are later both become icons in the practice of law, separate and apart from your work in the Assembly. Tell me, what it was like to be the director of the State Water Resources Control Board?

Ronald B. Robie: It was fun. On the Water Board, it was a very interesting time because the environmental movement began in 1970 with the passage of the National Environmental Policy Act and a bunch of very important federal law, Clean Water Act, Clean Air Act. And we were right here in California, the leaders of the country in these areas, and we worked with the people in Washington, with Senator Muskie’s staff, and it was really a heady time. So, I enjoyed the Water Board activity. And Governor Reagan, for all of his antienvironmental stuff as President, was entirely different as Governor. He was an environmentalist.

In fact, I was in his office one time with my boss talking about wild rivers, and he turned to the then-director of Water Resources, Bill Gianelli, and said, Bill, you’d pave over Yosemite if I gave you a chance, and this was Governor Reagan, and I thought, oh, my goodness. And then he started talking about chopping trees in his ranch down in Santa Barbara, and he was truly an environmental kind of guy. But when he got to Washington, he was under different influences. So, he gave us a lot of freedom as members of the board to do what we wanted, and we had the same freedom under Governor Brown because he came in determined to put an environmental touch on how things worked in Sacramento.

Tani Cantil-Sakauye: You worked under two very different Governors and saw policy created under two very different—. I mean, most people would stay in that environment because it’s groundbreaking material. It’s the environment. But then you decided that maybe you wanted to go into—to preside over trials. Is that what happened?

Ronald B. Robie: Yeah. Well, it’s funny because I was graduated from McGeorge, and Gordon Schaber was sort of my mentor, and he was really wonderful to me. And I never actually had a job with any security. Every job I had was either a legislative job where you at pleasure or a board where the term expired, you were out. And Gordon kept saying to me, well, I’ll always give you a job teaching if you don’t get a job somewhere else. But then he got me teaching in 1970, and I taught environmental law. I taught one of the first environmental classes in the country because it was a brand-new subject, and we didn’t even have case books, and I taught it for 43 years before I finally stopped.

Tani Cantil-Sakauye: And this is at McGeorge Law School?

Ronald B. Robie: At McGeorge Law School. So, I became hooked on the environment, and so that’s where I am. I think every lawyer would like eventually to be a judge if they had a chance. But not everybody has a chance, and they say sometimes best way to become a judge is to know the Governor. Well, I actually knew a Governor.

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I never thought I would, but I did. And so, at the end of his eight years, he asked me if I wanted to be a judge, and I said I do. And so, he sent me to Jenny, for this court, the Court of Appeal, and I was turned down because in those days, if you hadn’t been a practicing lawyer in a big, big way or a judge, a trial judge, you weren’t ready for the Court of Appeal. Times have changed, but so the Chief at the time, who was Chief Justice Bird, talked to the Governor and said, “Well, put him on the municipal court.” I remember her saying that. And, we had four municipal court vacancies in Sacramento in the last three days of the Brown administration, and so, that’s where I went, and that’s where I met you and that’s where my career then went for the next 40 years.

Tani Cantil-Sakauye: Well, you have this capacity to be an expert wherever you go.

Ronald B. Robie: I don’t know about that.

Tani Cantil-Sakauye: You have this—you’re so good about absorbing information and leading. When I was under your tutelage as a municipal court judge, I never would have guessed you’d had another career in the Legislature and then as the director of the State Water Resources Control Board.

Ronald B. Robie: Well, I can tell you I was absolutely terrified when I became a judge because I didn’t have any idea what I was doing, and I relied heavily on people who were on the court who said, “If you ever need any help, call me,” and I did, and I’d simply call people. My presiding judge at the time when I was appointed was Ed Garcia, who later became Federal Judge Ed Garcia, and he was wonderful. He helped me. When people made motions and I didn’t even know what they were, he helped me through it.

Tani Cantil-Sakauye: So, Ron, 1983, now you’ve traded in the directorship and you’re wearing a black robe. You’ve mentioned you were terrified, you didn’t know what you were doing, but what was that like going from the Capitol, policy, now you’re in the four walls of a courtroom.

Ronald B. Robie: It was really different. It was truly different, and the Brown administration had its own characteristics. The Governor was very unorgan—not unorganized, but not structured in the way things were then. Going to the court, everything became very structured, but I really liked it, and it was fun, and I guess I really always liked being a lawyer. And so, I enjoyed being on a municipal court, and I was there for three years and then ran for the superior court and was elected by an extremely small margin. And my wife always said that she really was the reason I got elected because she was the city council member in our area for 13 years and she was much better known than me. I mean judges are not well-known, and I got a very small margin of victory, but I won. And so, there I was on my way.

Tani Cantil-Sakauye: See now, I know that there is truth to that because everyone knew Lynn Robie.

Ronald B. Robie: Right.

Tani Cantil-Sakauye: And everyone thought they were Lynn Robie’s best friend, which couldn’t possibly be true, but you’re right. You were very much a power couple.

Ronald B. Robie: Well, I don’t know, but she was the power. But, you know, it was funny because I went to my first judge’s meeting on the superior court. This is pretty funny because Judge Sapunor, the senior Sapunor, said I want to introduce our newest judge, Lynn Robie, and he actually introduced me to the superior court as Lynn Robie. And I was very flattered because most people actually knew who I was, but.

Tani Cantil-Sakauye: Yes, well, you had been a very popular, active, and instructful municipal court judge, as I recall, also. And I even tried cases and had motions in front of you, and you were always prepared and always, I would say, wise and insightful.

Ronald B. Robie: Well, thank you.

Tani Cantil-Sakauye: And then you went to superior court. Did anything about your assignments changed from muni to superior?

Ronald B. Robie: Well, yeah. In those days, I was the subject of a policy which I think is now no longer the policy, that the junior judge always went to family law. But, you know, I really liked it, and I met Judge Davis there, Rod Davis, who later became my colleague at the Court of Appeal, and Justice Scotland. We, the three of us were in family law together and we had a wonderful time, and I really liked it. And so, I spent almost three years in family law. I think it was a great experience. And I’m sorry that so many judges treat family law as sort of a poor relation because it’s so important to the people who are there. And particularly now, when so many of the people in the court, in family law, are self-represented, they need judges who care about the job.

Tani Cantil-Sakauye: I agree. I think that family law is a very tough assignment and it’s a long assignment, and if you do it right, it’s a very, very busy assignment.

Ronald B. Robie: It sure is.

Tani Cantil-Sakauye: And it does not get the kind of attention it needs.

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It’s interesting that you served there with Art Scotland, who later became the Administrative Presiding Justice of the Third District Court Appeal, and Rod Davis, your colleague here at the Court of Appeal.

Ronald B. Robie: Right.

Tani Cantil-Sakauye: So, you knew each other very well and everyone knows how hardworking all of you are and were.

Ronald B. Robie: Yeah, we had a great time. And, I think for many years thereafter, Scotland particularly always went to family law events with family lawyers and things. But gradually, over the years, their bar changed so much that we didn’t go anymore, but we were—we really spent a lot of time there and enjoyed that very much.

Tani Cantil-Sakauye: And at the same time that you had the day job that kept you in court from eight to five or thereafter, you were also doing other things. You were still teaching. You were very active with statewide committees. Tell me about the work you did after hours.

Ronald B. Robie: I actually did a lot of—I was very fortunate. I was active in CJER [Center for Judicial Education and Research] when I was both a superior court judge and as an appellate justice. I was head of the CJER Governing Committee for six or seven years. I had—I taught QE3, if that’s hard to believe, where now it’s QE8, which is the ethics instructions, and I was very fortunate I was appointed to the Judicial Council by Chief Justice George, and I liked doing that. And, he also recommended me as a member of the National Center for State Courts Board of Directors, and I spent six great years as a member of the National Center Board, which I thought was really a great experience, and they gave me their Distinguished Service Award in 2014. So, I have a nice connection with them. So, I did a lot of different things, in addition to my teaching, but I enjoyed it all.

Tani Cantil-Sakauye: Well, in addition to all of those things, you did them with excellence.

Ronald B. Robie: Oh, thank you.

Tani Cantil-Sakauye: You did. I’ll just start from in reverse, and that is the National Center for State Courts, which for those who may not know, is a nonprofit organization that assists courts nationwide. So, 50 courts, 50 jurisdictions, 50 states, and the three territories. It has an influential board, many people vie for position on that board, and they set policy and they are in Congress, and they’re with ABA, constantly changing and influencing policy. Mary McQueen is their president. She has been their president for as long as I can remember.

Ronald B. Robie: She came when I was there.

Tani Cantil-Sakauye: Oh, she did?

Ronald B. Robie: Yeah.

Tani Cantil-Sakauye: She thinks you walk on water. I talk to Mary pretty regularly because the National Center is still strong and they help with the Conference of Chief Justices. And if Mary could replicate you and create a hundred of you, she would. So, you really paved the way for good relationships.

Ronald B. Robie: Well, I enjoyed working with her and, yes, she started just as I started there. She replaced Roger Warren, who was my predecessor as presiding judge of the Sacramento superior court.

Tani Cantil-Sakauye: All these names bring—make my heart warm, actually.

Ronald B. Robie: Right.

Tani Cantil-Sakauye: So, for those who may not know, talk about CJER a little bit and what they do and how important it is to the excellence of our bench.

Ronald B. Robie: Well, CJER is a really great organization, the educational division of the Judicial Council. It produces the best education in the world. And, for years, we didn’t participate in National Judicial College programs at all because we had it ourselves. We didn’t need outside help. CJER had a series of really great directors, Karen Thorson, Diane Cowdrey, and now Karene Alvarado, all great people. And it was really a great honor to be part of the CJER Governing Committee and CJER Advisory Committee now, and I served with Justice Dondero part of the time, and we had a really—. I think we did a lot in getting the educational programs going. And, actually, one of the things that grew out of that was the annual CJER CEQA [California Environmental Quality Act] class, which we have CEQA judges in California and they are supposed to have education. And so, I teach that class, I’ve done it for about 20 years along with three really fine lawyers, and, who are all CEQA lawyers and very, very talented from different perspectives of CEQA. And we have a really great class and a syllabus written by one of the lawyers, and that’s a program that I think is really a sort of a model. CJER has always had judges teaching judges, but there are some things that lawyers bring a unique perspective to, in addition to the judge. So, I’m sort of the referee and we have these three lawyers and it’s an interesting class, and we’ve been doing it, as I say, for about 20 years.

Tani Cantil-Sakauye: Well, I know you have extensive teaching experience, and also in the selection of the curriculum and the development of the curriculum, as well as an emphasis on environmental law, and I would say that for a lot of people, it’s a surprise that when you’re a lawyer, you just don’t automatically get the skills of being a judge.

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You have to come to the bench and you get the education. And you’re right, it’s judges teaching judges, but it’s judges like yourself with vast experience who do this on a volunteer basis who provide this high level of education for the California judiciary, which is the largest judiciary law trainer in the world.

Ronald B. Robie: And the best educated because, of course, you were muni judge as I was, so you must have gone to Judicial College twice, which I did. I went first as a muni judge and then as a superior court judge. And the Judicial College is the best education. Nobody does it like that.

Tani Cantil-Sakauye: Right. We are really unparalleled in our education, and I know you are essential part of that and a backbone of that education. And when you talk about CEQA, I know you draw on your vast experience not only teaching at McGeorge and also in the Legislature, but you continue to be prolific in CEQA. You belong to Convening the Waters.

Ronald B. Robie: Dividing the Waters, right. Yeah, that’s a group of water judges created—started by John Thorson, who is the husband of Karen Thorson, who was head of CJER way back when. And he was a water lawyer in Arizona, in Phoenix, with the Arizona Supreme Court. And he started this group, and it’s water judges from around the west who get together and put on conferences. It was funded for many years by the Hewlett Foundation. It’s come upon fairly hard times now because some foundations like to start organizations in the hopes that they will then go on their own after a while. The problem with judges’ organizations: we can’t raise money, we can’t ask people for money, so we’re constantly strapped for money. But the organization is now affiliated with the National Judicial College, and it’s redirecting itself to meet the needs of judges now.

And they taught their first environmental law class last fall, and many Californians participated, and I had a chance to be part of it. As a result of the fact that we need water lawyers, well, or judges in California, you’ve agreed to starting a water law class for California judges and CJER is working on it right now, and I think they’re going to be following sort of the model of the CEQA class as a way of training judges to handle these huge water cases. They’ve been doing it for years, but they need specialized education. It would be really helpful. I’m really looking forward to that being very helpful.

Tani Cantil-Sakauye: I am, too, and you’re being modest because that idea of starting and granting the Judicial Council funding to create an education program for water programs came from you with talking to, I believe the Speaker’s office.

Ronald B. Robie: Right. The Speaker has been very helpful in getting some money. And that’s always important, too.

Tani Cantil-Sakauye: Yes, it is. And, so, when we look at this water law class for judges, it will be—you’re thinking of a model like the CEQA model, where you have lawyers? I think that’s valuable, too.

Ronald B. Robie: Having maybe not as many lawyers, but at least a lawyer or two to talk about the—.Because the thing that’s so obvious about water cases is the room full of lawyers. Everybody has a lawyer, and everybody wants to be part of the lawsuit. And if in drought times like now, we have this litigation is roaring all over the state because nobody wants to have their water supply cut back. And for years, the Water Board did not have to cut people back. California was the place of plenty. And one of the things we had lots of is water. And now with—the state just announced no water this year for their contractors. Zero. That’s unprecedented. So, there will be lawsuits, so the courts have to be ready to handle that. And we’re going to be doing it, I think, under the suggestions that you made, by complex litigation courts, which have the ability to handle large numbers of lawyers and papers and lots of stuff.

Tani Cantil-Sakauye: Well, and it’s so incredibly complicated, the procedure for water, with especially basins. And there’s some laws on the book about which counties can’t hear it if they’re part of the basin. And also, we know, too, that just historically, we’re in the worst drought that we’ve been in for years here in 2021. I know one county has outlawed, in the Bay Area, no watering lawns.

Ronald B. Robie: Right.

Tani Cantil-Sakauye: And that’s probably a sign of things to come. Everything in the paper today is about water.

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Ronald B. Robie: It’s going to be worse. You know, the drought was bad when I was director, but that’s 40 years ago. And how many more millions of Californians here now since then? It’s going to get worse. It’s not going to get better. So, the courts have to be prepared to handle the litigation. And groundwater litigation lasts for 20 years. I helped mediate a groundwater case that was held. It was a Los Angeles case that was handled by Judge Kumar from Santa Clara County, and I helped mediate it. We didn’t resolve it, but we got 90 percent of it done. And it still took 20 years.

Tani Cantil-Sakauye: These cases are yearslong, and we put in justices like yourself. And if you were to ever retire, we’d try to bring you back because we want the continuity because they’re just years and years of litigation and agreement of rights. And you’re right: this is the future of California. So, this class that you will be involved in and was able to bring about is going to be significant to California.

Ronald B. Robie: I hope so. And Judge Kumar got me involved in this case because he knew me because we worked together. But I do think one of the things we should do as we go forward is use retired appellate justices or retired judges to be mediators for cases that are pending and before the courts to try to solve at least some of the issues because they are multiple-issue cases, and if you can—. It’s not like a personal injury case where you either award them a lot of money or you don’t. You can resolve two or three issues, cut years off of the effort, even if you still have to try certain matters to the court anyway.

Tani Cantil-Sakauye: I’m going to take that class, Ron, I have to confess. We all need this background. I also know that another passion of yours is the justice gap, isn’t it?

Ronald B. Robie: Yes. I was appointed by the Judicial Council or the Chief, you, I guess, to serve on the California Commission on Access to Justice [Access Commission]. I spent 10 years there, and I’m totally committed to it. I spent the last five years as chair of the commission, and the commission was part of the State Bar at the time. And with all of the bar modifications and the creation of the California Lawyers Association, it became, two years ago, a 501C nonprofit, which gives it a lot more freedom. It doesn’t have to be under the restrictions of the State Bar. The State Bar was getting to the point where they said, “Well, the Access Commission can’t take positions if the bar doesn’t agree with them.” And we said, “No, we want to be out there pushing for access in ways that maybe the State Bar doesn’t want to do.” And so Jack London, of Morrison & Foerster, a fabulous lawyer who spent most of his adult career pursuing access to justice, is serving as the executive director of the commission. And former members are permitted to attend their meetings, and I still do. But that’s really an important function. And while I was there, we agreed that a Supreme Court justice would serve on the commission. And not only are there Judicial Council appointments, but the Governor and the Legislature make appointments. So, it’s a really wonderful organization dedicated to improving access in all ways: language, physical access, anything that inhibits the ability of ordinary people to get to court and have their cases heard.

Tani Cantil-Sakauye: And we know in California the gap is quite large not only because of our population and the number of cases filed, but also because we have such a high poverty rate. And we know that so many of our civil cases, at least three quarters of our civil cases, I’m told, at least one side is unrepresented. And the commission does tremendous work, as well, in reports that research and expose these gaps so that the Legislature, the Judicial Council, and the lawyers can try to bridge the gap and provide access.

Ronald B. Robie: Right. It’s not just a lack of lawyers, because that is the major gap problem, but the problem is getting to court, no transportation, and things like this. But I’m more concerned—and Justice Zelon, who is now retired but was the first president of the commission, and I are really concerned about the fact that if you don’t have a lawyer and you’re on appeal, you’re guaranteed to lose because we presume the trial court is correct. That’s the basic presumption, as you know. And if you don’t have a lawyer who knows how to present your case and present a record that can then support whatever arguments you have, it’s just hopeless. And, so, people without a lawyer are almost inevitably going to lose on appeal, which is very sad, because there may be meritorious cases there, but we don’t know.

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We can’t get to them because they’re not presented in the manner that appellate review requires.

Tani Cantil-Sakauye: I completely agree, and I know that with your aid, we’ve been able to go to the Legislature and raise the issue of the necessity for a record because of the standards and the presumptions in an appeal process, particularly in areas of family law, where so much is at stake. So I’ve appreciated your help, and I think that you and the commission have moved the ball, but there’s a lot of work still to be done and a lot of understanding, too, for people to understand what we’re talking about.

Ronald B. Robie: Yeah. I think rather than just focus solely on trying to get lawyers to help these people, making it easier for them to do it themselves is what you’re talking about, and I think that’s right. If you do have a verbatim transcript, if you do have a court reporter initially, a verbatim transcript, we can handle cases when the record is there, even if the arguments are not made as eloquently as a lawyer would make them. But if they’re going on the clerk’s transcript or they don’t have a record and people don’t know how to do settled statements, and judges don’t like to do settled statements.

Tani Cantil-Sakauye: Yes, exactly. Their judges are pressed for time. Settled statements are a hard thing for them to get to with any accuracy. In 38 years, you’ve done so much for the judiciary and the public, and I also know that also, you have imparted a kind of knowledge that comes over time and the kind of knowledge that has to be—it’s not intuitive, necessarily, and that’s your work in ethics, judicial ethics.

Ronald B. Robie: Well, that’s my current passion. As you know, I was appointed one of the original members of the California Supreme Court Committee on Judicial Ethics Opinions [CJEO], and that was created by Chief Justice George to provide an alternative to CJA’s [California Judges Association’s] opinion service, which gives you a quick answer, yes or no, but without a written opinion. And what CJEO does (and it’s now 10 years; we’ve finished 10 years) is it provides written opinions of quality. And thanks to you and the court, we now have 3 staff members working with the committee, 12 members, and we have written these opinions with the objective of setting forth basic rules so if a judge has an issue, they can go to the opinions and it tells them the perils and the good and the bad and how you get around it.

Everything is in writing, and we have quite a few opinions out now and we just issued one, for example, on coaching. As you know as a trial judge, many times the DA or the public defender will say, “I’ve got a few new lawyers working. How are they doing?” And they want you to rate them, and there’s peril in that in the ethics field. So we just issued an opinion today, actually, that says, here’s how you handle that. If you want to do it you can, but, but, but here are all the pitfalls because we want to keep judges away from the CJP, from the Commission on Judicial Performance.

Tani Cantil-Sakauye: Exactly! Well, this work on CJEO: there was a time when it wasn’t funded primarily because of the budget, the recession, the reductions to across the board. But this committee that is the Supreme Court’s committee arose because of the importance of having ethics come from—separate from the Supreme Court but authorized by the Supreme Court. And again, this is one of a passion where we don’t pay you to do this work, but you have managed to really ease and help the conscience of many jurists make decisions that would otherwise undermine the judiciary.

Ronald B. Robie: Right. I appreciate that. And we have—Doug Miller is the vicechair, and the two of us work together and the way our rules work that we are basically managing the committee and it’s a great committee. You and the court have appointed just wonderful people. They’re just amazing, what they do. They work really hard. And we’ve developed a program now where we have expedited opinions, which are always written, but they don’t go through the formal process of public notice and things, so we can give rather quick answers. But we’re still giving answers that are written down with rules and citations to the authority, so it’s not just a yes or no. And if you go to the commission, I’m sure the commission will give great weight to you if you follow what we advise.

Tani Cantil-Sakauye: Yes. And I know that the—. I’ve read your opinions and watch with great interest how they are developed. And, myself, I have also called in for an opinion because in this day and age of changing times and unprecedented issues, there are just answers that it’s helpful to have the wisdom and the history of your committee help a decision to be made.

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Ronald B. Robie: Right. Well, the question came up not too long ago about service on the Access Commission that we just talked about. Judges serve on there, and they take positions and is that ethically permissible? So we have an opinion out there that says, “Yes, you can serve on that commission,” and everybody breathes a sigh of relief. But the commission now has an ethics adviser to advise it so that it follows the ethical rules when it does things that involve opinions that might be something that a judge has to think twice about before the judge does that. So they have employed the former commission person who worked with the commission directly as their ethics adviser, Janice Brickley.

Tani Cantil-Sakauye: That’s terrific. I did not know that Janice was back. I know Janice has tremendous experience.

Ronald B. Robie: She’s working as a consultant to the Access Commission. So the Access Commission is thinking about ethics and what it does. That’s so nice.

Tani Cantil-Sakauye: It is. It’s so hand in glove and important. We have new judges appointed all the time, and Governor Brown appointed over 700 appointments to the judiciary. I don’t think Gavin is near that number yet, but that’s new folks coming in. They have to know this and begin to understand it, and your contributions have been not only from judge to judge, educating judges to make better judges not only in the nuts and bolts of discipline of new areas of law, but also in ethics. And then also your attention has been toward people who appear before judges.

I’m curious, do you have a preference working in one area in the justice gap area on behalf of pointing out access needs or the judicial education of judges who are endeavoring to get it right for the people?

Ronald B. Robie: I sort of like doing everything. I love educating judges. And what you say is true. There are 700 new judges, so you can teach it today, and tomorrow there’s a need for it just as much as there was yesterday because we’re constantly changing. And unless you have active education programs, and unless you have written advice for people like the ethics advice, unless you have it there, people can’t learn this stuff on their own. People who come from—. Lawyers are in an entirely different environment than judges, and they have to relearn their trade because they can’t do things the same way as lawyers as judges.

And you know, it’s funny. At one time, Doug and I said, we went to the State Bar and said, “Would you please do something to tell lawyers that they need to know about judicial ethics so they don’t do things vis-a-vis judges that will get judges in trouble. Lawyers need to know what judges can’t do. In other words, so don’t invite them some place that they can’t go, don’t give them a gift they can’t accept, don’t tempt them. But we don’t have a good program for that yet. I think the State Bar should be doing more to convince lawyers that they have a role in not leading judges astray. And every now and then you hear about a fat-cat lawyer that’s wining and dining judges in a way that could get them in trouble, and you think, “Oh, I wish somebody would just tell them not to do that.”

Tani Cantil-Sakauye: That’s a great idea. When you’re a new judge and your friends are from the private or big-law industry or the legal profession, they don’t think twice about that. But you’re right. When you’re a judge, you have to change your playground. And most people are surprised to learn that judges have canons and ethics and a code of honor and we report our economic interest in addition to reporting our FPPC [Fair Political Practices Commission] reports. So there are a number of constraints that new judges don’t know anything about, and you help them avoid that peril and give them a resource and a place to look up opinions.

Ronald B. Robie: Well, we hope to. And CJA is still giving out 400 yes or no questions a year and that’s a big—. We couldn’t get along without them either. So we have this very nice relationship of the two entities, the Supreme Court committee [CJEO] and then, of course, you have your own committee that works, advises you as to changes in the canons themselves. So we have a really, I think, a very nice ethical system in California.

Tani Cantil-Sakauye: I think so, too. And there’s always room for trying to make this more available. But as I’m talking to you about your passions and your arc and your energy, how do you do it? I know when I used to work here with you, you’re the first car in the garage and you’re the last to leave, yet you do all these other things. So tell me about that.

Ronald B. Robie: Well, I try to manage my time. I mean, I spend a lot of time on the Ethics Committee [CJEO].

00:40:00

I talk to the staff every day. We call in the morning but, you know, you can do your job and also do other things. It’s just a matter of finding time to do it. I taught when I was working. I don’t know, it’s just something I—. I feel very unhappy if I can’t do it well or get it done, so I just force myself to do it. My wife was very helpful. She always supported me and my kids. I’ve always had support in what I’ve done.

Tani Cantil-Sakauye: I think that you rise early and I know that when I have—

Ronald B. Robie: I do get up early.

Tani Cantil-Sakauye: Yes. I mean, I don’t know if you want to share your secrets, but I have come in early and I see you walking across the parking garage and you already have a cup of iced tea.

Ronald B. Robie: Right.

Tani Cantil-Sakauye: So, you stopped somewhere. I can barely get to court, and you’re whistling.

Ronald B. Robie: Well, I get up early and I go to bed early [*laughs*]. But, no, I think it’s important. You know, judges can do so much if they give them a chance, and I’ve been given all these chances. I’ve been appointed to the Ethics Committee. I’ve been appointed to the Access Commission. I’ve been given the opportunity and I think I should do it and take advantage of that opportunity.

Tani Cantil-Sakauye: I could not list in the time we have today all of the awards you’ve received, nor could I list all of the committees work that you have been on and substantively contributed to. But if you were to look at that endless list of awards, is there one or two that are most meaningful to you?

Ronald B. Robie: Well, you know, last year the California Lawyers Association, Environmental Law section, gave me their lifetime achievement award, and that was very nice.

Tani Cantil-Sakauye: Yes, and well deserved. And let’s be clear, California Lawyers Association is one of the—is maybe *the* largest lawyer organization in California and, therefore, all the west coast and rivals—its only rival has to be the National ABA, and CLA is a group of lawyers about—they’re about the best of the best.

Ronald B. Robie: Right.

Tani Cantil-Sakauye: And they have a lot of environmental interests, of course, they’re the plaintiff’s lawyers, they’re the civil defense lawyers. So, to get that award on environmental law means a great deal of the respect that they have for you on both sides, plaintiff and defense side.

Ronald B. Robie: That was very nice, and I was very grateful to them. They’re a great group. I’ve gone to their meetings many times, and I’ve had fun doing it. That’s something that I—. Because I taught in environmental law, I see my students come up to me and say, “Oh, you taught me environmental law.” I even have people who say, “You gave me a bad grade” and rub it in.

Tani Cantil-Sakauye: Well, you teach hard stuff, and it requires rigor and it requires probably continued study. And when you think about your organizations, because you are extremely talented, you have passion, and wherever you direct your passion is a benefit to either the judiciary or the public or the lawyers, anyone as a standout for you?

Ronald B. Robie: I don’t know. I just like what I’m doing, and if somebody wants me to do something else, I’ll do that, too. I don’t know.

Tani Cantil-Sakauye: Well, you’re always the go-to person.

Ronald B. Robie: Well, I don’t know. It’s just, I enjoy—I find work is fun. When I tell people it’s fun being a judge, some people find judging very difficult. I mean you deal with a lot of terrible happen. People kill each other and do bad things, but, you know, I think working out the issues, trying to figure out the best way, trying to decide how to follow the Supreme Court and be on the right track, I think that’s all a really exciting kind of thing to do, so I find it fun. I really do.

Tani Cantil-Sakauye: If you were a lawyer today, do you have a track you would follow? Would you do things differently?

Ronald B. Robie: You know, I’m not sure what I would do as a lawyer. I sure have learned over the years what I, as a lawyer, shouldn’t do. But, you know, I don’t know what kind of lawyer I’d be. My son is a probate lawyer and I’ve always told him, “Todd, I don’t anything about probate law. Don’t ask me.” But he finds that fun. But I’m not sure what I would do. I think I just like being a judge. I like being neutral. I don’t want to be a public defender. I don’t want to be a DA. I would just like to be the decider. That’s what’s fun.

Tani Cantil-Sakauye: Well, you’re certainly superior at that and you are asked to do many, many things. I know, I’m the asker most of the time. Let me ask about advice.

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You’ve seen a lot. You’ve seen our Legislature change. You’ve seen California’s politics, its interest, its focus change. You’ve seen the swing of the pendulum for law, civil, criminal. What’s your perspective on that?

Ronald B. Robie: Well, I tell you, I—. You mentioned something that’s really been interesting to me. I can’t believe that the pendulum in criminal law has swung in the direction it has. Previously, there were initiatives that created major things like three strikes and the initiative that gave the prosecutors the ability to prosecute juveniles in adult court. But in recent years, there’ve been initiatives started by the Governor, for example (Governor Brown), but also enormous legislative interest, and they previously didn’t do this and now they’re changing the law. They’re passing laws, expanding Estrada, making retroactive cases that maybe the courts wouldn’t do on its own. And whenever there’s a question about the law, they are weighing in. It used to be that the Legislature was sort of a graveyard for criminal law bills, and now the Legislature has taken a far greater interest. I think to some extent, they draft laws that are incomplete and don’t always relate to other laws and they’re leaving us a lot of things we have to figure out. It’s not always as simple as they think it is.

Tani Cantil-Sakauye: I agree. At least to me, it’s been a sustained, steady march. We haven’t taken a breather in between. Governor Brown, criminal realignment, a decade of reform. Then Governor Newsome comes in and the reform continues without a pause and a reflection on what needs to be changed, what’s already changed.

Ronald B. Robie: I mean, you know, we now have the Department of Corrections recommending resentencing for people, which was never a consideration, and the question is whether a judge had to do it now. The Legislature’s come in and passed a law and said, “Judge, if we recommend it, you have to do it if we have the following factors.” And the Legislature’s now putting into the law factors judges have to consider when they do things. In many respects, they’re sort of micromanaging the courts, and I guess it’s okay. But at some point, it’s making it harder for us in a way.

Tani Cantil-Sakauye: We are seeing much more of new cases interpreting new law and then we’re seeing habeas petitions of the application and whether or not the new law applies now under some form of Estrada even though the case is final. We’ve also seen the rise of private judging, whether it’s mediation or arbitration, and I wonder given your perspective if you have any thoughts about that.

Ronald B. Robie: I think that’s not—. I’m troubled by private judging up to a point. I think to the extent we have mediation, I think that’s good. We have a mediation program at the Third, which I think is a pioneering one. Among all the appellate courts, I guess we’re the only one left, but I think that’s important. I think people should settle cases if they can because you can resolve things outside the box. But private judging, where the judge decides cases and actually by stipulation, it can go back into the system and become part of the appellate system, I’m troubled by that because I think that lets people buy their way into the system, and if you don’t have the money, you can’t do it. I’m not too fond of that. I’ve had a number of cases with private judges and they come to us after regular trial, even though this was all done, paid for entirely by the parties. So, I have some real questions about it. And I also am concerned about a forced arbitration but, you know, we’re bound by the Federal Arbitration Act. And I think, unfortunately, people who draft arbitration agreements with shortened statutes of limitation and limits on discovery and things, I don’t like to see that as much. I wish they didn’t do that as much. And I have no interest in ever being a private judge, although a lot of my friends are doing a good job, and I’m glad they’re there because they’re good people.

Tani Cantil-Sakauye: Yes. And they’ll bring maybe a court view. But I agree with you. You know, you alluded to, there’s a diminished development of civil law when the courts don’t get these cases from filing throughout, and we as a court can’t really compete with picking your own jurist and setting your own time frame when you care to litigate the case.

Ronald B. Robie: Absolutely. And I think that the function of the courts in establishing what the law is is really important because the common law is still out there.

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And I had a case not too long ago about the discovery rule, and that can be statutory or it can be common law. My case, which is out there now, it said, “Under the common law, the discovery rule applies,” which means you can—the statute of limitations doesn’t start running until you could have or should have discovered whatever is the cause of action. So the common law is still there. I think lawyers know that, but I don’t think the ordinary person knows that there’s a lot of law out there that the courts are responsible for and they have to have cases in order to make those decisions.

Tani Cantil-Sakauye: Yes. This is a purely self-serving question, and that is you’re so good at what you do. Do you have any tips on how to approach appellate work as a justice?

Ronald B. Robie: Well, you mentioned earlier when we were chatting about judges having to make decisions. As an appellate judge, you have to make a decision, too. It’s no different than the trial judge. And you have to move cases through. At our court, I was looking at the statistics. Over a period of years, we did—. Maybe 130, 140 cases a year went through my—with my signature on them as the author. We have a lot of cases. My staff has a lot of work to do, and you have to be committed to getting it done on time.

Sometimes you can’t just become a judge and say, “I can just lean back and everything will work.” You have to constantly manage your case load. You have to make sure you’re getting things done, have measurable goals. I’ve had staff people who worked for me over the 20 years at the Court of Appeal, and every single one of them is committed to that and they’ve done it all and they’ve blossomed.

Judge Shama Mesiwala, who worked for me for 10 years, my proudest accomplishment was pushing her forward. I didn’t need to push her a lot because she’s so brilliant. But here she was. She worked for 10 years for me, and now she’s doing the same thing she did with me as a judge, getting things done, not falling behind, moving through one area or another, doing dependency one day in law and motion. I did law and motion for six years at the superior court. I learned more civil law in that than I could have ever learned in law school or anywhere.

Tani Cantil-Sakauye: I think you really put your finger on it. As an appellate justice, you must set your parameters and you have to stick to them. You have to have a self-starter button, because unlike trial court, where the attorneys come in carrying files and you know what you’re supposed to do with that, here no one walks in your door except maybe your research attorney.

Ronald B. Robie: Nobody does, right. Well, that’s right. And I think of the trial court like that old video of Lucille Ball and the assembly line where the cake is coming and they keep coming and unless you process them, they’ll fall on the floor. That’s the way the trial court is. You’re sitting in your trial court and you say, “Oh, I’m sending my jury out to deliberate. Now, I can relax.” And then knock, knock on the door, there’s another—. You have another jury trial? But that’s not going on at the Court of Appeal, so you have to make sure you get your cases done. And the first thing I tell any new judge on our court is don’t fall behind, and I think that’s the best advice I can give them. That’s not legal advice. It’s just practical advice.

Tani Cantil-Sakauye: It’s important advice that will make their stay here, whether it’s enjoyable or fun, that will make all the difference, and it’s about setting those good habits early because, as you just pointed out, the trial court, you don’t need to do that because it’s done for you.

Ronald B. Robie: Right. You have no control over your calendar. And of course, here you’re all on your own. Everybody has their own little chambers. If your staff can’t keep up with the load, you really need to think about changing and having somebody else do it for you because—. And I’ve talked to judges about that, and they’ve said, “You know, very nice person, but they just couldn’t get the work done according to my schedule and we have to do it.” It’s a hard decision to make.

But when I was working in the state government, nobody ever wanted to not promote somebody or never wanted to fire anybody or move them somewhere else. It’s a personal—. Everybody wants to be nice. But you can still be nice, but also get your job done. You have to do what needs to be done.

Tani Cantil-Sakauye: Yes. And it also means that some people maybe are just not cut out for *this* kind of work, but there’s other work in the court that they’re absolutely suited for. But you don’t know until you come into it, and that’s true for a jurist as well as the lawyers or any of the staff.

Ronald B. Robie: That’s true. For any area of work.

Tani Cantil-Sakauye: True.

Ronald B. Robie: Some people can do this better than that, and they just need to be where they belong.

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Tani Cantil-Sakauye: Yes. And I have to say, it cannot go without saying that it’s extraordinary. It is extraordinary that you can do so many things so well and that they’re different. There’s no relationship to environmental law to the justice gap. There’s no relationship from either of those to ethics. But you have really moved California into a place where we lead in all of those now where we didn’t lead prior.

Ronald B. Robie: Well, I never thought I’d be interested in any of this stuff except that when it does come to me, I think that is interesting and I get involved in it. Once I get involved in it, I get involved. I have to be fully involved.

Tani Cantil-Sakauye: Do you ever think about what your career could have been if you’d stayed in the Legislature?

Ronald B. Robie: No. I really was sort of discouraged with the Legislature in terms of getting things done. It got different because, during the process, it became full-time, and then, now, the Water Committee probably has 15 staff members instead of just one. I mean, it was sort of a small, intimate little kind of operation and it’s not that anymore. It’s more bureaucratic than it was. I don’t think it’s the same thing. I don’t know if I’d still want to do it. It was really fun when we did it.

Tani Cantil-Sakauye: You laid groundbreaking rules, and they still adhere today. The judiciary is grateful that for some reason you decided to step away and come to the third branch of government. So Ron, what do you, how do you—nonlaw aside, how do you enjoy yourself?

Ronald B. Robie: Well, I like going to the theater. And Lynn and I went to the theater everywhere in the world, everywhere we were, and we went to New York a lot and I do go to the theater a lot here and I’ve started going back again, and I like Broadway shows and music and I have a big record collection. So that’s what I do, and that’s fun, and I still do that.

Tani Cantil-Sakauye: I think I’ve heard about some of your famous road trips to the Shakespeare.

Ronald B. Robie: Oh, yes. We go to Ashland every year. There’s a wonderful music festival that’s been going on for 20 years in Eugene, Oregon, with the music of the 40s and that kind of stuff and it’s two weeks, it’s a week and a little bit more than the week every summer. But the pandemic has slowed things down and made things on Zoom. You can’t do everything like you used to, but we’ll be back again.

Tani Cantil-Sakauye: We will and we’re getting there. Do you participate in any musical endeavor?

Ronald B. Robie: No. [*laughs*]I laugh about that. No, not at all.

Tani Cantil-Sakauye: Do you have any all-time favorites in your musical endeavors?

Ronald B. Robie: No. I have a few shows that I’m very fond of, but that’s about it. My son is interested in those kinds of things, so he and I go together now a lot.

Tani Cantil-Sakauye: That’s excellent. Well, you have a very supportive family and we were all in Hawaii recently when—we were working!

Ronald B. Robie: Right. You saw my family in Hawaii, indeed. Yes. They’re very supportive.

Tani Cantil-Sakauye: Yes. Well, we’re grateful for that because it allows you to give your time to us. And I know that when people see this and see all that you’ve accomplished, I wonder if you have advice to the rest of us who are here and how to keep it fun or what we should be pursuing or thoughts?

Ronald B. Robie: Do what you like to do. Find something that you do like to do and do it and enjoy it while you’re doing it. I mean, I really do like it.

Tani Cantil-Sakauye: It’s evident, and you do it well. Do you have any other projects on the horizon?

Ronald B. Robie: No.

Tani Cantil-Sakauye: We might have to think of a few. We have lots of needs.

Ronald B. Robie: I still have a lot. The Ethics Committee is busy, keeps me busy. The Access Commission keeps me busy, and the court keeps me busy after all.

Tani Cantil-Sakauye: It’s true. And I will say that in the last two years, we’ve been in a form of reduced activities. We’ve been in lockdown. We’ve been interacting remotely, and then as things open up and we again participate in person, and the conferences become live, then that will take up time and that will bring people together, and we’ll have ideas and projects.

Ronald B. Robie: It will. Yes. We taught the CEQA class this year for the first time two whole days on Zoom, and it was a long time, and the staff at CJER did a marvelous job. They helped us through it with little breakout rooms and things, but it wasn’t the same as being in the room together. So, I’m looking forward to the in-person, as you say.

Tani Cantil-Sakauye: So am I. We miss something. We get our base work done, but we’re missing something we’re not happy about.

Ronald B. Robie: We’re missing the contact. There are so many appellate justices who have been appointed in the last three years that I don’t even know, and I’d love to meet them.

01:00:04

Tani Cantil-Sakauye: I think we have an opportunity, if it holds, in April to be in Costa Mesa to have our Appellate Justices (Education) Institute, (AJEI) where we get our mandatory education, and you’re right, QE8 I think is what it is now.

Ronald B. Robie: Right. And I’m looking forward to it. I was looking forward to it last fall. We didn’t get it, but I’m looking forward to it in the spring. It’s going to be good.

Tani Cantil-Sakauye: I am, too. And there’s so many new appellate justices, as you say. Let me ask, any words you want to close with or provide for us. This will be viewed and won’t be in 2021.

Ronald B. Robie: Well, I want to thank *you* for being such a great Chief Justice and being such a good judge and for being so supportive of *me* over all these years. You have set an example of how to be a judge. I was struck the other day by that program that you were on where you talked about how you receded a little bit when you were on the court when your kids were young, because they were your priority, and I thought that was so important. And I knew it at the time because you didn’t go to judges’ meetings as often as some people did. But you did a good job as a judge. You never gave up. You never looked back one minute while you were being a judge, but you just didn’t do a lot of the extra stuff that some people took time to do because you were doing it on a more important basis. You were helping taking care of your kids who grew up very well, and I thought about that and you had only mentioned it, but I knew about it.

I remember inviting you to a judges’ meeting one time, and you blew me away with a little remark you gave on something I assigned to you, something about domestic violence, and I thought, I miss her because she’s not around here. But you were doing your job. You told that to people, and I think people should take that serious that even though you’re a judge, you still have to take care of the other things in life that are so important.

Tani Cantil-Sakauye: Thank you, Ron. Thank you for noticing. Some things you have to do yourself and you want to do, and they won’t last forever, so you immerse yourself in the experience.

Ronald B. Robie: It worked for you. And I’m glad you can tell people now, it does work. And people should do that.

Tani Cantil-Sakauye: Yes. And I concur with what you say. It’s fun. It’s been fun. But it’s fun because of working with people like you.

Ronald B. Robie: Oh, thank you so much.

Tani Cantil-Sakauye: Thank you, Ron.

01:02:25