

ANDERSON, Carl West

RETIRED PRESIDING JUSTICE, COURT OF APPEAL,
First Appellate District, Division Four

Appointment/Election: Appointed [succeeding Presiding Justice Thomas W. Caldecott, retired] by Governor Deukmejian Nov. 2, 1984, confirmed by Commission on Judicial Appointments Dec. 6, 1984 (oath same day), confirmed by electorate Nov. 4, 1986, reconfirmed by electorate Nov. 6, 1990, and retired effective Sept. 15, 1997.

Other Judicial Office: Administrative Presiding Justice of the Court, March 1, 1987 to Dec. 31, 1996. Associate Justice, same court, Division Three, April 4, 1984 (date of confirmation by Commission on Judicial Appointments and oath) to Dec. 6, 1984. Appointed [succeeding Associate Justice Sidney Feinberg, retired] March 9, 1984, by Governor Deukmejian. Served as Associate Justice *pro tempore*, same court, Division 4, in 1981. Judge, Superior Court, Alameda County, Jan. 4, 1975 (date of oath) to April 4, 1984. Appointed Jan. 3, 1975, by Governor Reagan [see *Anderson v. Phillips*, (1975) 13 C.3d 733, 119 Cal.Rptr. 879, 532 P.2d 1247], elected in 1976 (unopposed), and reelected in 1982 (unopposed). [Rated in upper third of superior court judges by Alameda County Bar Assn., 1983.]

Past Employment: Senior Trial Deputy District Attorney (1973-75) and Deputy District Attorney (1964-73), Alameda County. Legislative Advocate for Calif. District Attorneys Assn., Calif. Peace Officers Assn., and Calif. State Sheriffs Assn., 1967-73.

Memberships/Awards: Member: Calif. Judges Assn., 1975— (Ethics Committee, 1979-84) Chair, Appellate Courts Committee 1994-1996; and Alameda County Bar Assn., 1964—. Chairman of the Board, Volunteers of America, Calif. Bay Area, 1984-87.

Former Chairman, Calif. Attorney General's Judicial Advisory Commission on Victims of Crime, 1981. Former member: Calif. State Bar's Criminal Law & Procedure Committee, 1970-74. Former Director: Rotary Club of Oakland, 1980-82; Lake Merritt Breakfast Club, 1982-83; YMCA Youth Development Project, 1976-77; Lincoln Child Center, 1976-77; and East Bay Society for the Prevention of Cruelty to Animals, 1977-83. Member, Piedmont Council Boy Scouts of America (BSA), 1984-1996 (President, 1993, 1988, and 1987). Former Chairman, Troop Committee, Troop 1, BSA, Piedmont, 1983-84. Distinguished Eagle Scout, 1991; Silver Beaver, 1989; and Eagle Scout, 1949. American Bar Association, Appellate Judges Conference, Chair 1996-97; Council of Chief Judges of Courts of Appeal of the United States, President 1992-93.

Teaching/Lectures/Panelist: Moderator, CEB programs, "Civil Appeals," 1992 and 1987. Faculty, Calif. Continuing Judicial Studies Program ("CJSP") (CJER), Appellate Courts Institute 1996, Appellate staff attorneys Institute 1996, 1984 and 1983. Lecturer on Juvenile Court Law for New Judges Orientation (CJER), 1978. Seminar Leader, Juvenile Court Institute (CJER), 1977. Instructor in Criminal Law and Evidence, Chabot Community College, 1970-75.

Noteworthy Cases: Significant opinions include: *People v. Rivera*, (1992) 8 Cal.App.4th 1000 (involving validity of arrest); *DeMiglio v. Mashore*, (1992) 4 Cal.App.4th 1260, 6 Cal.Rptr.2d 267 (involving election contest); *Lucas Valley Homeowners Assn. v. County of Marin*, (1991) 233 Cal.App.3d 130, 284 Cal.Rptr. 427 (involving validity of conditional use permit and negative declaration of environmental impact issued in connection with religious organization's application to convert single-family residence into a neighborhood synagogue with related uses); *Title Ins. Co. v. State Bd. of Equalization*, (1991) 231 Cal.App. 3d 653 (dissenting opinion; review granted, and dissenting opinion adopted by Supreme Court); *In re Marcellus L.*, (1991) 229 Cal.App. 3d 134, 279 Cal.Rptr. 901 (involving search of a minor on probation); *R.H. Macy & Co. v. Contra Costa County*, (1990) 226 Cal.App.3d 352, 276 Cal.Rptr. 530 (involving constitutionality of Proposition 13 [Cal. Const., art. XIII A, §§ 1-6]); *Floystrup v. City of Berkeley Rent Stabilization Bd.*, (1990) 219 Cal.App.3d 1309, 268 Cal.Rptr. 898 (involving constitutionality of a city's rent stabilization and eviction for good cause ordinance); *City of Gilroy v. State Bd. of Equalization*, (1989) 212 Cal.App.3d 589, 260 Cal.Rptr. 723 (involving taxability of manufacturer's sale of printed tickets to California Lottery Commission); *Finnie v. Town of Tiburon*, (1988) 199

Cal.App.3d 1, 244 Cal.Rptr. 581 (involving order denying preliminary injunction and imposition of sanctions against plaintiffs and their attorney for initiating frivolous action, and additional sanctions for prosecuting frivolous appeal); *City & County of San Francisco v. Ragland*, (1987) 188 Cal.App.3d 1375, 234 Cal.Rptr. 327 (ruling that Civil Code § 7011, explicitly authorizing an award of attorney fees, applied to allow an award of attorney fees to the alleged father who successfully defended himself in a paternity suit brought against him by a county to recover aid to families with dependent children payments made to the child's mother for the child's support); *White v. Church*, (1986) 185 Cal.App.3d 627, 231 Cal.Rptr. 565 (ruling unconstitutional a state statute canceling a county election for sheriff and providing for a special election later, on the ground the statute was prohibited "local" or "special" legislation because an existing general statute applied); *People v. Stanislawski*, (1986) 180 Cal.App.3d 748, 225 Cal.Rptr. 770 (ruling that aerial observation of growing marijuana plants in sparsely populated rural area by instructor while instructing class of police students on how to spot marijuana plants from the air and on basis of which a search warrant was issued did not constitute a search in the constitutional sense and hence did not violate Fourth Amendment's prohibition against unlawful searches); *People v. Johnson*, (1986) 181 Cal.App.3d 1137, 225 Cal.Rptr. 251 (upholding trial court's ruling that convicted rapist can be sentenced to extra 5 years in prison for having given herpes simplex II to victim); *Dreyer's Grand Ice Cream, Inc. v. County of Alameda*, (1986) 178 Cal.App.3d 1174, 224 Cal.Rptr. 285 (ruling that tax limitation initiative, known as Proposition 13, as amendment to Calif. Constitution, together with implementing legislation, redefined base year values of pre and post 1975 properties and cannot be revised by county tax assessor under guise of statutory escape assessments); *Swicegood v. Rush*, (1986) 178 Cal.App.3d 119, 223 Cal.Rptr. 627 (involving construction of Revenue & Taxation Code § 110.1, defining "full cash value" of real property for purposes of Proposition 13); *People v. Charles*, (1985) 171 Cal.App.3d 552, 217 Cal.Rptr. 402 (ruling that criminal defendant may waive statutory right to appeal and that such waiver may be made a condition of a plea bargain); *People v. Gopal*, (1985) 171 Cal.App.3d 524, 217 Cal.Rptr. 487 (affirming judgment of conviction for theft of trade secrets from firms manufacturing semiconductors and computer chip devices); *Rice Growers Assn. v. First National Bank*, (1985) 167 Cal.App.3d 559, 214 Cal.Rptr. 468 (involving issue of in personam jurisdiction over out of state defendants in action arising

out of construction of allegedly defective ocean going vessel built elsewhere but used primarily in Calif.); and *People v. Flowers*, (1984) 162 Cal.App.3d 286 [rehearing was granted and subsequent opinion was not certified for publication] in which court rejected constitutional challenge to mandatory 5-year enhancement for prior felony convictions imposed by Proposition 8 (Victims' Bill of Rights initiative of 1982).

Military Experience: Served in U.S. Army Reserve (commissioned as Second Lieutenant, MPC, in June 1957; active reserve with 91st Division Training, 1964-67; to inactive status as Captain in Jan. 1967; and Honorably Discharged July 20, 1972).

Education: LL.M. (1992), Graduate Program for Judges, Univ. of Virginia. Post-Graduate Fellowship to Germany, co-sponsored by Boalt Hall Dept. of International Legal Studies and Center for Study of Law & Society, Univ. of Calif. LL.B. (1962), Univ. of Calif., Berkeley, Boalt Hall School of Law; B.A. (1957, Political Science), Univ. of Calif., Berkeley.

Born: Sept. 11, 1935; Monterey Park, Calif.; Married. Two children.

Admission: Admitted to Calif. Bar Jan. 28, 1963.

Political Affiliation/Religion: Republican; Trustee, Piedmont Community Church, 1980-82.