

THAXTER, James Ferris

RETIRED ASSOCIATE JUSTICE, COURT OF APPEAL, Fifth Appellate District

Appointment/Election: Appointed to newly-created position by Governor Deukmejian Dec. 6, 1989, confirmed by Commission on Judicial Appointments Jan. 5, 1990, oath same day, and confirmed by electorate to 12-year term in 1990.

Other Judicial Office: Judge, Superior Court, Fresno County, May 1, 1985 (date of oath) to Jan. 5, 1990, appointed [succeeding Judge Blaine E. Pettitt, retired] by Governor Deukmejian April 1, 1985, and elected in 1986.

Past Employment: Private law practice (concentrating on business litigation and probate contests), Fresno, Calif., Jan. 1960 to March 1985 (partner, Andrews, Andrews, Thaxter, Jones & Baxter, Jan. 1962 to March 1985; and associate, Andrews and Andrews, Jan. 1960 to Dec. 1962).

Memberships/Awards: Member: Calif. Judges Assn., 1985—; and Fresno County Bar Assn., 1960— (President, 1976; Secretary, 1965). Former member, American Bar Assn., 1960-86. Chair, Fresno County Legal Services, Inc., 1967-69. Past President, Central Valley YMCA, 1974-75.

Teaching/Lectures/Panelist: Participant, CEB program, “Preparing Now for Discovery Under the New Act,” 1986 (moderator).

Noteworthy Cases: Noteworthy opinions authored by Justice Thaxter include: *Putnam v. Clague*, (1992) 3 Cal.App. 4th 542, 5 Cal.Rptr. 2d 25 (announces standard for determining what is reasonable or excusable delay in discretionary dismissal cases); and *People v. Berry*, (1990) 224 Cal. App. 3d 162, 273 Cal. Rptr. 509 (holding person with substantial relationship to place named in search warrant is subject to search); *Responsible Citizens v. Superior Court*, (1993) 16 Cal. App. 4th 1717 (adopts test for determining whether attorney who represents partnership has attorney-client relationship with individual partner for purposes of applying the conflict of interest rules); and *Silva v. Lucky Stores, Inc.* (1998) 65 Cal.App.4th 256 (employer who conducts good faith investigation and reasonably concludes employee engaged in alleged misconduct is entitled to summary judgment in employer’s wrongful termination action).

Education: LL.B. (June 1959), Hastings College of the Law, San Francisco, Calif. (Order of the Coif; Thurston [Scholastic Honor] Society; and Phi Delta Phi; Associate Editor, Hastings LJ 1958-59); B.A. (June 1956), Fresno State College

[now Calif. State Univ.], Fresno; A.A. (Feb. 1954), Univ. of Calif., Berkeley; Graduate (1951), Fresno High School, Fresno.

Personal: Born June 10, 1933; Fresno, Calif.; Married. Two children.

Interests: Enjoys backpacking and reading.

Admission: Admitted to Calif. Bar Jan. 12, 1960; to U.S. Dist. Court, Eastern Dist. of Calif., in Jan. 1960; and to U.S. Tax Court.

Political Affiliation: Republican.