

CALIFORNIA FEDERAL SELECTION COMMISSION
FOR FEDERAL JUDICIAL APPOINTMENTS
AND UNITED STATES ATTORNEYS

Personal Data Questionnaire

Instructions: All applicants must submit separate copies of this form to Mary G. Wailes, Esq., State Bar of California, 555 Franklin Street, San Francisco, California 94102, and to the office of either Senator Alan Cranston or Senator S. I. Hayakawa, Senate Office Building, Washington, D.C. 20510. You may attach any other information you consider pertinent.

Position Sought: Court of Appeals District Court, District Southern U.S. Attorney, District _____
District of California

PERSONAL DATA

1. Full name: Artemis Geranios Henderson

2. Social Security number: [REDACTED]

3. Date and place of your birth (if you are a naturalized citizen, please also give the date and place of your naturalization):
May 7, 1928; Great Falls, Montana

4. Office address:

Superior Court
San Diego County Courthouse
San Diego, California 92101
Telephone: (714) 236-2606

Home address:

2465 Hidden Valley Road
La Jolla, California 92037

Telephone: (714) 459-0150

5. List your residences for the past five years.

(a) May 1977 to present:
2465 Hidden Valley Road, La Jolla, California 92037

(b) May 1969 to May 1977:
2600 Torrey Pines Road, La Jolla, California 92037

6. Indicate the periods of your military service, if applicable, including the dates, the branch in which you served and your rank or rate.

N/A

7. List each college and law school you attended, including the dates of attendance, the degree awarded, and your reason for leaving each school if no degree from that institution was awarded.

(See attached statement)

8. (a) What is the present state of your health? Excellent

(b) Have you ever been hospitalized or prevented from working due to injury or illness or otherwise incapacitated for a period in excess of ten days? yes If so, please give the particulars, including the causes, the dates, the places of confinement, and the present status of the conditions which caused the confinement or incapacitation.

(See attached statement)

(c) Do you suffer from any substantial impairment of eyesight or hearing or any other physical handicap? No
If so, please give details.

(d) Date of your most recent general physical examination: 16 December 1978
Name, address and telephone number of supervising physician:
Dr. Robert Allen Duff, 2690 Roosevelt, Carlsbad, California
Telephone: (714) 729-4952

(e) Have you ever been treated for or had any problem with alcoholism or any related condition associated with consumption of alcoholic beverages or any other form of drug addiction or dependency? No If so, give details.

(f) Have you ever been treated for or suffered from any form of mental illness? No If so, give details.

9. If you are now an officer or director or part of the management of any business organization or if you have an interest of 10% or more in any business, please give details, including the name of the enterprise, the nature of the business, the title of your position, the nature of your duties, and the term of your service. If it is not your intention to resign such positions, give up any other participation in the management of and divest yourself of any interest in any of the foregoing enterprises, please so state, giving reasons.

N/A

10. What is your current occupation?

1. Judge of the Superior Court, San Diego County 2. Professor of Law, Western State University of Law (presently teaching Trial Practice classes evenings only)

PROFESSIONAL EXPERIENCE

11. Date of your admission to the California Bar: June 21, 1966

12. List all courts in which you are presently admitted to practice, including the dates of admission in each case. Give the same information for administrative bodies having special admission requirements.

Admitted to all California State Courts June 21, 1966

(See attached statement)

13. Describe chronologically your law practice and experience after your graduation from law school, including:

(a) If you served as clerk to a judge, the name of the judge, the court, and the dates of the period you were a clerk. N/A

(b) If you practiced alone, the addresses and the dates.

June 1966 - January 1967: 1140 Union Street
San Diego, California

(c) The dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been connected, and the nature of your connection with each.

(See attached statement)

14. What has been the general character of your practice? Divide it into periods with dates, if its character has changed over the years, describe your typical clients, and mention the areas, if any, in which you have specialized.

(See attached statement)

15. (a) How often have you appeared in court? Regularly Occasionally Not at all

(b) What percentage of your appearances in the last five years was in: (I have been a state trial judge since 1973)

(1) Federal courts _____ (2) State courts of record 100%

(3) Other courts or administrative tribunals or agencies _____

What percentage of such appearances was in: (1) Trial courts 100% (2) Appellate courts _____

(c) What percentage of your litigation in the last five years was: (1) Civil _____ (2) Criminal _____

(d) What percentage of your trials in the last five years was: (1) Jury _____ (2) Non-jury _____

(See attached statement)

(See attached statement)

- (e) State the number of cases in courts of record (a) you tried to verdict or judgment (rather than settled) in the last five years and (b) you handled on appeal in the last five years, indicating whether you were sole counsel, chief counsel, or associate counsel.

N/A for the last five years since I have been sitting as a State Court trial judge since May 1973.

- (f) Describe five of the more significant litigated matters which you have handled (whether at the trial or appellate level) and give the citations if the cases were reported. Please list the judges and your opposing counsel in each case.

(See attached statement)

16. Summarize your experience in court prior to the last five years. If during any period you appeared in court with greater frequency than during the last five years, indicate the periods during which this was so and give for such prior periods the same data which was requested in Question 15(a)-(e).

(See attached statement)

17. Have you ever been engaged in any occupation, business or profession other than the practice of law? _____
If so, please give the details, including dates.

(See attached statement)

18. Have you ever held judicial office, or have you ever been a candidate for such an office? Yes
If so, give the details, including the courts involved, whether elected or appointed, and the periods of service.

March 1973 to March 1978: Appointed to Municipal Court, San Diego Judicial District
April 1978 to present: Appointed to Superior Court, San Diego County

19. Have you ever held public office other than a judicial office, or have you ever been a candidate for such an office? No
If so, give the details, including the offices involved, whether elected or appointed, and the length of your service.

20. List any legal books or articles you have published, giving the citations and dates. Please attach two examples of legal articles, books, briefs or other legal writings which reflect your personal work.

(See attached statement)

21. List all bar associations and professional societies of which you are a member and give the titles and dates of any offices which you have held in such groups. List also your chairing of any committees in bar associations and professional societies, and memberships on any committees which you believe to be of particular significance (e.g., judicial selection committee, committee of censors, grievance committee).

(See attached statement)

COMMUNITY SERVICE/AWARDS

22. List any honors, prizes, awards, or other forms of recognition which you have received, both professional and non-professional.

(See attached statement)

23. Describe the nature and extent of any free legal services you have provided to non-profit organizations, indigent individuals and others, including the names and addresses of such organizations and/or individuals where appropriate.

(See attached statement)

24. Describe the nature and extent of your non-professional involvement in community affairs.

(See attached statement)

LEGAL OR DISCIPLINARY PROCEEDINGS

25. Have you ever been arrested, charged, or held by Federal, state or other law-enforcement authorities for violation of any Federal law, state law, county or municipal law, regulation or ordinance? No If so, please attach details. Do not include traffic violations for which a fine of \$50 or less was imposed.

26. Have you, to your knowledge, ever been under Federal, state or local investigation for possible violation of a criminal statute? No If so, attach particulars.

27. Has a tax lien or other collection procedure ever been instituted against you by Federal, state or local authorities? No If so, attach particulars.

28. Have you ever been sued by a client? Yes If so, attach particulars. (See attached statement)

29. Have you ever been a party or otherwise involved in any other legal proceedings? Yes If so, attach particulars. Do not list proceedings in which you were merely a guardian ad litem or stakeholder. Include all legal proceedings in which you were a party in interest, a material witness, were named as a co-conspirator or co-respondent, and any grand jury investigation in which you figured as a subject, or in which you appeared as a witness. (See attached statement)

30. Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, bar association, disciplinary committee, or other professional group? No If so, please attach particulars.

31. Have any allegations ever been printed or broadcast or otherwise been made public concerning you or your activities or statements (irrespective of the factual accuracy of such allegations) which reflect adversely on your character or job performance? No If so, please attach full explanation.

32. Describe any aspects of your personal business or professional conduct which may reflect positively or adversely on you or which you believe should be disclosed prior to further consideration of you for nomination for the Federal Judiciary or U.S. Attorney.

(See attached statement)

PHILOSOPHY

33. List the qualities or attributes you believe an individual should possess for the position you are seeking.

(See attached statement)

34. What is your personal philosophy concerning the position you are seeking? If you are appointed, what do you hope to accomplish, and what would you consider to be your principal role? Please limit to 250 words.

(See attached statement)

Signature _____

Date _____

ATTACHMENT TO APPLICATION OF ARTIE G. HENDERSON

7. (Colleges and Law School)

- 1) September 1946 - June 1949: University of Washington, Seattle, Washington, part-time only as I worked full time. I left to take a job with United Airlines.
- 2) September 1954 - June 1955: Georgetown University, Washington, D.C., part-time while working for United Airlines. I resigned to get married.
- 3) September 1962 - June 1964: California Western University.
Degree: B.A.
- 4) September 1963 - January 1966: California Western School of Law (my first year of law school was taken concurrently with my last year of undergraduate school in #3 above.)
Degree: J.D.

8. (Medical history)

- (b) August 1958 (approximately two and a half weeks off work.)
Renton General Hospital for three days and home confinement for approximately two weeks. Reason: Childbirth.

March 1976 (approximately three weeks off work.) Physician in charge: Dr. Robert Allen Duff (see address in 8(d).) Tests and examinations to determine cause of irregular bleeding. Complete recovery and no recurrences.

12. (Courts admitted to practice)

1. U.S. District Courts (admitted approximately August 1967):
U.S. District Court for the Northern District of California;
U.S. District Court for the Central District of California
(When I was admitted it was the Southern District);
U.S. District Court for the Southern District of California
(When I was admitted it was the Southern Division of the Southern District)
2. U.S. Court of Appeals for the Ninth Circuit (admitted approximately February 1967)

13. (c) (Legal experience in law firms, governmental agencies, etc.)

February 1967 - January 1968: City Attorney's Office, San Diego, California.

Position: Deputy City Attorney, Criminal Division

February 1968 - November 1969: Defenders Program of San Diego
(At that time the State and Federal Defenders offices were under one program)

Positions:

January 1968 - June 1968: Staff Attorney for both State and Federal Defenders offices.

July 1968 - December 1968: Senior Staff Attorney for both State and Federal Defenders offices.

January 1969 - November 1969, Chief Trial Attorney for the Federal Defenders office.

December 1969 - March 1973: Law firm of Huntington, Bryans, Harper, Henderson, Burney & Newman-Crawford, 1007 Fifth Avenue, San Diego, California.

Position: Full partner

March 1973 - March 1978: Judge of the Municipal Court, San Diego Judicial District, San Diego, California.

April 1978 to present: Judge of the Superior Court, San Diego County, San Diego, California.

14. (General character of practice)

June 1966 - January 1967 (while in private practice alone):

My practice was primarily criminal defense. Most of my clients were indigent criminal defendants whom I was appointed to represent by the U.S. District Court and by the California State Court in San Diego.

February 1967 - January 1968 (while with the City Attorney's Office, San Diego, California):

As a Deputy City Attorney in the Criminal Division, I prosecuted misdemeanor crimes which had been committed in the City of San Diego.

February 1968 - November 1969 (while with Defenders, Inc.):

I represented indigent criminal defendants both in the U.S. District Court and in the California State Court in San Diego.

December 1969 (while a partner with my law firm):

My practice was almost entirely criminal defense in both the Federal Court and the State Court. *My clients were both indigent criminal defendants and also retained criminal defendants*

15. (c) (Litigation in last five years)

- (1) The cases I heard in Municipal Court from March 1973 - May 1978 were divided approximately 10% civil and 90% criminal.
- (2) The cases I have heard in Superior Court since April 1978 are almost entirely civil since I am presently assigned to a civil department.

(f) (Five significant litigated matters I have handled)

1. Trunnel Price v Superior Court, (1970) 1 C3d 836

Trial Judge: Superior Court Judge Robert O. Staniforth, now Justice, California Court of Appeal, Fourth Appellate District, Division One.

Opposing Counsel: Deputy District Attorney Terry Knoepp, now in private practice in San Diego.
I was sole counsel.

An attempted murder charge. Prior to trial I filed motions to suppress the evidence seized pursuant to a search warrant and also to compel the disclosure of the confidential informant upon whose statements the affidavit in support of the search warrant was based. Both motions were denied at the trial level and I filed a writ of prohibition and a writ of mandate. The California Supreme Court granted the writs.

This case is often cited for the proposition as to what the guidelines are for a sufficient affidavit in support of a search warrant and also as to when a confidential informant must be disclosed.

~~After~~ The above case was dismissed against defendant, ~~I~~ represented him in Federal Court in

U.S.A. v Price and Coffey, (1973) 474 F2d 1223

Trial Judge: U.S. District Court Judge Gordon Thompson
Opposing Counsel: Assistant U.S. Attorney Robert Filsinger
Co-counsel: William Zumwalt, San Diego, for defendant Coffey.
On appeal, both Mr. Zumwalt and I prepared individual briefs.

The defendants were convicted by a jury of a post office robbery. On appeal I raised the issue that the failure of the Government to provide defendant Price with a transcript of the grand jury proceedings, after my request before indictment that they do so, required reversal. The case was remanded.

This case changed the Federal law on this issue, and the Government is now required to furnish criminal defendants with transcripts of the grand jury proceedings.

2. U.S.A. v Hernandez, et al, (1973) 492 F2d 150

Trial Judge: U.S. District Judge Walter Craig
Opposing counsel: Assistant U.S. Attorney Philip Johnson
Co-counsel: There were over 20 defendants and 20 attorneys. The trials were broken up into three groups. On appeal, individual briefs were prepared by each attorney.

I represented defendant Milton Beasley

The case involved a conspiracy to smuggle narcotics. Much of the evidence was based on records obtained from various telephone companies and Western Union offices. These records were obtained pursuant to warrants issued by the U.S. Attorney's Office but not authorized by the court, which was an upheld practice at that time. I raised the issue on appeal that such warrants must have the independent scrutiny of the judiciary in order to be valid. My position on appeal was not successful, but since that time, through legislation and later opinions, the law has changed to meet the objections I raised.

3. U.S.A. v King, et al, (1973) 478 F2d 494

Trial Judge: U.S. District Judge Leland Nielsen
Opposing counsel: Assistant U.S. Attorney Charles Fanning
Co-counsel: Attorneys Douglas Reynolds and Mike Hagner of San Diego.

On appeal individual briefs were prepared by each attorney.

I represented defendant Miki Thiede

A narcotic smuggling case where much of the evidence was based on telephonic surveillance wiretaps. The case was reversed on the issue that the applications for the wiretaps had neither been signed nor authorized by Attorney General John Mitchell or his designee, as required by statute, hence the evidence derived therefrom was improperly admitted into evidence.

4. U.S.A. v Thomas Logan, (1970) 434 F2d 131

Trial Judge: U.S. District Court Judge George Boldt
Opposing counsel: Assistant U.S. Attorney Shelby Gott
I was sole counsel.

Defendant was convicted of violating 18 U.S.C. Section 1407 (failure to register as a narcotic user or addict). On appeal, I urged the theory that this Code section was unconstitutional in that it violated defendant's Fifth Amendment rights. Although the conviction was affirmed, this Code section has since been held to be unconstitutional.

5. Helen Cobb v Superior Court, (1971) 4 Civil No. 10857.
Unpublished opinion in the California Court of Appeal, Fourth Appellate District, Division One.

Trial Judge: Superior Court Judge Robert O. Staniforth, now Justice, California Court of Appeal, Fourth Appellate District, Division One.

Opposing counsel: Deputy District Attorney Frank Costa
I cannot recall who co-counsel were, other than San Diego attorneys George McClennahan and Louis Welsh, who is now a Superior Court judge in San Diego.

I filed an individual writ of prohibition prior to trial for defendant Cobb.

Indictments had been returned against the Mayor and the City Council of San Diego charging a conspiracy to obstruct justice. I alleged that the indictment on this charge failed to state a cause of action in that it failed to apprise defendant of the nature of the charges filed against her in violation of the Sixth and Fourteenth Amendments to the Constitution of the United States. My writ was granted in an unpublished opinion. The case against defendant Cobb was dismissed. *Although this was an unpublished opinion, this decision in effect held the conspiracy to obstruct justice statute unconstitutional.*

16. (Summary of my experience prior to the last five years)

- (a) I appeared in court regularly.
- (b) Approximate percentage of my appearances in:
 - (1) Federal Courts: 70% (2) State Courts: 30%Approximate percentage of such appearances in:
 - (1) Trial Courts: 90% (2) Appellate Courts: 10%
- (c) Approximate percentage of litigation in:
 - (1) Civil: 1% (2) Criminal: 99%
- (d) Approximate percentage of trials that were:
 - (1) Jury: 25% (2) Non-jury: 75%
(Including minor misdemeanors and traffic tickets)
- (e) Number of cases in courts of record:
 - (a) Tried to verdict or judgment (rather than settled):
 - June 1966 - January 1967, while in private practice:
Approximately 4 jury and 8 to 10 non-jury.
 - February 1967 - January 1968, while a Deputy City Attorney, Criminal Division:
Approximately one jury trial a week and five non-jury trial per week, excluding minor traffic tickets that all went non-jury. During rotation for traffic tickets, I would approximate that the average was 10 non-jury cases a day.
 - February 1968 - November 1969, while with Defenders Program:
Approximately one or two jury trials a month, depending on the number of defendants and the complexity of the cases. Approximately three to five non-jury trials per month.
 - December 1969 - March 1973, while a partner with my law firm:
Approximately 15 jury trials. Numerous non-jury trials including minor misdemeanors and traffic cases.
 - (b) Number of cases handled on appeal:
 - Approximately twenty. I was sole counsel on about half of these. In those cases where there were co-counsel, I submitted an individual brief in each case. Also, while I was Chief Trial Attorney for Federal Defenders, I helped do the research and supervised many of the appellate briefs of the staff attorneys.

17. (Employment other than practice of law)

1. Summers of 1943 and 1944, while in high school:
Port of Embarkation, Seattle, Washington (clerk-typist).
2. Christmas vacations 1943 and 1944, while in high school:
Frederick and Nelson Department Store, Seattle,
Washington (clerk).
3. 1946 - 1949, while going part-time to the University of
Washington:
Monsanto Chemical Company, Seattle, Washington (clerk-
typist, PBX operator and general Girl Friday).
4. June 1949 - May 1955, United Airlines, Inc.
Stewardess, 1949 - 1951
Stewardess Instructress, 1952 - 1953
Supervisor of Stewardesses, 1954 - 1955 (Resigned to get
married).
5. 1956 - 1962, various jobs while my husband finished college
and went to law school.
1956-1958, Boeing Aircraft Co., Seattle, Washington
(clerk-typist). Resigned because we moved to California.
1959-1962, Waitress at various restaurants in San Diego
County: El Rancho, Encinitas, California; Firepit, Del
Mar; Solana Grill, Solana Beach, California.
6. September 1962 - January 1966, Part-time work upon
returning to college and law school.
Robinhood Restaurant, Del Mar, California (waitress).
7. May 1965 - January 1966 (while in my third year of law
school) Legal Research Assistant to then acting U.S.
Attorney Philip Johnson, which was volunteer and non-
paying.
8. February 1966 - June 1966 (while waiting for the results
of the California Bar Examination)
California Western University, San Diego
Professor of Business Law
9. September 1971 to present
Western States University of Law, 1333 Front Street, San
Diego, California
Professor of Law, teaching evening classes only. I am
presently teaching Trial Practice.

20. (Legal Publications)

The examples of Legal writing that I am submitting with this application are as follows:

- (1) I am submitting a chapter I authored, entitled "Other Motions". I authored this for the revised publication of Handbook on Criminal Procedures in the U.S. District Court (1967), West Publishing Company.

Attorney William O. Ward of San Diego (600 B Street, Suite 2100, telephone number (714) 231-0303, coordinated, this project, under the direction of U.S. District Court Judge James Carter, and can be contacted regarding the status of this revised publication.

- (2) I am submitting my brief in Helen Cobb v. Superior Court, (1971) 4 Civil No. 10857, California Court of Appeal, Fourth Appellate District, Division One.
Also attached is the appellate court's unpublished opinion.

Other legal writing:

1. I co-authored, with Deputy City Attorney Dennis Milligan, the Trial Manual for the Criminal Division of the City Attorney's Office (1967).
2. As a member of the Municipal Courts Workshop Committee of the California Judges Association (1977) I authored the handout material on Evidence for that conference. Judge Norman Epstein of Los Angeles was chairman of the committee.

21. (Bar associations and professional societies)

(a) 1966 - 1973. Bar Associations and committees while an attorney:

Member: American Bar Association
National Women Lawyers
International Federation of Women Lawyers
California Women Lawyers
California Bar Association
San Diego Women Lawyers
San Diego Bar Association

Delegate to the California Bar Association Conference 1969 - 1973.

Board of Directors, San Diego County Bar Association, 1972-1973.

Chairman, Criminal Law Section of the San Diego Bar Association, 1971-1972.

Chairman, Federal Court Committee, 1970-1971.

Committee Member:

Continuing Education of the Bar, 1967 - 1973;
Attorney Teams for Beach Area Free Legal Services,
1967 - 1973
Your Day in Court (Law Week Activity), 1968-1973.

President, Women Lawyers of San Diego, 1968-1969.

✓(b) 1973 to present: Judicial committees and activities since becoming a judge:

Member: American Judges Association
Conference of California Judges
California Women Lawyers, Judges section
San Diego County Municipal Court Judges Association
(now the San Diego County Judges Association)

Chairman, Traffic Court Adjudication Workshop (appointed by the Judicial Council of California) 1977

Vice-Chairman, Policy Board for San Diego County Defense Services, 1977 to present.

Chairman, California Women Lawyers, Judges Committee, 1977 to present.

President, San Diego County Municipal Court Judges Association, 1977 to present

Advisory Board, San Diego Women's Defense Bar, 1977 to present

Advisory Board, Women in Law Conference of 1978

Seminar Leader at The California Judges College at Berkeley, 1977 (sponsored by California Judicial Education and Research Center, known as CJER)

I have accepted CJER's invitation to be a Seminar Leader at the Family Law Institute in March 1979 (sponsored by CJER).

Member of numerous judges committees 1970 - 1978, including Jail Committee, Bail, Personnel, Legislation.

Chairman, San Diego Municipal Court Appointed Counsel Committee, 1974 - 1976.

22. (Honors, awards or other forms of recognition)

- 1964 - California Western University Honorary Scholastic Society (I graduated number one in my class).
- 1966 - California Western School of Law Honorary Scholastic Society (I graduated number two in my class, and was selected as Notes and Comments Editor of the Law Review).
- 1967 - First woman to be hired as a criminal prosecutor in San Diego County.
- 1969 - First woman to be appointed Chief Trial Attorney by any Defenders Office funded by Ford Foundation.
- 1972 BOARD of Director & Vice Presid - SD County Bar Association
- 1973 - The second woman to be appointed to the Municipal Court bench in San Diego County. (The first woman, the Hon. Madge Bradley retired in 1969).
- 1978 - Chosen by Time Magazine (April 24, 1978, p.56) to be photographed and included in article in Law Section entitled, "Judges Try 'Creative' Sentences".
- 1978 - First woman appointed to the Superior Court in San Diego County.

23. (Free legal services I have provided)

During my practice of law I was a member of the San Diego Bar Association's Attorney Teams for Beach Areas. As such, I spent several evenings each month at the beach area clinics providing free legal services to those areas.

I have provided free legal services to the following individuals in San Diego, who could not qualify for a court appointed attorney, but yet did not have sufficient funds to hire an attorney:

Joseph Hill Taylor (People v Taylor, San Diego, felony)
Successful motion to suppress in-court identification at preliminary hearing. Case was dismissed.

Gerry Hatten - (People v Hatten, San Diego, felony)
Modification of sentence on felony. Thereafter I represented this defendant on various other charges, including Penal Code Section 470, Vehicle Code Section 23102 (3 cases).

Harry Conley (People v Conley, San Diego, felony)
I represented this defendant on a successful motion to modify a felony sentence. Thereafter I went to Vacaville, California at my own expense and represented the defendant successfully on a violation of probation hearing that had stemmed from this San Diego conviction. I provided these services at no cost to the defendant.

Ivan Mayor Klein (Klein v Superior Court, 4 Civil 8495, (1966), In the Supreme Court of the State of California)
I had been appointed to represent this defendant at the trial level and was compensated by the county for this portion. However, I was not appointed and I sought no compensation from the defendant, who was incarcerated, for filing a writ of prohibition alleging that the charges filed against defendant as a felony (unlawful use of a credit card in an amount under \$200.00) denied defendant his constitutional guarantee to equal protection of the law since the general theft statutes, contrary to the unlawful use of credit card statutes, declared that theft under the amount of \$200.00 was a misdemeanor and not a felony. Although the writ was denied, the law was later changed to conform to the objections I raised.

Harvey Randall and Connie Rae Lane v Superior Court, 4 Civil 12530 (1972) In the Supreme Court of the State of California

I represented defendant Connie Rae Lane when I was with the Defenders Program of San Diego. After I left Defenders and went into private practice with my law firm, I provided free legal services for her on several new charges. In 1972 I represented her on narcotic charges where I made a successful motion at the preliminary hearing to have the evidence against her excluded on the basis of an illegal search and seizure. The charges against her were dismissed, but thereafter the District Attorney presented the same evidence to a grand jury and an indictment was returned. I filed a writ of prohibition on behalf of defendant Lane and her co-defendant Harvey Randall, alleging that the use of the same evidence in a grand jury proceeding that had been previously suppressed by a magistrate was a violation of the defendant's constitutional guarantee to due process. Although my petition was denied, the law is changing to meet the objections I raised.

I provided free legal service in this matter.

There were many other instances where clients I had represented while with Defenders called upon me after I went into private practice, either with new problems or requests to make motions for modification of sentences. These people were indigent but in need of legal services. I provided these services without compensation.

Also in my third year of law school I volunteered for the position of legal research assistant to then acting U.S. Attorney Philip Johnson of San Diego. I provided this service from May 1965 to January 1966 without pay.

24. (Non-professional involvement in community affairs)

Board of Directors, National Council of Christians and Jews, 1973 to present.

Board of Directors, National Council on Alcoholism, 1976 to present.

Board of Directors, Cystic Fibrosis, 1977 to present.

Board of Directors, Equal Rights Advisors, 1978 to present.

Board of Directors, La Jolla Shores Planning Association, 1978 to present.

Founder member, Womens Bank of San Diego, 1974 to 1977.

Member:

National Legal Aid Society

American Cetacean Society

NAACP

National Organization of Women

National Women's Political Caucus, honorary member

Democratic Professional Club of San Diego

Business & Professional Women's Club

San Diego Opera Guild

San Diego Symphony Society

Combo (Combined Arts Association)

Parent Teachers Association, 1960 until my children graduated from high school.

~~I have been a guest speaker at numerous high schools, colleges, and professional groups from 1970 to present.~~

See yellow pad

28. (Lawsuit by a former client)

Charles Hicks v Emrich, Probation Officer, Emerson, Public Defender, and Henderson, Attorney San Diego County, Civil 77-0225-S, in the U.S. District Court for the Southern District.

In June 1970 I represented this defendant on charges of attempted murder and assault with a deadly weapon. After a preliminary hearing, a psychiatric examination and negotiations with the District Attorney's office the defendant pled guilty to assault with a deadly weapon and the attempted murder charges were dismissed. He was placed on probation in August 1970.

The victim thereafter died of the gunshot wounds inflicted by the defendant and in January 1971 the defendant was indicted on murder charges. After determining, pursuant to People v Breland, (1966) 243 CA2d 644, that the defendant did not have the defense of double jeopardy or multiple prosecutions, I negotiated this case with the District Attorney's office and the defendant withdrew his plea of guilty to assault with a deadly weapon and entered a plea of guilty to voluntary manslaughter, for which he was placed on probation in May 1971.

After I was appointed to the bench, this defendant was charged with new crimes and also with violating probation as a result of these new crimes. He was represented on these new charges by attorney John Emerson of Defenders. The defendant's probation was revoked and the defendant was committed to state prison. In 1976 the defendant filed the above suit alleging a conspiracy of the named defendants to falsely imprison him. In May 1977, U.S. District Court Judge Edward Schwartz granted a motion to dismiss the action.

29. (Legal proceedings I have been involved in)

- (a) Bain v Henderson, et al., Civil 77-0111-GT, in the U.S. Court of Appeals for the Ninth Circuit

When I was chairman of the San Diego County Municipal Court Appointed Counsel Committee, a San Diego attorney sued me and my entire committee for having removed him from the court appointed list for unprofessional conduct. This attorney alleged a conspiracy of the San Diego judges on the committee to keep him off the court appointed list, in violation of Federal anti-trust statutes. The suit was originally filed in the Superior Court of San Diego, wherein he was denied relief. Thereafter, hearings were denied in the California Appellate Courts. The suit is presently pending in the U.S. Court of Appeals, for the Ninth Circuit. The attorney handling this case for me and the other San Diego County judges named in the suit is Deputy County Counsel Lloyd Harmon, County Counsel's Office, San Diego.

- (b) Southworth and Babcock v Wolcott and Henderson, Civil N8446, In the Superior Court of the State of California, in and for the County of San Diego.

This suit is actually a lawsuit between insurance companies. My daughter loaned her car to defendant Wolcott who rear-ended the plaintiffs. The plaintiffs attempted to recover their damages from defendant Wolcott's insurance company. That insurance company, incorrectly believing that I am the registered owner of the automobile, is attempting to recover the damages from me and/or my insurance carrier. My attorney Mr. Bruce White (225 Third Avenue, Escondido, California, telephone (714) 745-1484) informs me that he anticipates the lawsuit against me will be dismissed prior to the pending hearing on his motion for summary judgment.

- (c) Carter Business Service, Inc. v Henderson, 237353, In The Municipal Court of San Diego, California

Saks Fifth Avenue allowed my daughter to exceed by \$400 the credit limit that I had established with Saks for my daughter while she was going to school. This case was fully settled and my credit with Saks reinstated.

- (d) During my divorce and for some period of time thereafter, there were creditor suits filed against both my husband and me. The brunt of the obligations fell upon me as I was the only salaried member of the household. I tried to obtain a bank loan to consolidate these debts, but at that time it was almost impossible for a single woman to obtain a bank loan. I have since taken care of all these obligations.

32. (Aspects of personal business or professional conduct)

Perhaps the most positive aspect of my personal background lies in the fact that I reflect the tenor of our country in several meaningful areas.

First, I understand the meaning of the characterization of America as the "melting pot" of the world, for I am a recent rather than remote product of this "melting pot". My parents were among the many thousands of people who immigrated to this country, from the poverty of their own country, after World War I. In common with most of the other immigrants, my parents arrived penniless, uneducated and only able to speak a few words in English; but they did bring with them an unbridled optimism in the future opportunities available to them, ^{as their}

They withstood the discrimination against foreigners which was so prevalent during the 1920's and 1930's, and they did not become embittered, for they were grateful for the opportunity just to be in the United States. Their rewards were many. For my own parents, who immigrated from Greece, not the least amongst these rewards was the opportunity not only to raise children and provide for them, but also to educate them, their daughter as well as their son, an opportunity almost unprecedented in "the old country".

My parents struggled, overcame, and provided security and a loving family unit for their children. When their only son was killed in combat during World War II they were heartbroken, but they were also proud, for they knew he had served his country, and their new country, well.

As a "second generation American", I relate to the thinking of this segment of our country, including their hopes, desires and frustrations. In addition, I am, as they are, at once both proud of being a United States citizen by birth, and proud of my heritage.

I also share a common bond with the many women in professional careers, for the history of women in the legal profession parallels the struggles of women in other professions.

The barriers to women in various job opportunities is slowly becoming a thing of the past, primarily as a result of the courage of the women who persevered and successfully opened the doors of many occupations both for themselves and for other women. Just as other women have done in other parts of California, and throughout the United States, I personally played a part in the removal of the barriers to women in the legal community here in San Diego County.

After graduating from law school, with honors, I tried unsuccessfully to obtain a job in San Diego as a criminal prosecutor. My applications for employment with the City Attorney's Office, the District Attorney's Office, and the United States Attorney's Office were unsuccessful. Notwithstanding the fact that I was selected, without the benefit of veteran's preference points, as one of the top three candidates from those who took a Civil Service examination for a legal position with the County of San Diego, I did not get hired.

It was made clear to me that the reason I did not get any of these jobs was because I was a woman. However, with the encouragement of my family, and other women, I persevered and one year later I was hired by the City Attorney's Office as the first woman prosecutor in San Diego County. The barriers finally lowered, thereafter, one by one, each of the prosecuting agencies in San Diego County began hiring women.

I had similar experiences with the Defenders Program of San Diego and the law firm in which I became a partner. During the time I sat as the only woman judge in the Municipal Courts of San Diego County I actively encouraged other women to apply and sought support for their applications to the bench. I am continuing this activity in my present posture of being the first and the only woman judge in the Superior Court of San Diego County.

The very fact that the Government is actively seeking applications from qualified women for the new positions in the Federal Courts is a tribute both to our system of government and to the women of our nation. Regardless of the outcome of my own individual application, on behalf of myself, and other women similarly situated, the opportunity to apply for a Federal judgeship is in and of itself the beginning of the ending of a long and arduous journey.

33. (Qualities or attributes of a Federal Court Judge)

In addition to the basic characteristics of honesty, integrity and truthworthiness, expected of every person in a position of trust, there would appear to be certain particular attributes that a Federal judge should possess. These attributes would include:

(a) The ability, even under provocation, to treat all parties before the court with fairness and impartiality, tempered with dignity, reasonableness and compassion on the part of the Court.

(b) The sensitivity to distinguish between inappropriate humor in court, which is directed at other persons at their expense, and spontaneous humor, which reflects an understanding of human nature and a realistic perspective.

(c) The ability to articulate orally, and reduce to writing where necessary, the Court's succinct analysis of the legal issues before it, even though such issues may be complex or novel. This ability results from a thorough foundation of legal knowledge and a breadth of legal experience.

(d) The courage to make hard decisions, even though they be unpopular decisions. Corollary to this attribute is the ability to withstand criticism, which ability stems primarily from self-confidence in one's legal knowledge.

(e) An awareness of social biases and prejudices, and a dedication to eliminating discrimination in all of its forms.

(f) A conscientiousness to one's work, including the desire to cooperate with colleagues towards increasing the efficiency of the administration of justice, while still meeting the needs of the court and the people it serves.

34. (Personal philosophy)

The Federal courts of the United States enjoy an unparalleled reputation at home and abroad. This reputation results at once both from our unique system of justice and from the high standards of our courts. I would strive to maintain and further our court's excellent reputation.

The diversity of the people that the Federal courts serve is as varied as the many ethnic backgrounds that comprise the makeup of our country. When these people turn to their courts for justice they expect to be heard in an arena of tolerance and understanding, with fairness and justice for all. I would dedicate myself to fulfilling these expectations.

I would also apply my energies towards helping to solve the problem of court congestion. Procedures and practices could be promoted that would increase the efficiency of the courts, without impairing fundamental rights. For example, procedures such as settlement conferences, and practices such as minimizing the avalanche of paperwork, could result in reducing the costs and time involved in effectively processing litigation.

In final analysis, I would consider the opportunity to serve on the Federal bench both as a responsibility to the court, to maintain its high standards while helping to increase its efficiency, and to the people it serves, to provide fair and impartial justice and to treat every person who comes before me with the dignity that all human beings deserve.

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