
My Friend Elwood Lui

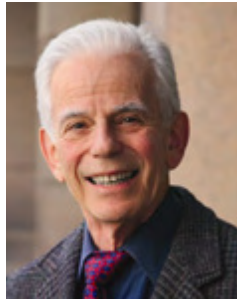
BY HON. ARTHUR GILBERT*



ELWOOD LUI

When the California Supreme Court Historical Society requested Elwood Lui to write a piece about his distinguished career, he demurred. That I, his good friend and colleague of 37 years, am writing the article instead of Elwood confirms that the demurrer was sustained without leave to amend. The motion might more accurately be characterized as one to be relieved of counsel. Whatever one calls it, you can be assured there is no appeal.

The ever-modest Elwood thought it unseemly that he trumpets his countless accomplishments. Therefore he assigned me the task from which he so artfully extricated himself. To make sure I did not miss anything, he e-mailed me his unpretentious two-page "bio." The elite type is decipherable when one is in a well-lit room and has the aid of a large magnifying glass.



ARTHUR GILBERT

It was on August 18, 1975, that our youthful Governor Jerry Brown called Elwood to inform him of his appointment to the Los Angeles Municipal Court, a court that no longer exists. The appointment was noteworthy, not so much because of Elwood's Chinese ancestry, but because his was apparently the first pre-pubescent appointment to the judiciary in the United States. It is rumored he received a hall pass to attend his swearing-in ceremony. His seniority over me by one day is attributable to the haste with which he arranged to be sworn in so as not to miss Little League practice.

I have known Elwood for 37 years. That is three years longer than Mozart lived. Elwood and I both attended California's famed Judicial College shortly after we were first appointed to the Municipal Court. We stayed in student dorms in Berkeley to participate in an intensive two-week training program. That he aided and abetted in a short-sheeting incident of a student judge does not detract from his distinguished career.

Elwood's parents emigrated from China in the early part of the last century. Elwood was born in Los Angeles, in 1941, just a few miles from the present location of the Court of Appeal where he sat as an Associate Justice in Division Three of the Second Appellate District Court of

Appeal. He was the youngest of seven children and, like them, was delivered at home by a mid-wife. It is rumored that because of his birthing experience, he gave serious thought about going into obstetrics while in grammar school.

Elwood went on to L.A. High School where he ran track, excelled in his studies, and established friendships that have lasted until this day. He and now-retired federal District Court Judge Dickran Tevzizian were classmates. Elwood says that he and Dickran would be the last two people his classmates would predict would be judges. My classmates at Hollywood High School would have said the same about me.

Elwood's classmates included Burt Pines, who was once the Los Angeles City Attorney, who later became Governor Gray Davis's judicial Appointments Secretary, and a Superior Court judge. Another close friend who attended L.A. High was Richard Maullin, who headed Governor Brown's Energy Commission during his first term as governor. Court of Appeal Justice Kathryn Doi Todd, a dear friend of Elwood's and mine, also attended L.A. High at the time.

We discovered years later that when Elwood and Dickran were kids, they lived near a market where my father owned a delicatessen. The three of us will never forget the pickle barrel in front of the counter, filled with brine in which its tempting dill-green-glistening-oblong delicacies waited their turn to join a slice of rye bread. We also discovered that my wife Barbara and Elwood's wife Crystal were classmates at John Marshall High School. I have been told the school was named after a famous judge.

Was it preordained that the trajectories of our lives would intersect some 25 years later?

Elwood became a CPA, earned an MBA, receiving straight A's, and then a law degree. His sons Bradley and Christopher, whom I saw grow up, became successful lawyers.

The soft-spoken Elwood speaks loudly through his innumerable accomplishments and contributions to the legal profession and to his community. It is no wonder that year after year he is recognized as one of the top 100 most influential lawyers in California.

Elwood was a distinguished jurist who, after serving as a Municipal and Superior Court judge, was appointed

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to the California Court of Appeal in 1980, where he authored an array of significant and noteworthy opinions. At the time of his appointment, he was the only Chinese-American state appellate judge. He still is in demand to arbitrate disputes involving complex civil matters.

I am forced to acknowledge that Elwood was appointed to the Court of Appeal two years before I received my appointment to that court. He takes a perverse delight in reminding me of this on occasion. When I was appointed in 1982, my division did not have a building. Elwood shared his chambers with me for a year. To this day he still tells me and everyone in ear shot, "I didn't expect a roommate when I was appointed to the Court of Appeal."

After leaving the bench for private practice in 1987, Elwood became a partner in the Jones Day law firm. Despite the demands of a busy practice, handling a variety of complex litigation matters here and abroad, he gave generously to the community. For years he was on the Board of Public Counsel.

In the late 1980s, the Department of Children's Services was in hopeless disarray. The director had been terminated and someone had to bring order and accountability to this agency which handled abuse and neglect cases for foster children in Los Angeles County. It had a staff of 4,000 employees and a budget that exceeded \$600 million. The Board of Supervisors asked Elwood to step in and "fix the problem." He became interim director and in a matter of months restructured the department and instituted a plan to increase contact between the children and social workers. After the department was functioning again in 1990, I chaired the committee to select the top candidates for the position of director. The Board of Supervisors would make the final selection. It was no surprise that the board wanted Elwood for the position, but his clients and firm also needed him.

When Governor Pete Wilson and the State Bar reached an impasse over policy, the Governor vetoed the bill that would provide fees for the State Bar. This, in turn, brought an end to the State Bar disciplinary system. Again, Elwood to the rescue. Chief Justice Malcolm M. Lucas asked Elwood to be a special master and reorganize the Bar and institute a new streamlined disciplinary system. The California Supreme Court was so pleased that Elwood had accepted the position that the justices mentioned it in *In re Attorney Discipline System* (1998) 19 Cal.4th 582, 624, fn. 27, praising Elwood as the perfect person for the job. The court supported this assertion with impeccable research. Elwood's accomplishments listed in footnote 27 read like the combined achievements of the members of Mensa rather than those of a single individual. Of course, he succeeded in his task. The dispute was eventually resolved and the State Bar is, at last check, alive and well.

I suggested to Elwood that he build an addition to his house, a gallery in which to display all his awards and plaques. He changed the subject. I will highlight a few: President of the California Judges Association, Recipient of the Judicial Council's Witkin Award, Recipient of the Bernard Witkin Medal from the State Bar, UCLA Alumnus of the Year, and top attorney in a variety of polls.

Elwood has been called upon by various United States presidents and California governors to evaluate judicial nominees. And in his spare time he has authored and continues to update the California Judicial Retirement Handbook, an invaluable aid to judges trying to navigate the turbulent waters of financial planning. That CPA degree comes in handy. And then of course there are all those lectures throughout the state and teaching courses at USC. He claims to sleep now and then.

Speaking of judges, the highest rating a prospective judicial nominee can receive from the JNE Commission is "Extremely Well Qualified." That is the rating Elwood earns in all his endeavors from all his peers.

Elwood is also a person with a keen sense of humor, who eschews pretension and self-importance. He is humble, gracious and he reflects the legal profession at its finest.

We both experience satisfaction and joy in our work. Our respective appointments to the bench nearly 37 years ago gave us a bonus. It marked the beginning of a friendship that has endured and grown over the years. We see and speak with one another frequently, and often get together for a sandwich on rye bread with a generous side portion of pickles.

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EDITOR'S NOTE

It is doubtful whether any person has made a more important contribution to the success of the California Supreme Court Historical Society than former California Court of Appeal Justice Elwood Lui. Justice Lui was a member of the Society's board of directors from 1995 through 2001, serving as its president from 1997 to 1999. He led the effort to secure legislation authorizing the State Bar Board of Governors to allow lawyers to make voluntary donations to the Society through the annual State Bar dues collection process. (Section 6032 was added to the Business & Professions Code in 2002 by S.B. 1897, authored by Senator Sheila Kuehl and passed by overwhelming majorities in both the Senate and Assembly.) While that legislative foundation was being laid, Justice Lui testified before the State Bar Board of Governors urging them to implement the program as soon as it was authorized by the Legislature. Director Kent Richland, who succeeded Elwood Lui as president of the Society,

remembers accompanying him to the Board of Governors meeting in May 2002 and recalls his quietly persuasive address to the Board:

“Elwood eloquently explained the many ways in which the Society pursues its unique role of celebrating and preserving the history of California’s court system. After he completed his presentation, the enthusiasm among the Governors was palpable; the vote in favor of including the Society on the State Bar dues form was a landslide.”

The inclusion of the Society among the organizations to which attorneys may direct donations via the State Bar dues form has provided the Society with a significantly increased, and more reliable, source of revenue that has allowed it to undertake many projects and programs that would otherwise be impossible.

The affectionate portrait of Elwood Lui published here was written by his good friend and former

colleague Arthur Gilbert, Presiding Justice of Division Six of the Second District Court of Appeal.

Justice Gilbert also interviewed Elwood Lui as part of the California Appellate Court Legacy Project. (Please see the article about that ambitious oral history project by Associate Justice Judith Haller, below.) The transcript of that interview is available at www.courts.ca.gov/documents/Elwood_Lui_6132.pdf. In addition, a video of the interview can be viewed at www.youtube.com/watch?v=WBvj3Fw5E2s. The video is highly recommended; it both informs and delights. The personality, humor, and wisdom of both justices is evident and a special treat, not shown in the transcript, is the brilliant pink tie that Justice Lui wore for the occasion.

Elwood Lui has continued to be a generous supporter of the Society and continues to serve on its Advisory Board. Our thanks go to him, and to Justice Gilbert for his warm-hearted profile of his friend. ★

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