

Lascher at Large
By Edward L. Lascher
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As probably few realize – and fewer care – the Board of Governors of this club renews one-third of its membership annually, and therefore it becomes convenient to speak of each year's increment as a "class". Last year's senior class (the one that went out of office at the Fresno annual meeting) was a particularly interesting group. Its five members – it was the last of that number – were not only remarkably diverse in viewpoint, background, interest, practice and the like, but also included some of the most unforgettable and admirable characters – a word not casually selected – I ever expect to meet.

Among them, they educated me, opened new horizons, aggravated, inspired – and cut down to size. (I hasten to add that some of the cats presently on the Board are pretty outstanding, too, but (1) I am not about to tell them so, and (2) they haven't been deified by distance yet.) Two members of that class were such obvious judge material that it made you ache they weren't being so employed, in contrast to some who are.

An Ache Easer

The ache is eased in part. William Shannon Parrish, formerly the Pixie of Piedmont, is now His Lordship of (San) Leandro. This Governor hasn't made a better appointment; if any governor has, things are better than I thought. Brilliance and simplicity are not mutually exclusive traits, but they aren't exactly an "of course" combination, either, and this judge personifies both.

Okay, he often doesn't wear socks. But this is a guy of utterly dazzling mentality (read his Supreme Court decisions), catholic (ask him sometime about the story of meeting Evelyn Waugh) and Catholic (but see what he's got to say about Jewish philosophy) experience, and the most abiding, heartwarming humanity and affection for all that's good in everyone – without a trace of pollyanna (i.e., he recognizes all kinds of bleeps for what they are).

Some will think his talents underutilized on the municipal court, as I do; he's got a Supreme Court brain and legal acumen. But I'm not so sure, either; he sure has a municipal court heart, and them are hard to find. This is the kind of judge who ought to be sent on tour of all the courts around our state to show everybody how it ought to be done – like some kind of a road-show display of the crown jewels (a figure of speech that shanty man wouldn't like).

In any event, nice going, Bill, Jerry, and Tony! And congratulations to those who will have the joy and privilege of litigating there!

Fast League

The last couple of years, my practice has thrown me more and more into contact, and even joint representation, with lawyers from other states. All over the continent, in fact. It's a lot of fun, a uniformly enjoyable broadening of horizons, and produces some groovy personal contacts. Still and all . . .

It's fashionable to self-deprecate the California legal profession. The stereotype of the Golden State hot-shot getting snookered by the Corn Belt David Harum, the "We don't give a damn how you do it in California" scenes, the whole shot. That and one's own all-too-frequent observation of sloth, incompetence and venality among our California colleagues. Still and all . . .

There's nothing like a close-up and interested (used very much in the artistic sense) look at the way some others do it to enhance the appreciation of our own. It's kinda hard to remain self-denigratory while shaking one's head at the antics of some luminary of the South Dakota legal aristocracy who would look submarginal if he tried to break into the ranks of the Culver City bar.

Lord knows, we are not perfect – as is only too evident. But I think maybe we look at the common denominator too much, the lowest one that is. Mr. Tutt was fictional, after all. The reality is that the California legal profession is a damn fast league, and those of us who are playing in it ought to pause a moment to be proud of the fact – and just possibly even esteem ourselves a bit more for keeping up with the game.

A Tale of Two Cities

Those of you who have stuck with this column this far deserve something special by way of reward. Therefore, I have a disclosure of a secret closely guarded among insiders at the California bar; to wit, that not all law in California is practiced within the confines of the 415 and 213 calling areas!!

Remember, you saw it here first. You now know something practically nobody else does.

San Francisco is my favorite city, save one – and my license isn't any good in London. Not on a "nice place to visit, but . . ." basis, either. If I were starting out again, that's where I'd do it, and devil take the water shortage, zodiac killers and lawyer overpopulation. In most places I've been, the metropolis supplies a more or less inoffensive receptacle for one's real living events and facilities. But San Francisco is itself part of the dynamics of life within its borders. The minute I get to thinking I know it, I discover a new delight, new interest, new area, new taste, whatever.

On the other hand, there is San Francisco provinciality. There is a famous joke about the Bostonian's eye view of the world: The headline describing the effects of the first atom bombing of New York might read "Several Hub Residents Lost While Visiting Other City." Compared to San Franciscans, Bostonians are self-effacing. Residents of the City – and particularly lawyer residents – have to be about the most narcissistic you'll ever find. Ask an Embarcadero Center lawyer to name a good country judge and he'll identify someone who sits in Marin. If you want a referral to a Southern California law firm, he'll name one in Palo Alto.

"Sexual Orientation?"

These thoughts were inspired (a proposition that may evoke some debate) in a somewhat reverse twist (about which more in a moment) by some legislation the State Bar Board was recently asked to support: A proposal to outlaw job discrimination on the basis of "sexual orientation". Lest unperceptive legislators (like me) have trouble with taking the meaning, the draftsman went on to explain that "sexual orientation" means "selection of one's sexual partner on the basis of gender". Oh. There was also an explanatory note: "This would preclude discrimination against those who pursue, without limitation, heterosexuality or homosexuality." Without limitation? The mind reels.

Now, putting aside for the nonce the little matter of why the governing body of 53,000 California lawyers should be called upon to enter into that particular dubious battle, there is a bit of perplexity as to what perceived need motivated this particular exercise in social engineering. In an attempt to learn, I inquired as to who the proponent of the idea might be. Needless to say, the good old Bar Association of San Francisco (of which – without limitation, if you will forgive the expression – I am a card-carrying member) decided that this is one of the burning issues of our time, a basic wrong of society which needs to be righted by an enlightened legal profession marching as to war.

A Magnificent Twenty-Two

Meanwhile, down in Disneyland North, I see that the LA Super Court is at it yet again (see various earlier editions of this column, distributed through every Middlesex village and town by a nut on horseback who also sells pots and pans). They have decided our system of dispensing justice needs "reform" – there's that word again, kids. But they're not just going to talk about it; they're going to do something. What? I thought you'd never ask. In a master-stroke break with tradition, the court has appointed a committee. To straighten everything out.

They've broken all the problems that face the judicial machinery into seven areas, and then have appointed three experts to solve each one. For example, three will take care of "criminal litigation", three will recast "civil litigation", three will take care of "motions" – intriguingly sub-titled "legal procedures," something apparently irrelevant to the other subjects – and so on. (That, plus the chairmanship, constitutes the Blue Ribbon. Twenty-two. An interesting number. At first, I thought it was so they could divide up into offensive and defensive units, but then my secretary opined it was probably derived from the Catch of the same name.) I understand their report is due June 30. Praise be! Come July 1 and all my troubles is gone! There's a new day coming! Gonna put on my long black robe!

What, me worry? (And if you are not one of the literati, that happens to be the slogan of Mad magazine. Draw your own confusions.)

Appendix A

I thought I was through with that subject, but just now somebody informed me of another breakthrough by the Magnificent 22. They're not going to have meetings. Each one is just going to work independently, and come up with a blueprint for Utopia. Maybe that's what the chairman's for: To integrate and harmonize all the different panaceas. You know, make sure they have the same margins, uniform capitalization and all that jazz. I somehow get the picture of 21 courtrooms dark while 21 jurists bend over stand-up desks writing, writing, writing, writing, on parchment scrolls.

Meanwhile, the LA Superiors have also issued a manual on how to act in court. All you have to do is send four dollars and seventy-seven cents to the L.A. Daily Journal and you will find out how to change your way of living and if that ain't enough, you'll even find out how to change the way you strut your stuff.

American Byzantine Association?

Speaking of professional democracy in action (which we weren't, but I needed a bridge) have you ever wondered how the ABA, that August body which speaks for us all with one voice nationwide and swings such awesome clout, is governed and run? A friend suggested to me that he's been a member for years, just as he is a member of the Book-of-the-Month Club and the National Geographic Society, but nobody in any of them has ever asked for his help in governing the body.

That interesting point came to light recently when the State Bar was asked to give up one of its delegates to the House of Something or Other that has something to do with running the ABA and one of my kooky Board colleagues asked the impermissible question: "Why?" So we invited the ABA to explain to us how it is governed. I wish I had the space or the wit to recount in all its sidesplitting glory the tale that unfolded.

Bob Newhart used to do a routine on Abner Doubleday explaining the new game of baseball he had just invented to somebody who had never heard about it. When Bill Farrer (California's delegate to some component of the ABA and one of the more decent and sincere people I've met in years) tried to outline the organization of that body, it sounded just like that act.

There's something called the Board of Governors that may or may not run the operation. It is comprised of 22 members (that number again), at least 16 of whom must be totally unknown to at least 775,000 lawyers to be eligible. Their identities are a well-guarded confidence. Within that, there's an Executive Committee of seven (no more than three of whom may practice north of Mason and Dixon's Line) which I suspect really does run things, although nobody will say so.

There is also a House of Delegates the size of which has not be ascertained for 87 years. It includes representatives from various State Bars, some local bars (if they are big enough and if their state doesn't have "too many" delegates already). It also includes – without differentiation as to voting capacity – former presidents and other officers, a representative of the Conference of Chief Justices, members and former members of the same Board of Governors described above (see what I mean?) a spokesperson for the Judge Advocates and another for the National Council of Judicial Councils, and a few thousand other people whose presence nobody can explain.

An Odd Aggregation

It seems like a terribly odd and even antidemocratic method of organizing such a body, but it probably doesn't matter all that much anyway, because nobody can figure out what those hordes of delegates do. I don't think they elect the Board of Governors, but then again maybe they do. Or maybe it's the other way around – who knows?

Then they've got sections, which have their own internal structures and politics, as we have all come to know and love, and also divisions – the nature of which is even a little more obscure. But they've also got committees (both standing and special) – including the always popular Gavel Awards Committee – commissions, and even a Consortium. Besides which there's the American Bar Endowment, ALI-ABA, the ABF and such-like, but that way lies madness if it hasn't already been achieved.

There are only two things unmistakable about the whole operation: First, whether by design or Topsy-style, it is an infallible means of obscuring the governance of the group and insuring that it will remain hermetically sealed from any contact with outsiders, i.e., the members; and, second, it accomplishes exactly that. When was the last time you ever exercised a voice or a choice on anything or anybody involving dear old ABA? When was the last time you were asked?

Pursuing the Presidency

Then there's the presidency, another road to raving. In order to become El Jefe, a prospect announces seven or eight years in advance his desire and then tries to out-cocktail-party anybody else who might entertain similarly predictive political proclivities. (In view of the timing of the whole thing, I strongly suspect that the Grim Reaper plays a major role in thinning the number of ultimate candidates.) Then, when it gets down to the very eve of the presidency – two or three years before installation – somebody (and one of the safest bets in the world is that we are never going to be told who) decides who shall get the mantle.

Contested elections are simply not allowed, old bean. Then did have one recently: There was widespread dissatisfaction with the ultra-super-conservative candidate selected by the system – because he wasn't ultra-super-conservative enough. But the insurgents were beaten back.

All in all, the whole thing is a design that belongs more in Byzantium than in the organization of a democratic legal profession. Looked at that way, some of the humor goes out of it. If we had never heard of the ABA and somebody tried to talk us into joining an organization thus described, we'd probably hit him. That we meekly and unquestioningly tolerate such a cynical and antidemocratic structure is our own shame, not that of the ABA.