

KEYNOTE ADDRESS: A CONVERSATION WITH JUSTICE MING W. CHIN

By Cheryl Lee Johnson and Kathleen J. Tuttle¹

For the sixth year in a row it has been our good fortune to have a justice of the California Supreme Court as our keynote speaker. At last year's GSI we welcomed The Honorable Ming Chin who shared with the audience his upbringing, career path, professional experience, and judicial philosophy. The panel is presented in a question and answer format. Two former chairs of our Antitrust Section, Cheryl Lee Johnson and Kathleen J. Tuttle, posed the questions after a brief introduction. What follows is an edited transcript of the conversation.

MS. JOHNSON: It's a great honor to have with us today California Supreme Court Justice Ming Chin. He is now the longest serving justice on the court. Justice Chin has come a long way from his family's potato farm in Klamath Falls, Oregon, where he was born the youngest of eight children. As a child, Justice Chin worked seven days a week on the farm, and by the time he was 14, he could operate every piece of equipment on the farm—the hay bailers, the tractors, the combines. His parents both immigrated to the U.S. from China at a period of time in which the Chinese Exclusion Act was in effect. They bought 80 acres of farmland in 1936, and through hard work, expanded the farm to over 800 acres. It's still in his family. The parents did not have a formal education, but they always emphasized the value of education, and of course hard work and rotation of crops, right?

JUSTICE CHIN: Of course.

MS. JOHNSON: And optimism. When he was 14, Justice Chin gave up the immeasurable chores of hay baling and followed the 16-year-old brother Tom to Bellarmine College Prep in San Jose. From there, he went on to receive both his BA and JD from the University of San Francisco. Following graduation from USF in 1967, Justice Chin was commissioned as a captain in the U.S. Army, where he served in Vietnam. He received a Bronze Star as well as the Army Commendation Medal for his outstanding service.

Justice Chin began his legal career in 1970 as the first Asian American to serve as a deputy district attorney for Alameda County. In 1973, he joined Aiken, Kramer & Cummings where he became the partner in charge of the litigation department, specializing in commercial and employment litigation.

In 1988, Governor George Deukmejian appointed him to the Alameda County Superior Court, and two years later, elevated him to the First District Court of Appeal. In 1966, a milestone year, Governor Pete Wilson nominated Justice Chin to the California Supreme Court to fill the seat of retiring Judge Arabian.

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At the time of his nomination, Justice Chin received wide acclaim including from Justice Carol Corrigan, then his colleague, on the First District Court of Appeal. She praised him as exceptionally talented, breathtakingly bright, and indefatigably hard working. Along the way, Justice Chin became the first Asian American president of the Alameda County Bar Association, and among his other—many other public service roles, he’s a member of the Judicial Counsel of California and on the board of trustees of USF, and he’s also served as an adjunct professor at USF law school.

Justice Chin and his wife Carol, a pharmacist, have two children who are both lawyers. His son Jason Chin was recently appointed by Governor Brown to the Superior Court of Alameda County, and his daughter Jennifer Chin is senior legal counsel to the University of California Regents.

With that brief introduction, I’m going to turn it over to Kathleen to start the conversation.

MS. TUTTLE: Thank you, Cheryl. We, first, Justice Chin, would like to talk some about your background. Despite all the talk these days about immigration, and there is a lot of talk, few realize that the Chinese were discriminated against for decades by the Federal Chinese Exclusion Act of 1882. It barred immigration of Chinese laborers and banned those already here from being naturalized.

Your parents immigrated to the United States from China while the Act was in effect. Your mother was held for six weeks on Angel Island, which I understand happened frequently when there was a glitch or more on their paperwork, more questions needed answering, and so forth.

How did all of this affect your parents’ view of the United States?

JUSTICE CHIN: Well, that’s a dark serious opening question.

MS. TUTTLE: And it’s going to go down from there.

JUSTICE CHIN: It was not a good experience. My mother did not talk about it in detail because it was so traumatic for her. She was 24 years old, arrived in a foreign country, didn’t speak the language, and she was incarcerated. She said it was like a jail. One night she went to the ladies’ room, and one of the other inmates had hung herself. This is pretty traumatic for a 24-year-old girl, but she was never bitter. She was always optimistic in spite of the discrimination that they were exposed to.

They also made a lot of good friends. Our family home was burned when I was four. I lost my brother in that fire. And the only reason I’m telling you this is because the kindness of our neighbors was what got us through that experience. Our neighbors were away on their honeymoon at the time. They came back. They gave us the keys to their house where we stayed until we got back on our feet. So growing up in that rural community had its pluses and minuses. There were a lot more pluses.

MS. TUTTLE: Thank you. Along the same lines, your parents raised you in Klamath Falls, Oregon. Many of us may not think of Klamath Falls or Oregon or as

being particularly diverse. And you've partially spoken about this, but give us a sense for what it was like growing up there.

JUSTICE CHIN: We were the only Chinese family in the community, but we made many, many good friends. For the longest time, I thought I was Irish. I played McNamara in McNamara's Band on St. Patrick's Day, so I fit right in. My parents sent us, the three youngest—I'm youngest of eight. The three youngest of us were sent to a private Catholic grammar school, boarding school, in Klamath Falls. It was run by the sisters of St. Francis. This was an incredible education for three young children from an immigrant family because the sisters took us under their wings and really gave us a classical education. In the broadest sense of the word, we were taking art and music. I mean, this was in Klamath Falls. You would not think that a place like this would exist, but it did, and it gave us a terrific start on the educational process.

MS. JOHNSON: Well, it's been a long journey from your Oregon potato farm. What inspired you to leave potatoes, not that there is anything wrong with potatoes, but to pursue a career in law?

JUSTICE CHIN: It was, as I said, with the sisters of St. Francis. By the time I got to junior high school, the sisters had quite enough of the Chin family. They stopped boarding. So the only judge in town was a friend of my father's. And Judge David Vandenberg called my father and said, "Why don't you have Ming come and stay with us for the last two years of junior high school." So I did that. And the judge took me under his wing. He took me down to court. I was able to watch jury trials. He gave me the gun in a murder case. I said, "I don't think I want my fingerprints on that." He gave me Blackstone to read when I was 12. It's kind of amazing I became a lawyer. But he really was a terrific mentor and he taught me everything that a good lawyer and a good judge ought to be, and that was really my inspiration in applying for law school.

When I applied to law school, I called the judge and I said, "Would you write me a letter of recommendation?" He did, and I still have a picture of him in my chambers, and behind that picture in the frame is the letter that the judge wrote for me. When I was appointed to the Supreme Court, his oldest daughter Mary came down from Klamath Falls to San Francisco for the confirmation hearing. She brought me her father's gavel which sits in my chambers.

MS. JOHNSON: And what prompted you to start your legal career at the Alameda County District Attorney's Office?

JUSTICE CHIN: Well, that's kind of an interesting story because it relates to the family farm. You remember, I worked seven days a week from sun up to sun down. I didn't know people had weekends. I called the D.A.'s office when I was a second-year law student in Alameda County. The D.A. himself answered the phone Saturday at 9:00. I told him what I wanted, and he said that anyone that calls the D.A.'s office at 9:00 on a Saturday morning I want working for me. So that's how I got in the Alameda County D.A.'s Office, but there is another story to it because I had to go off to the Army, spend a year in Vietnam. I got a letter from the D.A., Frank Coakley. He said, "Ming, when you finish your tour of duty in Vietnam, you have a job here in the Alameda County District

Attorney's Office." What a relief that was because it's a little hard to interview from a foxhole. But when I got back from Vietnam, Frank Coakley had retired, just my luck.

Fortunately, Lowell Jensen was appointed to replace him, and I knew Lowell when I clerked in the office. I told Lowell what Frank Coakley promised. And he said, "Of course, we will honor the commitment."

I've always been grateful to Lowell for that. He has been a terrific mentor all through my legal career, and I have been most grateful, but that's how I started in the Alameda County D.A.'s Office.

MS. JOHNSON: And were there any particular people or factors that led to your appointment to the California Supreme Court and what advice would you give to the many in this room who probably want to get on the California Supreme Court?

JUSTICE CHIN: Don't do it. It's been a terrific career. I suppose I could just start by telling you the story about how I got the call. I was in Los Angeles for a meeting of the appellate advisory committee of the judicial council. Justice Marvin Baxter was the chair of the committee. As soon as I walked in the room, Justice Miriam Vogel, now retired from the Second District and is now with Cheryl's law firm, MoFo, now in Los Angeles. Miriam says, "Ming, come and sit next to me. I have some hot gossip for you." I'm always up for gossip.

I sit down, and Miriam says I bet you the governor will call you within two weeks appointing you to the Supreme Court. I laughed. I said, "Miriam, first of all, I don't expect to hear from the governor at all, and number two, it certainly won't be within two weeks because it took him eight months the last time." I was under consideration for appointment to the court.

Marv calls the meeting to order. Someone from the hotel comes in with a silver tray with a note on it. It was the governor. I called the governor, and he said, "Ming, I told you three years ago that if I had a second seat on the court I would appoint you. I now have it. If you're still interested, I'd be happy to appoint you to the court."

I just saw Pete Wilson last Friday at dinner, and I thanked him for giving me this incredible opportunity.

Back to the meeting in Los Angeles, I called Miriam Vogel after the press conference announcing the appointment, and I said, "Miriam, I know you won the bet, but I don't remember how much we bet." Miriam said, "Ming, you owe me \$10,000." She's still waiting.

I then called Marv Baxter to tell him I'm sorry I didn't make it back to the meeting. And he said, "Ming, did you get the call I think you got?" I said, "You know I can't tell you that." He said, "You just did."

MS. TUTTLE: We can see that you've been on the court, well, a few years now. And so it's interesting to ask you this question. Four of your current colleagues on the court are younger, and you said I could say 30 plus years your junior, and with no judicial experience, how does that affect court dynamics?

JUSTICE CHIN: Well, let me tell you this story. There is a picture hanging outside of my chambers. It is the court as it was constituted in 1964. That was the year Phil Gibson retired as chief. Roger Traynor was appointed to replace him. Stanley Mosk was appointed to replace Roger Traynor. 1964. That was the year I started law school. When I arrived at the court in 1996, Stanley Mosk, fortunately for me, was still on the court. I was 30 years his junior. What goes around, comes around.

MS. TUTTLE: That's great. The U.S. Supreme Court has been the focus of attention, to say the least, with two fairly recent appointments. How do its views, the court's views on personal and civil liberties impact the California judiciary—us here in California?

JUSTICE CHIN: Well, I don't want to get into a long discussion about what is happening or not happening in Washington. I am happy to be here in California. I think it becomes dangerous when judges get involved in political conversations. I am the most boring dinner partner you can ask for. People will ask me questions about this, that, or the other thing, how I feel about that. And I have no opinions that I'm going to express to them over cocktails or over dinner.

It is so important for judges—well, I'll give you an example. At the last judges' college, I talked to all of the new judges, and one of the questions was, "Justin Chin, how do we handle what is happening in Washington, D.C.?"

I said, "I recommend that you keep politics out of your courtrooms and keep politics out of your opinions." I have tried to do that over the last number of years where I have written on various subjects, including the subjects that you are most interested in. Each time I write on those subjects, I cannot hear the din of the conversations that are happening throughout the country and throughout the state, because I have to look at the facts and the law that is right in front of me and nothing else.

It is so important that judges do that, if we are to maintain an independent and impartial bench. I think Justice Kennedy said it best. The integrity of our opinions depends upon the public having confidence that we are neutral.

One example I want to give to you is a recent example. I went to the swearing in of our newest justice, Josh Groban. When Josh was sworn in, Jerry Brown got up to speak, and he said a lot of—this was his fourth appointment to the court. And keep in mind, I was the fourth appointment of Governor Wilson to the court. Governor Brown said, "many people are talking that now I have appointed the fourth justice to the court, and that this is going to be the Brown court." Are you kidding me? He said these four people don't agree with each other, much less with me. I was so relieved to hear that because I certainly felt that way during all the years I sat with many of my fellow appointees from the Wilson administration.

We did not look at these cases based upon who appointed us. We never do. I hope we never will. The interesting part about all of this is that Justice Groban was the appointment secretary for Governor Brown when my son was appointed to the Alameda County Superior Court. So he is my new favorite justice, or favorite new justice.

MS. JOHNSON: We are going to pivot a little bit to litigating before the California Supreme Court. Now, last year the court received over 4,000 petitions for review and

issued about 90 decisions. What do you look for in a petition for review and what advice do you have for lawyers who write these petitions? Is there a consensus on the court about what cases you should take on, or do you—all bring your own personal views to this decision as to what comes up?

JUSTICE CHIN: Well, we definitely have differences of opinion about which cases should be granted, and there are vigorous conversations. We meet every Wednesday to decide what cases to take, and you are absolutely right, we take a very small number of the petitions that we get. But the criteria is really very simple. Is it an important issue? And if it's an issue of statewide importance, and even though there is not a conflicting opinion about that issue, we will take it.

There are many examples. The same-sex marriage issue, we took up, even though there was only one opinion from the First District Division Three. The criteria generally speaking is whether or not there is a conflict. So if it is not an issue of statewide importance, but it is an important issue and there are differences of opinion among the courts of appeal, we will usually grant it. I know that many people think that we don't grant and review in enough cases. And I'm sure you filed a petition recently. You are definitely of that opinion.

And you're certainly entitled to it, but I—for the life of me, haven't had—I shouldn't say this because then I'm going to get bombarded with all sorts of your opinions about why we missed something, but I don't think that we are not granting review in your civil cases because we're overburdened with death penalty cases or criminal cases. There is really a balance of the number of cases that we—I mean, just throughout the 22 years I've been on the court, it's been pretty balanced about what cases we are working on.

As far as what your petitions for review want to look like, keep in mind, I'm in my chambers. I have 150 to 300 of these to read. How much attention do you think I'm going to give to your petition if it's long, rambling, unfocused. So how to write them? Compact, to the point, don't exaggerate, cite exactly to the record where we can find what you're talking about.

Just point us in the right direction. Don't make us wade through a swamp of material to find whether or not this is an issue that is worthy of review. I have to read a lot of material. Make it material that I want to pick up. That I want to read every word that you've written. Because you're competing with 150 others. Sometimes if it's a double conference, 300 others.

Now, I don't want to give you the impression that we're overwhelmed by the paperwork you file with us. We'll wade through it. We'll get through it, but you will make it easier for us to find the needle in the haystack if you point us in the right direction, and don't add a lot of extraneous material. Does that answer your question?

MS. JOHNSON: That does. What role does amicus briefs play in your decision-making, both at the petition stage and the merits stage, and do you have any advice as to what kind of amicus briefs you find particularly helpful?

JUSTICE CHIN: I can talk about it generally. The state and trust section filed an amicus brief on a trust and estate matter. It was quite helpful. And it was helpful because it gave a broader context, not just the context of the litigants involved in that particular

litigation, but how does it affect the entire field of trust and estates? That vantage point is invaluable. We can probably figure it out for ourselves, but it helps, and I think amicus briefs filed with that in mind are really helpful. I think we probably have more amicus briefs than any other court. And I'm always grateful for them.

I'll tell you one secret. Sometimes we will get a petition for review that we can tell is not particularly well-prepared, and we will look for amicus organizations to help file in those cases.

I'll tell you just one story about the mural in the courtroom here in San Francisco. I was on the art committee with Former Chief George's wife, Barbara George, to select all the art for the building, and one of the pieces that we selected was the mural in the courtroom. It was my opinion that it should not just be a beautiful work of art, but it should be calming. Why? Because we want attorneys to appear before the California Supreme Court to be calm, relaxed, give us your best work. Because we need all the help we can get to solve these difficult problems, and your assistance is invaluable. I've asked hundreds of attorneys whether or not the mural works. They all said no.

MS. TUTTLE: In terms of oral argument, can you tell us what you find to be most effective for you and what things you view as counterproductive and totally unhelpful?

JUSTICE CHIN: I'll start with the counterproductive. Josh Groban said, "When Ming closes his binder, that means we're finished." If I've closed my binder, that doesn't mean you're finished, but maybe you should make it shorter. We hear from many, many outstanding attorneys. I really appreciate good advocacy. What is it?

It's an individual who stands up in front of the court, knows the record backwards and forwards, knows that case better than anyone else in the courtroom, and answers our questions directly and succinctly. You'd be surprised how many people don't fit that description. The ones that do are a real treat for the court. Oral argument is not an opportunity for you to give up, get up, and show us your Cicero or MacArthur or Churchill. You are there to carry on a conversation with seven people who are interested in your case, who have particular problems with certain aspects of it, and are asking you questions that either they are interested in or they know that their colleagues are troubled by. So don't ever say, "That is a really good question, Your Honor. I'll get back to that in a minute." Answer the question. Even if you have to think about the answer while you're giving it. Because we need your best observations about what we're trying to get at.

Think of oral argument as a conversation with seven people. And you are really there not to moderate the conversation, but to help us advance what is being talked about. Sometimes you will ask a very simple, seemingly friendly, question, and counsel will be defensive. Why? This is a softball. Hit it.

The oral argument proceedings that we have widely vary, unfortunately. I would think that by the time you get to arguing at the California Supreme Court everyone is doing their best. I wish that were the case. I hope that all of you, when you come to our court, are in the first description that I gave, not the last one that, where people are really not familiar with the record, not familiar with the law, not familiar with the—all of the cases that are on point in this litigation, and I mean it when I say, you have worked on that case for sometimes years by the time you get to us. You know that case better than anyone

else in the courtroom. We hear your case, and then we hear five more cases after that. We come back the next day and hear six more cases. We come back the third day and hear six more cases. Don't be nervous standing in front of the court. You know more about it, give us the benefit of all of the work you've put in on that case that means so much to you.

MS. TUTTLE: Upon your confirmation, Governor Wilson referred to you a judicial conservator. Do you consider yourself to be that, and what does the label mean to you, and do you feel your views have changed over time?

JUSTICE CHIN: I'm not a big fan of labels. I am not sure that whether I'm conservative or not, but I can tell you that I believe in judicial restraint. I think that judges should stay in their own lane and not be legislating, not be forming public policy where that should be in the hands of the legislators and the governor when he decides to sign that piece of legislation.

We each have our own duties and responsibilities. We should ensure that we are not intruding on the legislative function. The legislators in formulating this legislation have committee meeting after committee meeting with experts on all different areas coming in and giving them their best opinions about what ought to be done in that particular case. We don't have that benefit. We have attorneys who have briefed this particular issue. We have law that applies to that particular issue, and we should stick to interpreting the statute as it is written, not as we would like it to have been written.

We have been fortunate to have pretty open-ended conversations with our legislators. We recently had one in Sacramento, and we told them, when you write this legislation, the clearer you can make it, the better it will be for all of us. One of the legislators said that is easy to say, but sometimes we have Joe's vote or Emily's votes or Barbara's vote, and they need this language in the statute. So it's kind of like a sausage being made, not pretty, but that's what they end up sometimes, and we appreciate that, but that just makes our job that much more difficult when the statutes are not clearly written.

MS. TUTTLE: Interestingly, you are the only sitting justice to have served in the military. Did that influence your judicial philosophy, and maybe even more intriguing, I don't know, is did your service in Vietnam influence you?

JUSTICE CHIN: My services in the military gave me immense respect for all branches of the military, and I'll just give you one example. I was activated as a unit in the First Brigade of the Fifth Division. We moved 5,000 men from Fort Carson Colorado to Quang Tri, Vietnam, 5,000 men, 2,000 vehicles. We were operational within a week. If we were traveling on vacation, we would still be looking for our toothbrush.

The logistical management of that move was incredible. We replaced the third Marine division in Quang Tri, which is 37 miles south of the DMZ. I gained such immense respect for my colleagues in the Army. My boss was a man by the name of Richard Barrett. He was a major. He was in what they called the Foreign Area Specialists Program. He went to the Monterey Language Institute, spoke fluent Arabic, wrote fluent Arabic. He showed me some of the letters he was writing to people in the Middle East. They looked like works of art. This was an incredible officer in the United States Army. He really tried to get me to stay in the Army and join the Foreign Area Specialists Program.

I thought seriously about it, but eventually decided to come home and start practicing law. I think it turned out okay.

MS. TUTTLE: I would say so. You have a reputation for being a very hard worker, a very hard worker, authoring more majority opinions in your first decade on the court than any of your colleagues. Tell us about your opinion writing process.

JUSTICE CHIN: I don't keep track of those statistics. I think all of my colleagues are dedicated, hard working. I've had the privilege of serving with three incredible chief justices. Malcolm Lucas, Ron George, and Tani Gorre Cantil-Sakauye. I have also had the privilege of serving with some nine associate justices, all incredible people, all hard working, dedicated. The—having the honor of working with all of these people over these many years has been the honor of a lifetime. And it's so incredible because they cover the gamut on the political spectrum, and yet, we are all good friends.

I like the story about the friendship between Justice Scalia and Justice Ruth Bader Ginsburg. Polar opposites on politics, but dear friends, and I loved Justice Ginsburg's introduction to Justice Scalia's last book that was a collection of his speeches, organized by his sons, but Justice Ginsburg said that many people are surprised that Justice Scalia and I are such good friends. I don't know why people are surprised that very good people have opinions that you can disagree with.

I feel the same way on the California Supreme Court. Our most recent appointees were appointed by Jerry Brown. How could I not agree with them, he appointed my son. But I'll just give you an example. I had a barbecue at my house for all of the justices and their children. I invited my children and my grandchildren because all of them are about the same age. So when I told Goodwin Liu what we were doing, he said, "a playdate."

I'll give you one example of what happened during this barbecue in our backyard. We have a paddle boat, and all the kids got to take the paddle boat out to the lagoon. We had a jumpy house in the garage, so all the kids got to bounce up and down in the jumpy house. So I'm out in the back, and, you know, Justice Cuéllar is married to Judge Lucy Koh. Well, Lucy is looking right at me, and she says, "Ming, stop that." I said, "What was I doing?" She was talking to her son who was right behind me, and his name is Ming. That's really his Korean name, and when I got a thank you note from Lucy and Tino and their two children, Ming wrote from Ming 2 to Ming 1. Thank you for a terrific day.

I guess the answer to your question, we're having a good time. We get along well. We are good friends. Of course, we disagree, but we try never to be disagreeable.

MS. JOHNSON: The legal profession has changed a lot since when you first started.

JUSTICE CHIN: Everything has changed a lot.

MS. JOHNSON: Did you encounter discrimination or barriers as a result of being an Asian American when you first started, and how did you deal with that?

JUSTICE CHIN: Well, I'll just give you one example. We used to drive back and forth from Klamath Falls, and back then it was a two-lane road, so you couldn't drive the distance in one day. So we would stop at a place along the way for accommodations. We'd

drive up to motels with vacancy signs blazing in the window, no cars in parking lot. My father would go in to get a room, and he would be told there is no room for us in the inn. That happened on a regular basis.

One time we were driving in town in Klamath Falls, and I looked at the houses, and I told my dad, “Wouldn’t it be nice to live here?” And my father said, “Oh no, they don’t let Chinese live here.” Of course my question was why, and my father said, “Maybe someday you can do something about it.” I guess that day has arrived.

MS. JOHNSON: Now, you’ve broken a lot of barriers. You were the first Asian American prosecutor in Alameda County. Later, the first Asian American president of the Alameda County Bar Association. What is your advice to young Asian Americans as to how they can leave their own mark on the wall?

JUSTICE CHIN: Well, I’ll tell you a brief story first. When I was appointed to the Supreme Court, my son Judge Jason gave me a plaque, and I think it’s from Emerson. And it says, “Do not follow where the path may lead. Go instead where there is no path and leave a trail.” My son wrote a note with that and said, “Dad, you’ve lived your life like this, and I’ve always admired it.” I don’t know whether I’ve done that or not, but don’t be afraid to leave a trail. Even if you’re in unfamiliar territory.

I remember the first time I stood up to try a jury case in Alameda County. I was petrified. Standing up in front of a group of people that I didn’t know was unnerving.

The second case got a little bit easier. The 50th case was a lot easier, and then being 15 years in private practice handling any number of different kinds of civil cases, from securities to commodities to contract cases to water cases to employment cases to construction cases. It was just a mind-boggling array of problems that had to be worked on. I just jumped in to every one of them, learned as much as I could about every subject matter and was fairly successful at private practice.

Never be afraid of learning something new. It will be broadening. It will open your mind to issues that you’d never thought of before. I remember when I was appointed to the trial court, Mike Balachi was the PTA, and Mike came to me and said, “Ming, what area of the law do you know least about?” So I went down the list. I tried every kind of criminal case imaginable in the D.A.’s office. I went down the list of civil cases. I even served in juvenile court. I said, “Mike, the only area that I have no familiarity with that I’ve never practiced is family law.” He said, “Ming, guess what court you’re going to?”

So I was assigned to family law, went to the 40-hour family law class that the committee on judicial education arm provides. It was the best continuing education class I had ever been to.

After I’d been to family law for a while, Don King came to me. Justice Don King retired from the First District Court of Appeal and said, “Ming, I’ve been teaching family law at USF for so many years, I’m exhausted. Would you take it over?” I said, “Don, you want me to teach family law?” He said yes. So I did it.

One thing that happens when you offer to teach a course, everyone who has ever written a case book sends it to you. I started reading them. Do you remember the Dead

Poets Society? Robin Williams gets up on the table and says tear out the first 50 pages of your books because it's nonsense. Well, that's kind of the way I felt about these case books. I hope there aren't any family law professors here. But I pulled together my own case book.

I mean, I taught family law for a few years. The first semester was really tough because I was putting together the case book. I was about two weeks ahead of the class. I don't recommend you do that, but I was really happy with the final product because I used it every semester after that one I taught, family law, but don't be afraid to learn new things. It is incredible, it's challenging, and it's immensely rewarding.

MS. JOHNSON: Speaking of family, you have two children, and both of them are lawyers. Any idea what prompted them to become lawyers?

JUSTICE CHIN: It wasn't me. But I suppose they saw I never sold this thing. I answered their questions, and I answered them frankly. I did not sugarcoat it, but I think they knew that I loved being a lawyer. I loved the law. I loved the challenges of the law. I love what the law can do for people, and businesses, on both sides. I think that they saw, even though I didn't give sermons about it, and I didn't pressure either one of them into becoming lawyers. As a matter of fact, when Jennifer finished at Stanford, she's told me she wanted to go to law school. I said I recommend you take a year off and do whatever you want.

When Jason graduated from UC San Diego, he wanted to go to law school. I said take a year off and do whatever you want. They both went to work for law firms, and remarkably enough, they both had good experiences, but I wanted to make sure this is something they wanted, not something that I wanted. So I did not talk either one of them into doing this. When Jason was several years in the D.A.'s office, he was in the middle of a murder trial. So I called him and I said how's it going. He said fine. I said, "Do you like it?" He said, "Dad, I love it." That's what you want to hear from your children, especially when they're following in your footsteps. I couldn't be more proud of my family and the families that they are raising.

MS. JOHNSON: So a couple of quick questions to conclude, what do you like to do to take a break from the law?

JUSTICE CHIN: I started playing golf at age 65. I don't recommend this. But my son came to me a long time ago, and I taught him to play tennis when he was a kid. He was a great tennis player. By the way, our daughter is an incredible gymnast. So they were both athletes, but Jason wanted me to play golf, and I said, "That's an old man's game. I'll play golf when I can't play tennis anymore." And he said, "It would be too late."

So he's resurrected the Alameda County D.A. golf tournament. He said, "Dad, you've got to play." I said, "I don't play golf." He said, "That's all right. No one else does either." Anyway, we all went out and we had a great time, but I said if I'm going to do this, I want to at least be passable, so I started playing it seriously at age 65. I am enjoying it immensely. If my knee holds out, I will continue to play it, but it is immensely challenging, and I enjoy it.

MS. JOHNSON: So you play tennis with Justice Liu. Who's the better player?

JUSTICE CHIN: You remember, he's 30 years younger. We usually play doubles and usually we're on the same team, but we have a lot of fun.

MS. JOHNSON: Great. We know you're a Warrior's fan, and what is your preference between the Raiders and the 49ers?

JUSTICE CHIN: The Raiders are leaving again? Are you kidding me? I was mad the last time they left. I mean, I was in the Alameda County D.A.'s Office. I used to go to the Raiders games all the time. When they went to L.A., I'm not interested. When they came back, not so interested. When they are leaving again, not interested at all. 49ers, incredible game. Sorry we lost. I could not believe he made the first three field goals and missed the one that we really needed, but the Warriors and the 49ers, I think they have more injured players than healthy. So both teams are suffering on the injury list, but they'll come out of it, and they'll be better. We have such a wealth of professional sports teams here in the Bay Area that we couldn't be happier.

MS. JOHNSON: One last question. Who is the funniest justice on the court?

JUSTICE CHIN: We're not really very funny. Oh okay, I have it. Justice Corrigan. Do you remember, she was at a gathering like this, and her chair fell off the back of the podium, so she went head over heels. She gets up to the microphone, fortunately she wasn't injured. It was a group of attorneys. She said, "are there any good attorneys in the house?"

MS. JOHNSON: I think we're out of time, unfortunately, but we're very, very thankful and sincerely appreciate Justice Chin taking time from his very busy schedule and sharing your experiences and advice for us. So I'd like everybody to give him a round of applause.

[APPLAUSE]