

Chapter 1

It was late afternoon on Election Day, 1966. Tyler Scott hurriedly left the Los Angeles County Courthouse. He had just won another case, making it eleven victories in a row. He hoped his good mood would last until he got to the Redwood Room, his favorite watering hole, but his next case was really starting to eat at him. The damn insurance company was making him defend a case that was far in excess of the policy limits. The redneck insurance adjuster had called him a “nigger lover” because Scott couldn’t get it through his head that “no Santa Monica jury is going to give any money to a colored boy represented by a Jew lawyer.”

By the time Scott stood at the bar at the Redwood Room, his good mood was gone. He downed a gin and tonic in three quick swallows, ordered another, and looked around. He recognized Christina Jensen, sitting by herself in a nearby booth. She was a highly successful plaintiff’s medical malpractice lawyer who had rung the bell on many doctors and hospitals, obtaining sizable jury verdicts. She had earned the nickname “The Dragon Lady” because of her aggressive litigation style. Scott had never spoken with her, and he liked what he now saw. Jensen had thick, shoulder-length blond hair, a beautiful face, and a great figure. Scott figured she had to be in her forties, but she hardly showed it.

“What the hell,” Scott thought, and picked up his second drink and walked over to Jensen’s booth. She coldly looked him up and down.

“I’m Ty Scott,” he said quickly, almost stammering, but giving his best smile. “I’ve always wanted to meet you after I saw you cas-

trate Doctor Rex Blanton, the so-called expert witness who lied about why he had his privileges suspended at Orthopedic Hospital.”

Jensen suddenly smiled back. “Sit down,” she said. “Yeah, I remember that case. Blanton was one of the worst whores I ever met. His privileges had been suspended in three hospitals. In my opinion, it’s legal malpractice to use that clown as an expert witness because his reputation is so bad.” Jensen pushed her hair back. “Where do you work?”

“I do defense work for Brunner and Holmes.”

“You’re with a good law firm. They must not do any medical defense because I’ve never run into any of your colleagues. I hear you won your last ten jury trials. Word is getting around.”

“Eleven, as of an hour ago,” Scott said. He ordered another round of drinks for both of them. He asked, “So, how did you get into medical work?”

“During the war, I was an Army nurse, and while I was going to law school I worked at County Hospital as a nurse. I got my trial experience with the defense firm of Cable and Mott, and I’ve been doing plaintiffs’ work for six years.”

“You look way too young to have served in World War II,” Scott said. “Did you lie about your age to get in the Army?”

“No, dear,” she said, as she suddenly clasped his hand, “but that’s very sweet of you. I’m older than I look.” She paused a beat. “Tyler, may I ask you a personal question?”

“Sure.”

“I noticed that you had a slight limp as you walked over here. Did you have polio?”

“No, some North Korean gook broke my leg when I was a prisoner of war in Korea.”

“I’m so sorry,” she said with sincere sympathy. “I didn’t mean to pry and bring back bad memories. I was in Europe and our Army field hospital was almost captured by the Germans. That was over twenty years ago. I try not to think about those times. I damn near got court-martialed. That’s when I decided that I should become a lawyer and not a doctor.”

Scott finished his drink. He said, "I apologize, I'd love to stay and talk, but I'm going to have to leave now for a meeting at the Biltmore Hotel. It was really nice talking with you."

They both stood up. She said, "You're the first defense lawyer I have had a civil conversation with in a long time. Give me a call at my office and we can have dinner some night." She smiled warmly, and firmly clasped both his hands.

As Scott drove to the Biltmore, he listened to the election returns on the radio. It was immediately obvious that a Republican landslide was in the making in California. After eight long years, a Republican governor would soon take office in Sacramento. Tyler Scott was only 36 years old but he was already getting tired of constant late evenings in the office, and the long days in court. Truth was, a good part of his time was spent sitting on his ass waiting to be assigned to a trial court. He was also tired of the endless horse-shit handed out by insurance companies such as Benevolent Assurance Company of Alabama.

Scott pushed his way through the crowd in the reception room of the Governor-elect. He stopped when he saw George Haskell, an old law school classmate who was on the newly elected Governor's campaign staff. After chatting for a few minutes, Haskell suggested that he and Scott go upstairs to one of the inner suites to see how the legislative races were developing. They took a freight elevator up to the eighth floor and proceeded to Room 808.

As they entered, Scott could see a huge tally board placed against the south wall. The board listed the names of incumbent legislators and their opponents. He looked for his own Assembly District and was amazed to see that the three-term Democratic incumbent George Bain was apparently losing to an unknown 29-year-old Deputy District Attorney named Adam Morrison.

Haskell stared at the board. "I can't believe that little weenie won," he said. "Adam's a real pain in the ass. He tried to get our campaign to support the death penalty for dope dealers."

"Morrison wasn't my choice," Scott said. "He was the only Republican to run in the primary. The Republican Women's Clubs loved him because he's good looking and a smooth talker."

Haskell lowered his voice. "I heard that he was one of the DA's top prosecutors for drug cases until he got sideways with his supervisor over police misconduct. He's a real loose cannon."

Assemblyman George Bain had co-authored the Rumford Fair Housing Act in 1964, but apparently a whopping 61.5 percent Democratic voter registration was not sufficient to overcome the white backlash which had developed in his District. Scott thought Bain had an excellent chance to get appointed to a Municipal Court vacancy that existed in the Mission Judicial District. Bain was a competent lawyer but he had been an ultra-liberal legislator.

It was nearly midnight. Scott told Haskell, "I need to go home. I have to start a useless five-day trial in Santa Monica Superior Court in the morning." Scott studied the board a few seconds more, then left the room.

As Scott headed east on the San Bernardino Freeway to his apartment in Alhambra, he thought that it was too damn bad the vacancy on the Municipal Court hadn't been delayed until after January 1967, when the new Governor took office. Scott had been active in Republican politics from the day he graduated from law school in 1958. He had been on the Republican County Central Committee for six years and was now Chairman of his Assembly District Central Committee. He decided there was no point worrying about the judicial appointment because there was no way the defeated Governor was going to appoint a Republican to that position. Perhaps in a year or two something else would come up.

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At about 11:00 in the morning on November 9, George Bain awoke with a bad hangover. When he had finally gone to sleep in his San Gabriel apartment at 3:00 a.m., he was trailing Adam Morrison by 650 votes, with 75 percent of the precincts counted. As Bain stumbled to the telephone to call the Registrar of Voters, he hoped that most of the 25 percent of the uncounted precincts would be from Rosemead and East Los Angeles. A few seconds after he dialed, he was transferred to the Election Results Bureau and got the bad news. A total of 345 of the 348 precincts had been counted

and the results were Morrison 35,485, Bain 34,766. He felt dizzy and sick to his stomach.

As he hung up the phone, he briefly considered asking for a recount, but then he recalled that re-counts were expensive and the results seldom changed an election in California. In 1964 he had carried the District by over 15,000 votes over a popular Monterey Park City Councilman. Bain was Chairman of the Assembly Judiciary Committee, a prestigious and powerful position. It was particularly galling to be defeated by a 29-year-old Deputy District Attorney who had only lived in the Assembly District for two years, and who was urged to run at the last minute by local party leaders because they couldn't find another candidate. He was particularly upset with Morrison's racist campaign tactics, specifically the eleventh-hour flyer that contained the banner headline, "George Bain Authored Rumford Forced Housing Act."

Bain was now 46 years old and would soon be out of a job. He had always worked hard, overcoming the grinding poverty of his childhood as the only son of "Okie" parents who had migrated to California in the 1930's. Even though he maintained a nominal law partnership in San Gabriel with Elmer Paulson, the thought of going back into a suburban law practice really bothered him—it was just too much of a comedown after six years in the Legislature. Finally, as his head began to clear, Bain remembered that a vacancy existed in the Mission Judicial District. Although he would have much less impact on the social problems of the State in his role as a Judge, he could still make decisions that would influence the lives of a quarter of a million people. Bain picked up the phone and dialed the Governor's Office in Sacramento. He asked for Bill Harding, the Governor's Appointments Secretary.

Harding came on the line. "Hello, George. I still can't believe that little shit head Adam Morrison beat you."

"I can't either," said Bain. "You should have seen the crap he threw at me during the last week of the election." Bain paused, and then asked smoothly, "Has the Governor committed himself to anyone on the judicial appointment for the Mission District?"

"No he hasn't. You want the appointment?"

"You bet your ass I do."

“Send us your resume, George, and we’ll send your name to the State Bar for evaluation. If no one on the Board of Governors dings you, I’m sure the Governor will appoint you.”

“Thank you,” Bain said, “I’ll get it in the mail today.”

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It was late December and the rain was coming down hard as Assemblyman Bain pulled into the parking lot of the Mission Courthouse. It was shortly after 9:00 a.m. and he was due to appear in court before Judge Augustus Hamilton to defend one Javier Rincon on a wife-beating charge. He walked into the crowded courtroom and sat down inside the counsel rail. The Judge had not yet taken the bench and a covey of defense lawyers surrounded the District Attorney at the counsel table. It was bad enough to try a case when you hadn’t tried one in six years, but to try one three days before Christmas was really the shits.

“Everyone please rise,” said the bailiff. “Face the flag of our country recognizing the principles for which it stands. Division 2 of the Municipal Court of the Mission Judicial District is now in session, the Honorable Augustus Hamilton Judge presiding. Please be seated and come to order.”

As the defense lawyers moved away from the counsel table and took their seats, Bain was aghast when he saw that his adversary from the District Attorney’s Office would be none other than that cocky prick Adam Morrison, the Assemblyman-Elect. Bain desperately wanted to deal this case out with a guilty plea to a charge of disturbing the peace, and a sentence of one-year summary probation and no fine.

Bain noticed Morrison’s limp. Bain heard that Adam had come down with polio when he was 12, and had spent the summer of ’49 quarantined at home. In high school, Morrison was relentlessly teased about his partly paralyzed “gimpy leg,” and developed a short temper.

Judge Hamilton was now calling the trial calendar.

“*People v. Rodriguez*,” said the Judge.

“People’s second call your Honor,” said Morrison.

“*People v. White*,” said the Judge.

“Defendants second call please your Honor,” said a defense lawyer.

“*People v. Rincon*,” said the Judge.

“People ready,” said Morrison. “May we approach the bench your Honor?”

“Certainly,” replied the Judge.

“Your Honor,” Bain began, “if Morrison is willing, my client is willing to plead guilty to disturbing the peace. Rincon has been in jail 21 days since he couldn’t make bail. I would request that your Honor place him on summary probation for one year. Rincon and his wife are getting a divorce and the Court could place him on probation on the condition that he not annoy or harass Mrs. Rincon.”

“He kicked the living shit out of Mrs. Rincon,” Morrison loudly broke in, “and he deserves—”

“Counsel,” Judge Hamilton interrupted, frowning at Morrison, “just because we’re discussing this at the bench doesn’t mean that you can use language like that in my courtroom. The rap sheet and the court file indicate that the defendant has not been previously arrested. I think that Mr. Bain’s offer is fair. How about it, Mr. Morrison?”

“Well,” said Morrison, “I still think 21 days dead time is too little punishment for a case like this, but since defense counsel has to make his client think he’s getting him a good deal for the fee he’s paying, who am I to stand in his way? That disposition is agreeable to the People.”

As Bain and Morrison walked back towards the counsel table, Bain called on all his powers of self-control to keep from flattening the smart ass Deputy District Attorney. Judge Hamilton went through the formalities of accepting the guilty plea to the charge of disturbing the peace. Bain waived time for sentence, and the defendant was placed on summary probation for a year. Bain picked up his briefcase and headed for the courtroom exit. As he walked through the courthouse lobby, a female voice hailed him. “Assemblyman Bain,” she said, “there’s a telephone call for you. You can take it in the Clerk’s Office.” As Bain headed into the Clerk’s inner office, he said hello to Mrs. Sharon Johnson, Clerk of

the court. She told him that the Governor's Office was calling on line 217. Bain picked up the phone.

"Hello, George Bain speaking."

"Just one moment," said a female voice on the end of the line.

The freshly defeated Governor came on the line.

"George, I'm appointing you a Judge of the Municipal Court of the Mission Judicial District."

Bain's mood of sullen anger suddenly changed to one of elation.

"Thank you Governor, I really appreciate it," he almost shouted.

"Listen," said the Governor, "you really deserve it and you'll make a great Judge. I haven't forgotten the times that you had the guts to buck the Speaker on a few key issues. I don't forget my friends. I'm just sorry to say that I won't be around long enough to elevate you to the Superior Court."

"Thank you again Governor, you'll never be sorry you made this appointment."

"Good luck," said the Governor. "You'll probably receive your commission in tomorrow's mail. Just remember, you have to take the oath of office before I leave office. Goodbye now."

"Goodbye and thanks, Governor," Bain said.

Bain turned to Sharon Johnson. "Well, I don't have to tell you what that was all about. I'm going to be your new Judge."

"Wonderful, congratulations," she said. "You'll love it here. Can I tell Judge Hamilton?"

"Yes," Bain said, "but tell him to keep it quiet for the next day or so until the announcement hits the paper. Tell him I'll be taking the bench one week from today."

Assemblyman Bain walked out of Mrs. Johnson's office and into the main part of the Clerk's Office. He felt for a moment that he would like nothing better than to tell Adam Morrison that he'd got the appointment, and that he would be looking forward to having Morrison appear in his court some day. After reflecting for a moment, as he passed the doorway to Division 2, Bain decided to say nothing to the Assemblyman-Elect. He'd just sit back and count the days until Morrison had to appear in his court and had to get down on his knees and kiss his ass.