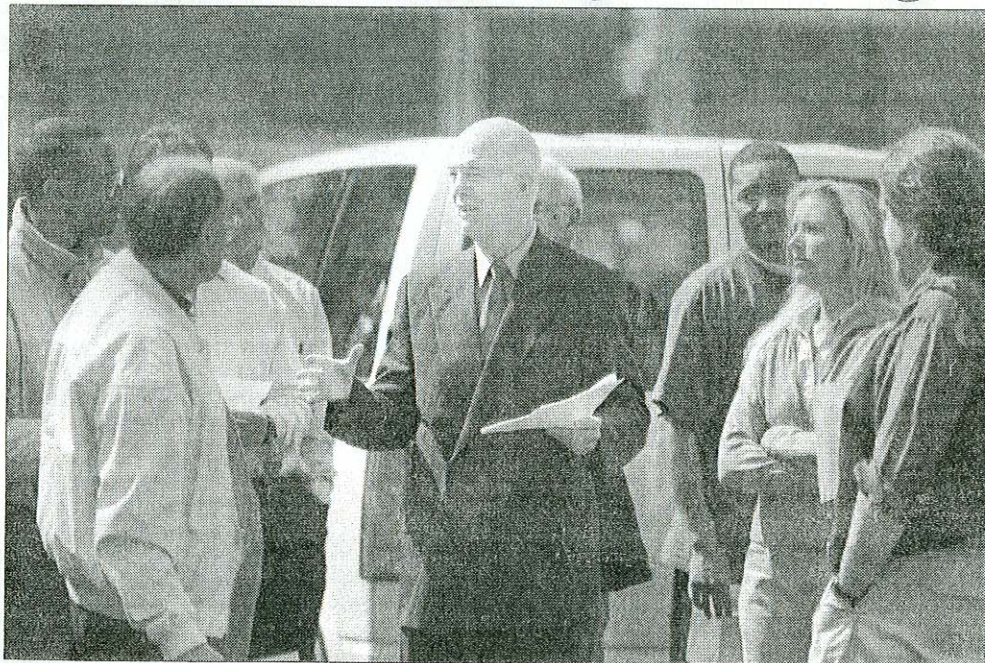


Bon Voyage, Judge Hodge

Veteran
Alameda
judge
lays down
his gavel
for the last
time after
hundreds
of trials



JASON DOY

FIELD TRIP: Judge Richard Hodge talks with jurors as he shows them around "Old Oakland" in the downtown area. The jurors were deciding a case involving the center.

By SONIA GIORDANI
RECORDER STAFF WRITER

Judge Richard Hodge, one of the East Bay's last-standing Jerry Brown appointees, will retire his gavel this month after 20 years on the Alameda County bench.

During his tenure presiding over hundreds of trials and settlements ranging

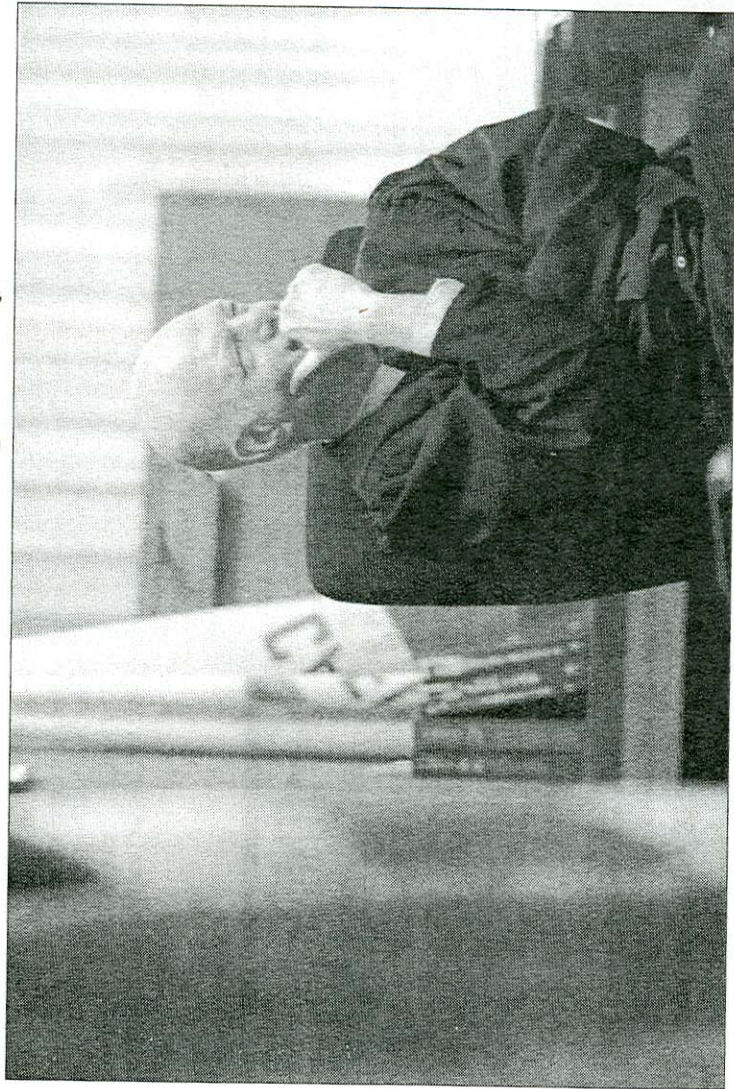
from emotionally taxing mental health hearings to complex civil litigation, Hodge earned the respect of attorneys on both sides of the aisle for his hard work, wit and willingness to think outside the box.

"I just disconnected myself from my entire information base — from my past," said a wistful Hodge, who spent months slowly packing up the cabinets

of case files and books that he accumulated like trophies in his chambers over the years.

Among trial attorneys, Hodge has earned a reputation as a stellar judge capable of tackling the most complex issues with enthusiasm and intellectual stamina. He once reportedly holed up in his chambers for two days before emerg-

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JASON DOW

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ing with a 130-page ruling in a landmark 1990 case between the Environmental Defense Fund and the East Bay Municipal Utility District.

The opinion defined what would be a permissible water flow from the river — today known as “the Hodge flows” — and environmentalists credit it for ultimately pushing EBMUD to find an alternative source.

“The ruling is still considered to be on the cutting edge, melding water law and the public trust doctrine,” said Stuart Somach, a Sacramento-based water law expert who argued in the case. He said the case involved complex legal questions but also required familiarity with rather arcane issues about water quality standards, hydrology and the life stages of certain fish.

“Sometimes you argue in court and wonder if anyone is really getting it,” Somach said. “But everyone knew he was listening,

that he got every part of the case. And the decision showed it.”

Hodge’s reputation for having handled so many civil cases made most attorneys confi-

to consumer fraud and class actions, Hodge could handle them all — and did.

“Even if the subject matter would be new to him, attorneys knew he would work hard

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— **Stuart Somach**

dent they’d get a fair shake on his watch, said veteran litigator Howard Janssen, a partner with Oakland’s Crosby, Heafey, Roach & May. From personal injury to employment law, from asbestos and toxic torts

early on to understand the legal and factual issues presented in trial,” Janssen said. In one trial, he recalls he had cited a case Hodge was not familiar with. The judge asked the attorneys to stop, casually went

back into chambers and within a few minutes came back — case papers in hand — to admit, “You’ve got something there.”

Hodge officially retires March 31. He will pursue private judging with the American Arbitration Association’s San Francisco office and with Oakland’s Alternative Adjudication.

Before his last jury panel a few weeks ago, Hodge recited just one more time the same passage from Harper Lee’s *To Kill a Mockingbird* he’s been reading to jurors for the last two decades. The section is taken from Atticus Finch’s closing argument, in which he tells the jurors, “A court is only as sound as its jury, and a jury is only as sound as the men who make it up.”

Hodge concedes the prospect of retirement has not been easy for him. “I feel like I’m in a ballet, and everything is in slow motion,” he said.

But attorneys who know him say his career in law would be better scored to fast-paced rock ‘n’ roll. After working his way through college as a lay minister in Ohio, he traded religion for his faith in law. He became one of San Francisco’s most aggressive and successful criminal defense attorneys and later found himself knee-deep in the city’s anti-establishment music scene, brokering record contracts for the likes of Jefferson Starship and Boz Scaggs.

Some of his colleagues may have been surprised when he first chose a civil assignment, but Hodge said he became “a little disenchanted with the Draconian sentencing I was forced to impose” and chose civil assignments.

Hodge has served on the Judicial Council on four occasions, authoring nearly 100 opinions. Twice, trial lawyer associations honored him as the judge of the year.

“So he started in the backwoods and ended up as a judge,” said J. Tony Serra, a San Francisco criminal defense lawyer and former colleague of Hodge’s. “But really, his life’s path and purpose remained unchanged — to serve the community he’s in.”

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