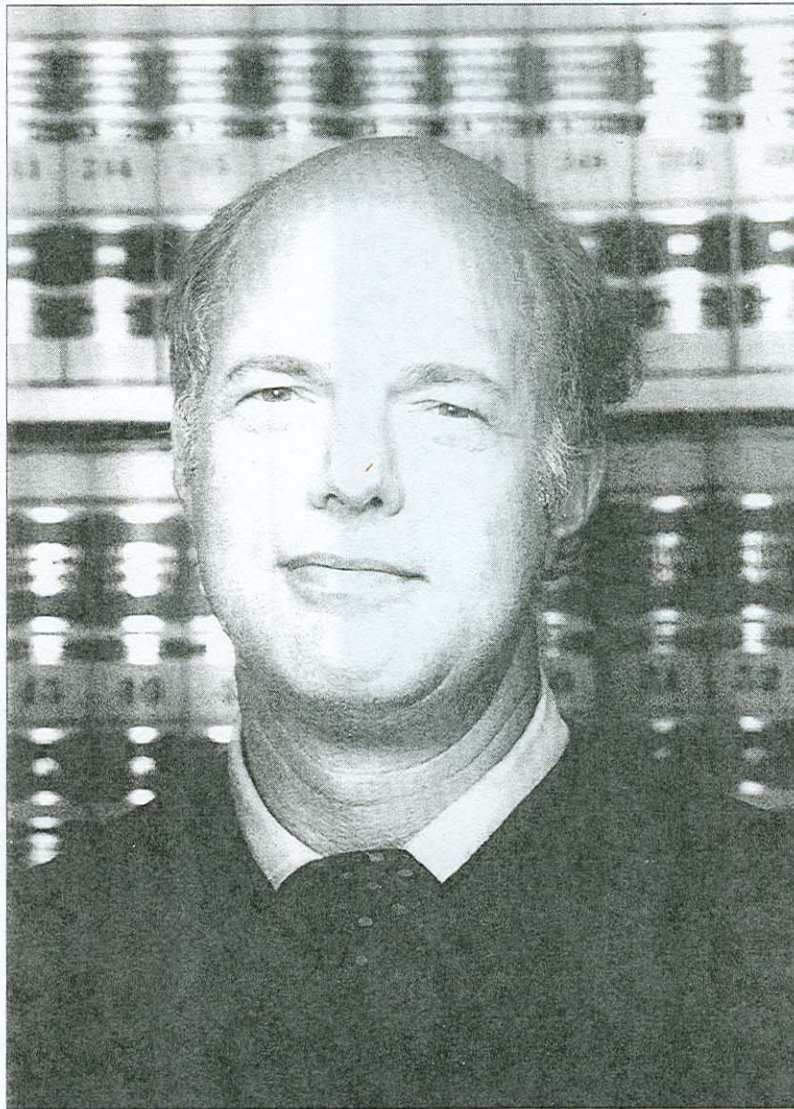


1995 CAOC JUDGE OF THE YEAR

# JUDGE RICHARD A. HODGE

by Mark Blumberg



*1995 CAOC Statewide Trial Judge of the Year*

**J**udge Richard A. Hodge, voted trial judge of 1995 by the Consumer Attorneys of California, is one of the best known civil jurists

in the San Francisco area. But he is probably better known throughout the state as the judge who set the standard for water law in California.

In 1990, the 56-year old Alameda County Superior court judge made a long-awaited decision in a case involving water rights of the American River near Sacramento, Environmental Defense Fund v. East Bay Municipal

Utility District. The case had been pending since 1972. Hodge found a way to balance the parties' concerns.

In the landmark case, Hodge decided that a 40-year contract signed in the early 1970s was valid and the utility district was entitled to the water. But he also put restrictions on the usage, setting minimum flows that far exceeded standards to protect salmon

and fisheries on the river. Today the measurements are referred to as the Hodge Flows. He also established a monitoring group to address the parties'

interests in the future.

"I take pride in it [the decision] because it was inventive," says Hodge. "I've never considered myself unduly fond of conventions."

**T**hat's apparently an understatement. Through the years, Hodge has gained a reputation as a practical but somewhat unconventional jurist

who tests lawyers' limits.

Among other things, Hodge is known for starting every trial by reading a passage from *To Kill a Mockingbird*, in which the author's fictional lawyer tells the jury that men and women are created equal. He embraces the unorthodox procedure of allowing jurors to question witnesses by submitting written questions to the bench.

"I love picking the jury, and I love giving my little speech in the beginning," says Hodge, who was appointed to the bench by Governor Edmond G. "Jerry" Brown, Jr. in September 1980. "I try to make the jury relax by bringing humor into the courtroom. I want them ultimately to decide the case with a little pressure as possible. I want them to be citizens, using their common sense."

Hodge also does what many jurists consider unthinkable. During jury trials, he begins hearing testimony at 9 a.m. and continues through lunch until 1:30 p.m. Then he dismisses panelists for the day. "That way jurors can still go back to work. That greatly expands the jury pool, and we pick up an extra day because it doesn't take as long to pick a jury," he says.

But though considered by some to be gregarious and down-to-earth, Hodge has not always been easy on lawyers, especially those who begin their cases unprepared.

"I don't think you'll find anybody who would say I let anybody get away with anything," he says.

Even Hodge will admit to having plenty of detractors. Indeed there is no love lost between Hodge and lawyers who have incurred his wrath.

"If you're some blushing violet, you're not going to get along with him, particularly if you don't know your stuff," says Phillip Weltin, of Weltin and Van Dam in Oakland. "The down side is that he's got a short fuse. But it's not personal. You can get angry at him right back and he doesn't take offense," adds Rick Simons of Furtado, Jaspovice and Simons in Hayward:

"He's egotistical. He just thinks he knows what's going on and is not afraid to tell you what's going on. And most of the time, he's right."

Despite complaints, Hodge is generally respected by a wide range of lawyers, who call him creative, friendly and hard-working.

"What I really like about him is that he's just a regular guy," Weltin says. "He's open-minded, and you can develop a working relationship with him even on a first-name basis."

Sole practitioner Charles J. Williams agrees. "He's very, very approachable," he says.

"He's also organized," Williams adds. At the beginning of each case, he presents a set of instructions of how to approach a case and what he needs from lawyers," Williams says. "So you know right up front what you need to do."

Attorney Allan Gorelick says Hodge is one of the better judges in northern California. "I've known him for some years and have always found him to be hard-working, conscientious, intelligent and a fair-minded judge," Gorelick says.

Hodge, who is divorced, commutes to work each day on BART from his Berkeley home, where he and his son Aaron made headlines a few years ago after surprising a would-be burglar by chasing him off with a shotgun. He enjoys reading novels, going to ball games at the University of California at Berkeley and watching movies.

Hodge was born and reared in Martins Ferry, Ohio, where he was instilled with Midwestern values. He wanted to become a preacher and began delivering sermons while still in high school. He even ran his own church while supporting himself through Ohio Wesleyan University, where he earned a bachelor's in psychology and political science in 1960.

But after reading *To Kill a Mockingbird* and a book on famed attorney Clarence Darrow, he received his second calling and entered

law school at the University of Chicago.

He graduated in 1963 and joined the Coast Guard Reserve. Tired of the academic grind, he just wanted to do something that had nothing to do with books and learning.

The following year, Hodge began his law career with the Contra Costa County District Attorney's Office. For two years he amassed as much trial experience as possible and then joined the Oakland firm of Miller, Starr and Regalis.

But Hodge soon grew tired of playing second fiddle to the firm's top lawyers. He left in 1967 to open his own practice in San Francisco. He handled criminal cases defending Vietnam War protestors, prison activists and drug offenders. At one point he represented a Hells Angel accused of racketeering.

He also defended one of seven Hispanics dubbed *Los Siete*, who were charged with the shooting death of a San Francisco police officer. His client, the alleged trigger man, was eventually acquitted.

Eventually, however, Hodge found the growing field of entertainment law to be more lucrative. After a visit from rock star Steve Miller, Hodge went on to represent Boz Scaggs, Country Joe McDonald, Commander Cody and his Lost Planet Airmen, Kenny Loggins and film director Sam Peckinpah. He also represented poet Richard Brautigan, who he considered a friend.

Through the years, Hodge was asked by the governor's office for recommendations of potential jurists. Finally, he submitted his own name. His first assignment was in the juvenile and mental health division. He eventually went on to criminal work, but plans to stick with civil until his retirement in six years.

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