

Departing judge lauds jury system

Richard Hodge starts trials with 'To Kill a Mockingbird'

By Sharon Lerman
STAFF WRITER

OAKLAND — Since Alameda County Judge Richard Hodge announced his retirement from the bench, effective Saturday, fellow judges have shown interest in taking over something the civil trial judge has made his signature.

It is not his courtroom, the rather understated Department 30 at the U.S. Post Office building, or the many books, artworks and awards Hodge has accumulated during nearly 20 years of service.

Motivating jurors

What his colleagues are after, Hodge says, is something the 62-year-old judge borrowed himself — the passage from Harper Lee's Pulitzer-prize-winning "To Kill a Mockingbird" he reads to spur jurors to action at the start of every trial.

"I'm no idealist to believe firmly in the integrity of our courts and the jury system — that is no ideal to me, it is a living, working reality," character Atticus Finch says in his closing argument.

"A court is only as sound as its jury, and a jury is only as sound as the men who make it up. . . . In the name of God, do your duty."

For Hodge, these are the words that transform a newly seated panel from a bored group of citizens, flush with annoyance at being plucked from their working lives, to a thoughtful group of men and women prepared to make decisions that affect people's lives.

"Out of hundreds of jury trials, there's not five where I've disagreed with the jury's result, and on one or two of them I was wrong — maybe I was wrong on all of them," Hodge said Friday from his nearly empty office. "I



Hodge

"A lot of them come in here with a good dose of healthy cynicism. (Finch's) argument disarms that cynicism, I believe."

As a judge who seems more interested in engaging members of a jury than banging his gavel from on high, it is not surprising that Hodge brings the same zeal to his decisions.

Affecting people's lives

"(Civil cases) reflect reality a lot more than Judge Judy," Hodge said. "You come in here every day of the week and you'll find something that directly and importantly affects someone's life."

Hodge has twice been named Trial Judge of the Year, both by Alameda-Contra Costa County and statewide attorney's associations.

In presiding over complex civil trials, he is known for thoughtful contemplation of issues, impassioned written opinions and the occasional off-the-cuff remark.

Even as he granted a new trial last year in a case brought by the parents of slain Berkeley teen-ager Kenzo Dix against a major gunmaker, Hodge made sure the parties knew he thought the case was weak and could not be won.

But he did not offer this opinion to be offensive, he says. He did it out of sympathy for the victim's family.

"That's almost a purely political case," he said. "Dix's parents aren't in it for the money, I'm almost certain of that. It's just heartbreaking: The cause is just, but it's not the right case"

Judge: Hodge may may return to private practice as attorney

Continued from LOCAL-1

to hold gunmakers liable for deaths.

Appointed to the bench by former Gov. Jerry Brown, Hodge describes himself as "one of the last of the pre-Clinton liberals."

Environmental opinions

Hodge's opinions have garnered plenty of attention, particularly in the realm of environmental law. His landmark decision in 1989, which ordered the East Bay Municipal Utility District to maintain minimum American River water flows to preserve its wildlife, is referred to in textbooks as "Hodge flows."

As an entertainment attorney, a prior incarnation, Hodge received affection at a level not usually reserved for lawyers. He

was honored — publicly — by two famous clients. Author Richard Brautigan dedicated a novel to Hodge, and New Yorker cartoonist William Hamilton featured him in a single-panel gag.

Future plans

Although he is retiring from the bench, Hodge plans to continue private judiciary work. He hopes to take on judiciary assignments in the courts every now and again, on cases he finds interesting. And although he will not give details, Hodge says he may return to his first love — arguing cases as an attorney.

"I had huge cases," he said. "I came to the law not to do wills and trusts, but because I wanted to be involved in the human drama of trial. It's a chess game."