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The Law Firm of Bronson, Bronson & McKinnon: 1919 - 1941



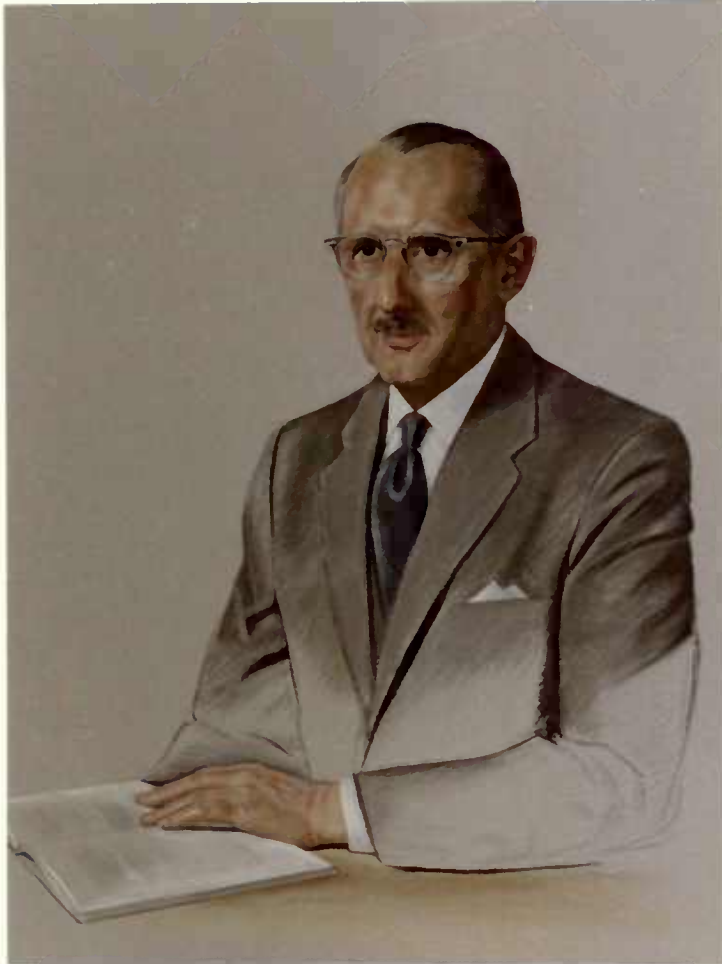
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ROY A. BRONSON



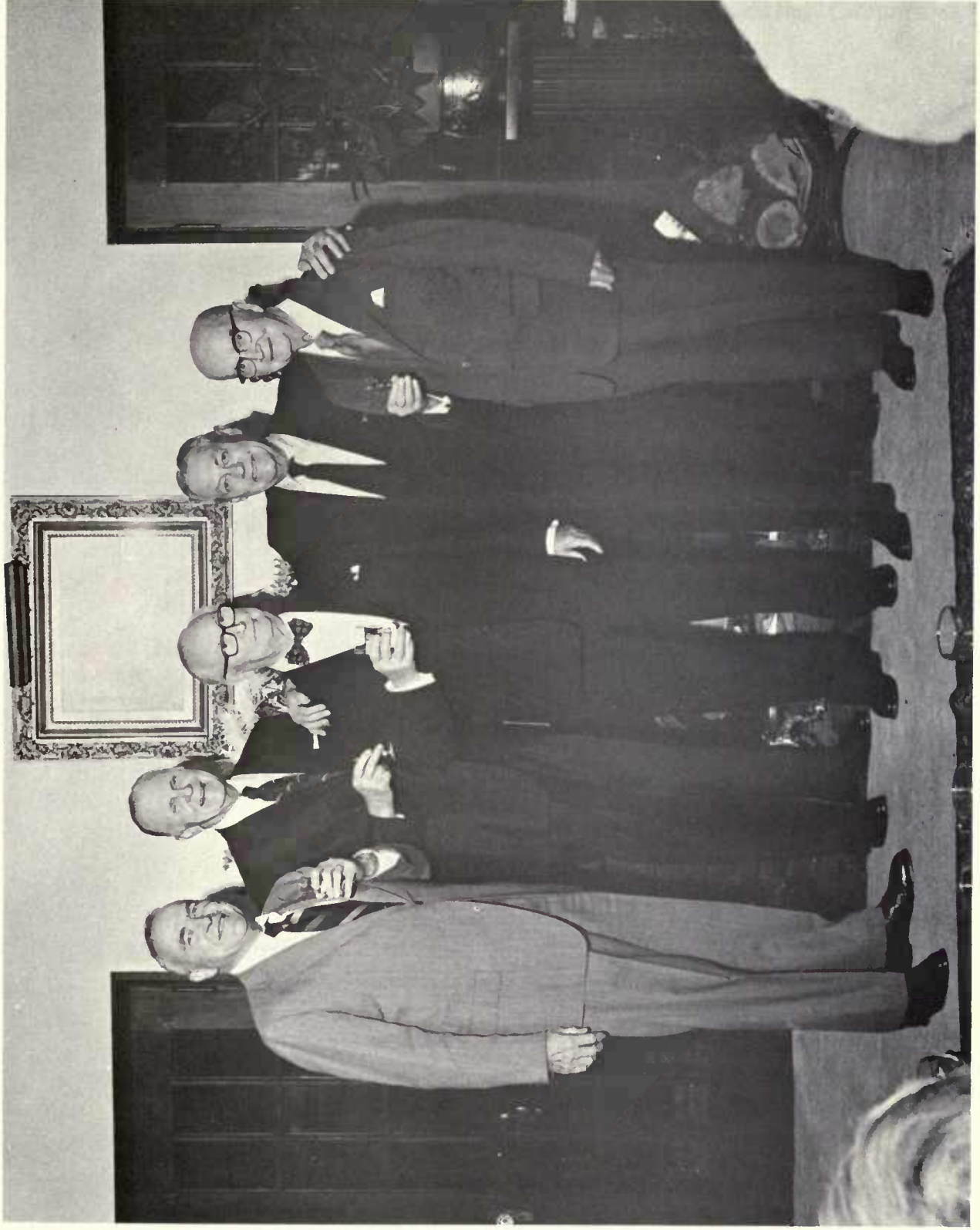
from portrait by Tanya Butler

EDWARD D. BRONSON, SR.



from portrait by Tanya Butler

HAROLD R. McKINNON



Retired partners, 1975

From left to right: John H. Painter, Edgar Rowe, Roy A. Bronson, Lawrason Driscoll, E.D. Bronson, Sr. Not pictured, Harold H. McKinnon.

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Rita Convery	<i>Not the Biggest but the Best</i>
Helen Frahm Tinney	<i>A Sense of Family</i>
Edward D. Bronson, Jr.	<i>Reminiscences of the Bronson Brothers</i>
Lawrason Driscoll	<i>A Career in Insurance Litigation</i>
John H. Painter	<i>A Career in Corporate Law</i>

Interviews conducted by
Joan M. Annett

Cryg no. 1

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Introduction

In 1918 Roy Bronson, a young man of twenty-eight years, opened a law office in the lightwell of the old Foxcroft building on Post street. Today the firm he founded numbers among the ten largest in San Francisco. This has been a singular achievement.

Many factors can be looked at to explain this accomplishment. A general cause has been the rapid expansion of San Francisco legal business due to the phenomenal growth of the Bay area's business economy from 1940 on, first from war-related industry and then from San Francisco's establishment as the West Coast financial center. But there were hundreds of law firms and thousands of lawyers available to take advantage of this hospitable environment. Why has Bronson, Bronson & McKinnon enjoyed such a disproportionate share of prosperity?

This volume of oral history interviews on the early, pre-World War II history of the Bronson firm focuses on the extent to which by 1940 the firm had positioned itself to take particular advantage of the legal boom that was soon to engulf San Francisco.

If expansion and prosperity have been typical for the San Francisco legal community *since* 1940, contraction and closure were more typical of the decades before. In 1918 the country was still in a post-World War I recession and California, in particular, seemed to be suffering from a surplus of young men eager to make their living at the bar. Perceptions about the overcrowding of the legal profession were strong enough to provoke debate among members of the California Bar Association about limiting lawyers by requiring a law school degree of new practitioners and expecting experienced lawyers from other states to pass California's bar examination.

The problems of starting a new law practice in California amidst such evidence of overcrowding were compounded in San Francisco by the particularly closed nature of the city's legal community. The established firms—some dating the start of their practice from the days of the Spanish land transfers and others having started with the railroads—had locked up most of the prosperous clients in the area. Social position as well as legal talent was necessary to break into this established circle. Herman Selvin, a lawyer-interviewee on another oral history project, has told us that he moved to Los Angeles after graduating from Boalt Hall in the early 1920s, because he did not feel there were any

opportunities for a young, unknown lawyer in San Francisco. As Jack Painter mentions in his interview below, "The good clients...were pretty concentrated in a few firms. They had chosen their legal representatives, and, believe me, they stayed with it."

So it could not have been an easy decision for Roy Bronson to open his solo practice in 1918. Mr. Bronson died just as this oral history of the law firm he founded was begun. I was only able to speak to him once. I would have like to have asked him what were his thoughts as he signed the lease for the two rooms in the Foxcroft. As the first interview in this volume tells us, Roy had thought carefully about the move. Did he ever dream in those first years that his one-man, one-secretary law office would become one of the ten largest in the city? Perhaps his vision of his future was never that specific. The modest tone of his unfinished sketch about the early years of his practice (reprinted in appendix one) does not indicate any such grand design. But the portrait of Mr. Bronson that emerges in the following pages shows a sharp-witted, energetic man who had good reason to be confident of his abilities to succeed in a demanding profession and difficult environment. In fact, Roy's skill at internal organization of the law firm and his dedication to building clients are the most frequently mentioned topics in the interviews below.

The second most common topic, of course, is the calibre of lawyers and staff which Roy attracted, particularly that of the two men whose names follow his in the firm's title: E.D. Bronson, Sr., and Harold McKinnon.

Ed was Roy's younger brother. He started practicing with Roy in 1921. In 1924 he was made a partner, and the firm was named Bronson & Bronson. Ed was fortunate to find in the law a perfect forum for his talents—the courtroom. And he set out to cultivate a practice in insurance litigation which not many firms had yet recognized as a valuable specialization. Ed does not appear to have shared Roy's concentration on creating a large law firm, but he made one of the first decisions which was to make growth and prosperity possible: in 1929 he decided to drop the firm's steady but low-margin reliance on workmen's compensation cases and to pursue the uncharted but more lucrative course of insurance defense trial work. Ed's reputation for trial work, and that of the stable of "trial horses" he soon put together, was to allow the firm to grow during the Depression while most other firms in the city stagnated or had to cut back.

In 1926, Tom Slaven from the Industrial Accident Commission had been invited to join the firm to boost their insurance contacts, and the firm changed its name to Bronson, Bronson & Slaven. Mr. Slaven was permanently disabled in an automobile accident in 1932. His place as the third partner in the firm's title was finally filled in 1937 by Harold McKinnon. McKinnon had been a classmate of Roy's at the University of Santa Clara law school. Roy had been first in his law class and McKinnon had been second. McKinnon was seriously ill during the first twenty years of his law career. He had to stop working altogether for some time. When he first came to the Bronson firm in the early '30s, he was only able to work part time, and throughout the rest of his career had to keep a careful rein on the numbers of hours he worked. But by all accounts, his contributions to the firm were unique and invaluable. He seemed to provide a necessary balance to the eagerness and flamboyance of the Bronson brothers. His methods of handling appeals and other written work in

the law lent a tone of professional sophistication to the young firm. His thoughtful mediation of disputes and organizational problems is commented on in several of the interviews that follow.

Ed Bronson died in 1976; Roy and Harold McKinnon died shortly after this project to record the firm's early history in oral interviews was conceived. Several years ago Harold and Roy wrote brief essays on the firm's early years. These are reproduced in the appendices to this volume. A brief tape-recording session I had with Roy Bronson in the Laguna Honda nursing home just before he died was not successful, and Mr. McKinnon's health was failing too quickly to make a meeting possible. But fortunately two former secretaries who worked for the firm in the '20s and '30s, two retired partners who joined the firm in the '30s, and Ed Bronson, Sr.'s son were available for interviews. The oral history interviews that follow represent the personal perspective of these five individuals on the first two decades of Bronson, Bronson & McKinnon's development.

The term "oral history" may not be familiar to some of the readers of this volume. The technique of oral history has been developed to preserve first-hand knowledge of important historical events and organizations. Oral history begins with a careful review of written documents and with background interviews to establish a context. Then interviews are conducted with selected individuals, preferably eye-witnesses or participants. For this volume, I interviewed two members of the firm's early secretarial staff, Rita Convery and Helen Frahm Tinney, a retired partner from the firm's insurance trial division, Lawrason Driscoll, a retired partner from the corporate division, Jack Painter, and Ed Bronson, Jr.

Ed junior was interviewed in his office at Bronson, Bronson & McKinnon's headquarters in the Bank of America building. The others were interviewed in their homes. At each interview, participants were given an outline of topics and supplementary lists of the firm's cases, clients, and members. These written materials were intended to provide a measure of organization and to refresh the interviewee's memory. Although 1940 was to have been the cutoff date for the topic of these interviews, the line is somewhat arbitrary and the interviews frequently go beyond this point.

The tapes of these interviews were transcribed in our office by Lee Steinback. I edited the transcripts to add punctuation, chapters, and subdivisions, to insure accuracy of spelling and dates, and to delete repetitious material. A copy of the individual's transcript was sent to each interviewee for further review. Interviewees were encouraged to add further details. Miss Convery, Mrs. Tinney, and Mr. Driscoll each added several valuable new stories. The interviewees also had authority to delete information, and several did so. The interviews are presented exactly as they were returned to us by the interviewees, along with appropriate illustrations, appendices, and an index.

The first interview is with Rita Convery. Miss Convery, as a young girl of nineteen on her first job, came to work as Roy Bronson's secretary within six months of his venture into solo practice. During the first few years of her employment, Roy was absent half days earning money to meet expenses by holding down a part time job at a neighboring real estate firm. Thus Miss

Convery witnessed more of the early history of the Bronson firm than anyone! She stayed with the firm for twenty-five years, eventually becoming office manager (although the title did not then exist), and therefore she was able to comment on the entire period of the firm's pre-World War II history.

The second interview is with Helen Frahm Tinney. Mrs. Tinney also came to the Bronson firm for her first job. She started as a legal secretary. But when Tom Slaven was injured, Ed Bronson called on her to act as a paralegal aide (again, with no official title as such), to help him through the rush of extra trial cases. Mrs. Tinney studied law at the University of San Francisco at night to train herself, thus she is able to comment knowledgeably on the legal activities of the firm up to 1940 when she left to be married.

The third interview is with E.D. Bronson, Jr. Ed junior is now a partner in the firm. He went to law school and joined the firm after World War II, and so can only speak of the pre-war decades secondhand. But he has thought a lot about the history of the firm that bears his family name. In a background interview we had, he mentioned he had once talked to his cousin, a professional writer who has since died, about doing a written history of the Bronson firm. Ed junior obviously shared a strong bond with his father, in whose footsteps as a trial lawyer he followed, and we can see in the accounts he gives of his father's professional advice to him, a reflection of Ed senior's attitudes towards legal practice and the specialty of insurance trial defense work.

The fourth interview, with retired partner Lawrason Driscoll, picks up on Ed junior's emphasis on the importance of insurance defense work to the growth of the firm. Mr. Driscoll shows a lively sense of humor in describing what it was like to be a young associate in the firm back in the 1930s. His account of his own style as a trial lawyer, contrasted to Ed senior's techniques, is evidence of the diverse personalities in the Bronson firm. This diversity is repeatedly mentioned as an important element in the firm's success.

The final interview is with Jack Painter, a retired partner who specialized in corporate law. His interview shows an unusual measure of thoughtfulness about what was involved in pushing the Bronson firm beyond its specialization in insurance defense work. Not all of the interviewees agreed on this, but Mr. Painter's decision to leave the firm in 1939 appears to have been a pivotal point. It brought to the fore the issue of establishing a partnership plan. The outcome was a plan unusually generous for that period to younger lawyers, and it must have played an important part in the vigor with which the second and third generation members of the firm have committed themselves to its growth and success.

Mr. Painter's return to the firm after his service in World War II and his determination to build up its corporate business was also a crucial turning point, for it marked the commitment of the firm to a broad, general practice.

A law firm with a dedicated and highly organized office staff, with a fruitful mixture of dynamic and thoughtful leadership, with a partnership and promotion policy oriented towards growth and future generations, with a prosperous caseload in insurance defense work and the beginnings of a diversification into corporate law: this is the picture that emerges in the oral history interviews that follow of Bronson, Bronson & McKinnon as World War II ended. Lawrason Driscoll comments in his interview that after the war "you could see the handwriting on the wall....We were beginning to get more clients

and more activity....You could see there were things in the wind. Or hoped—maybe it was just hope!" In retrospect, his hope was well-founded.

This oral history was funded in part by a donation from the Bronson firm to The Friends of the Bancroft Library. The Bancroft Library was founded as a part of the University of California at Berkeley in the late 1800s. The basis of the Library was Hubert Howe Bancroft's collection of early California documents. One of the most valuable parts of this collection is his transcripts of interviews with early California settlers done by himself and a staff of young researchers. In 1954, the Regional Oral History Office was founded to continue Bancroft's work in recording oral interviews on topics of California and Western history. The Office has a sizeable collection of interviews with prominent California lawyers and jurists. This volume represents the first opportunity we have had to focus interviews on the history of a private law firm, rather than on the careers of individuals. It thus adds an important dimension to The Bancroft Library's collection on California legal history.

This volume also represents our first attempt to produce oral history manuscripts with the aide of computers. The tape-recorded interviews were transcribed onto computer tape, were edited and formatted using the text editor of the UNIX operating system, and were automatically typeset at the University of California, Berkeley's Computer Center. I wish to thank Professor Michael Cooper, who sponsored this work, the patient consultants and operators at the Computer Center for their invaluable assistance, and Kendrick Hebert, director of the Center, who made funding available.

The Regional Oral History Office is under the administrative supervision of Dr. James D. Hart, Director of The Bancroft Library. Willa Baum is department head. We would like to thank Bronson, Bronson & McKinnon for their support on this project and to especially thank senior partner Vernon Goodin for serving as liason.

*Joan Annett
Legal History Editor
The Regional Oral History Office*



RITA CONVERY
1930

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University of California
Berkeley, California

Rita Convery

Not the Biggest but the Best

An Interview Conducted by
Joan M. Annett

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1

Roy Bronson Begins His Legal Career

His First Job with Dan Ryan

ANNETT: The first thing I wanted to ask is do you have any information about Roy Bronson's early career, before he started his firm in 1919 and you came to work for him?

CONVERY: No, except that he had been working for Dan Ryan, and then he and his brother had been running his father's grocery store down in Ben Lomond. Roy was looking for something to do while he made up his mind about his law career, and his father was unhappy with the fellow who was running the Ben Lomond grocery store. So Roy went down and took that over for a year or so. Ed was assisting him. They had lots of tales to tell about undelivered groceries and whatnot. They had a horse and cart delivery.

The Bronson family had a home down there at Ben Lomond, and the father also ran the Ben Lomond Hotel. That's the hotel that had the stream running through it. It was a beautiful place. I think it's still in operation, although it's changed hands a lot.

Then Roy came back to San Francisco and opened a law office in the lightwell of the old Foxcroft building. I started working for him about six months to a year after he started his practice.

When I came, in July of 1919, he was also working for Rucker & Company, a real estate firm, on a part-time basis. They were just across the street, you see, and they'd call him when they needed him. I think he spent most of his mornings over there.

ANNETT: Do you remember him making any comments about Dan Ryan and why he quit working for him?

CONVERY: No, Mr. Bronson was one who was not very free with criticism of people. But I gathered that Ryan was rather demanding—a tough Irishman. I never met Mr. Ryan, but that's the picture I got.

- ANNETT: What kind of law did Roy do for Dan Ryan?
- CONVERY: The usual beginner's research and preparation of documents and filing and errands and so forth.
- ANNETT: Mr. Bronson told me that Dan Ryan didn't pay him very much. Did Roy ever make any comment about that being a consideration for leaving Ryan's office?
- CONVERY: Of course, *no* one paid him enough. [Laughter] I felt that he resented Ryan's supercilious attitude toward a younger man.
- ANNETT: Can you tell me more of what you mean by that?
- CONVERY: Ryan would look down on him and treat him not like a professional. I never saw anything of that, but I just had that feeling from his reaction to Ryan. You see, I had just come there, I was nineteen, and he didn't confide in me very much at the time, inasmuch as I was trying to quit him every other day.
- ANNETT: Do you think Roy's experience with Mr. Ryan affected his attitude about how to run a practice and treat associates?
- CONVERY: I think it did, because he was always very patient with the younger men, and cooperative. He'd point out mistakes to them without being derogatory about it.
- ANNETT: In his essay, Mr. Bronson talks about working on the Islais Creek condemnation cases [see appendix for Roy Bronson's essay on the history of the firm]. Do you remember hearing anything about that?
- CONVERY: I heard him speak of them. I think they were just about being wound up at the time I came, but there was still some work to do on them. I think they were state condemnation cases. Islais Creek crosses Third Street. There's an estuary that comes up from the Bay. I think that was state-owned, and whether the city was trying to take it over, or what, I don't know.

2

A One-Man Office in the Lightwell of the Foxcroft Building

Rita Convery is Hired

ANNETT: Tell me the story of how you were first employed by Mr. Bronson.

CONVERY: Do you think that's pertinent?

ANNETT: Yes. In fact, there's a little essay by Harold McKinnon in which he refers to the episode of hiring you. [See appendix]

CONVERY: Oh? What was his reaction? [Looks at McKinnon's essay] I remember this now. McKinnon often recalled that episode. But let me tell you how it all started.

My plans were to go to the University of California after graduation from high school; I had the credits and all. Then we got involved in World War I. My older brother, of whom I was very fond, had gone into the navy. We were all wrapped up in "Bring the boys home" and that sort of thing, and I wanted to be patriotic and join the Yeomanettes, which was the secretarial-stenographic branch of the navy. To that end, I went to Munson's Secretarial School and took the full course, including bookkeeping, basic office procedures, and all that sort of thing.

Although the war was over in November, 1918, I finished the course. The day that they were passing out the graduation certificates I was over at our country home in San Anselmo. Anyway, I went over to Munson's on a morning to pick up the certificate. I had no intention of making application for a job because I was dressed in a Madonna blue sweater and a white pleated skirt, white shoes, and a white hat with a blue ribbon—you know, typical country dress for nineteen.

But Mrs. Munson herself was there. She said, "I have just the position for you!"

I said, "No, my mother doesn't want me to work in an office." In 1919, Mother felt an office was no place for an unsophisticated nineteen year old. However, Mrs. Munson insisted that I go down and do the interview.

"The experience won't do you any harm. Just go down and talk to Mr. Bronson."

Well, I was never one to fight back at my elders. So, I went down and talked to him, and he talked me into trying the job out for the day. When I went to look at the typewriter, this other woman who had been there put on her hat and walked out the door and didn't tell me where the stationery was, what kind of typewriter they had, or even where the dressing room was. That was it—she just left!

ANNETT: I thought you were hired almost immediately after he set up practice.

CONVERY: I didn't start with him until July, 1919. He had had this other older woman, Mrs. Rucklehaus. I had finished my secretarial training, but didn't have any experience and couldn't type too well on the kind of typewriter he had. And he hired me at *forty* dollars a month, not *fifty* [as Roy Bronson indicates in his essay]!

ANNETT: Somebody had been there for about six months?

CONVERY: At least that, yes, because there had been files set up and there was work in progress. Someone was definitely there when I came in.

Anyway, I tried the job out for the day. They had this Noiseless Typewriter, which had a double shift. You had to shift for the numerals and characters, and shift for your capitals. I wasn't too experienced in typing anyway, so I was really in trouble. I was set to copy a document in the case of *Green v. Borees*, and I couldn't get by the little block up at the top, you know, with the name of the plaintiff and defendant. I was under the impression that if you made a mistake in a legal document, which I did repeatedly, it was just all wrong. By the end of the day, I acquired a stack of paper which I had put into the typewriter and pulled out when I couldn't get past the title. I ended up going into the dressing room and tearing the ruined paper to bits and flushing it down the toilet. [Laughter] (It wasn't until much later that I found out Mr. Bronson was never very inquisitive about checking up on supplies.) Later when, as office manager, I had to keep a wary eye on supplies, this experience stood me in good stead.

When Mr. Bronson came back in the afternoon from his work at Ruckers, I said no, that I didn't want the job and I just couldn't handle it. Well, there was a little settee right next to the

door. He put his foot up on that and had the door blocked to a certain extent, and he talked and talked—"Oh, just come back and try it."

I went back and tried it. I think every other week I quit because it was just a terrific strain because I always wanted to do things right. But anyway, I ended up staying twenty-five years.

I remember that episode Mr. McKinnon is talking about [referring to McKinnon essay]. On that piece of paper that ended up in the waste basket, I spelled the word "think" as t-h-i-n-g because this typewriter, I tell you, was just a nightmare!

ANNETT: The Noiseless Typewriter Company was one of Bronson's clients, wasn't it?

CONVERY: Yes, that is the Noiseless Typewriter *Distributing* Company.

ANNETT: Was that ever a very successful firm [laughs]?

CONVERY: Well, I challenged Mr. Hooper, the head of the company, on the "noiseless" claim. Mr. Hooper was an awfully nice person. He said, "It's noiseless but not soundless." They finally went out of business because it just wasn't practical. But we used the typewriters for five or six years until we moved to the Hunter Dulin building, when we bought new equipment.

ANNETT: Roy Bronson had had quite a bit of legal experience by the time he set up his own firm?

CONVERY: Yes, I would say so for his age, because he'd been with Ryan, and Ryan had a diverse practice, and then he had been with Rucker Real Estate. He had another real estate client down on Montgomery Street. (I can't remember the name on that.) Also he was a student of the law, always had been and would be.

ANNETT: Did he impress you when you first met him as being an experienced lawyer?

CONVERY: Well, I had no way of judging—I didn't know a lawyer [laughing] from a garbage man, really.

Attracting Clients

ANNETT: So, you were there all by yourself in the morning, and Roy Bronson would be over at Ruckers?

CONVERY: Yes, or out playing golf, making contacts. [Laughter]

ANNETT: Do you know where Mr. Bronson golfed?

CONVERY: Mostly in the Oakland area. He belonged to the Athens Athletic Club. Then he went down to the links there down south of San Francisco.

ANNETT: Did he manage to pick up any other clients through his golfing activities?

CONVERY: I don't think a great many. I think his clients came more through word of mouth about his ability.

ANNETT: He tells about how he became an attorney for Rucker Real Estate—that he'd gotten that job through a friend of his from law school. Do you know anything about how he got some of these other clients [referring to a list of clients mentioned in RAB's essay—see appendix]? How about Butler-Veitch?

CONVERY: Butler-Veitch was an automobile agency on Van Ness Avenue. It principally handled Marmon cars and Fageol trucks. He got that account because Mr. Butler was married to Roy Bronson's older sister, Bernice, and so they were very close.

The Fageol account came through his association with the Fageol people at Butler-Veitch. Originally Fageol was just small trucks; and then Fageol Motor Company was organized, and they went into the bigger equipment. As I recall, there was some patent work on that too. That went on for years. Butler-Veitch did too, but Butler-Veitch didn't produce a great deal of business other than repossessions and collections. Fageol was always in litigation over the patents recognition and that sort of thing. So, they were a good client.

ANNETT: And do you know how he got the Noiseless Typewriter Distributing Company as a client?

CONVERY: I think that was through a golfing contact—through some personal connection. He golfed with "Hoop" as he called Mr. Hooper, the owner of the company.

ANNETT: How about the Chinese client that he refers to?

CONVERY: That was a character named O. J. Hoy. He was manager of a pear orchard at Sunnyvale. It was always a little mysterious to me, but I understood there was some absentee, wealthy owner. Hoy managed everything down there. And then Mr. Hoy had connections with the tongs in Chinatown. Before my time, I understand that Roy Bronson defended some of those tong people in some of their problems.

ANNETT: That was a Chinese gang?

CONVERY: Yes. Well, they called them tongs then. Now they call them gangs. But they were more of the old timers, you know, involved with gambling and smuggling in aliens. (The tongs termed themselves "Benevolent Societies".) I think they developed legal problems about getting the aliens cleared through customs, that sort of thing.

ANNETT: Do you know how Roy Bronson got some of the tong members as clients.

CONVERY: They would come through O. J. Hoy, but how he got Hoy, I don't know. I think he may have come through the Immigration Commissioner, whose son was a classmate of Roy's.

ANNETT: You don't remember the name of the ranch?

CONVERY: It had no specific name. It was on Berryessa Road and Alma, as I recall. That's all freeway and residential land now. Roy Bronson eventually acquired title to the ranch—about thirty acres. I don't know, but I have the impression that he paid about \$4000 for it. About that time Hoy disappeared. I think he went to China and didn't come back, and then the property was for sale and Roy Bronson acquired it and operated it for a few years. Later, after he tired of it, he sold it for \$6000. That's where all that freeway went in down there and the property later became very valuable.

ANNETT: Roy said something about Hoy having been a very profitable client over the years. Was that because he brought in all this other Chinese business?

CONVERY: The tong business was before my time. It could not have been too profitable. At the time I came Roy was practically without funds. The ranch operation was profitable to the extent that Roy Bronson took care of all the negotiations and contracts for the sale of the pears to the canneries, and that sort of thing. He picked up a nice profit (for that time) on the sale of the ranch.

ANNETT: Do you remember anything about the National Axel Corporation?

CONVERY: Yes. The name of the man who had that was D.J. Kyle. Roy Bronson's essay refers to him as "related by marriage to one of my cousins." That had to do with revolutionary axel construction, and it involved patents and that sort of thing. That went on to be a pretty substantial account. I think that was the one that caused Roy's first business trip to New York. He brought back to me a lovely souvenir from Tiffany's which I've been wearing as a locket ever since—a beautiful thing.

ANNETT: This was in the first couple of years, now, after Roy had opened his practice. Was there enough work to keep you busy as a full-time secretary yet?

CONVERY: Well, from the time I came until the end of that year was really tough going. I remember one month in the fall of 1919, it was a question of his either taking his wife and their new baby, Marjory, out of the hospital or paying my salary. He was very frank with me. I was living at home, and money didn't mean much to me anyway at that time, so I passed up my salary. Of course, by the end of the next month it was all taken care of. But there were times when he didn't know where the next dollar was coming from. Then by the end of that year things started to pick up.

A Young Lawyer with Young Clients

ANNETT: It sounds as if Roy Bronson was a young lawyer just starting out, and his clients tended to be young companies just getting started.

CONVERY: Oh, yes. He had no old-line companies at all. He was quite youthful looking, although very substantial looking and always well groomed and tailored.*

ANNETT: Do you have any recollection of other clients that he had in those early years and how he acquired them?

CONVERY: You mean before we moved from the Foxcroft building?

ANNETT: Yes.

CONVERY: There was Walkup Drayage, and there were bankruptcies which were referred to us by an attorney, Ernest Torregano. He claimed to be French. He was in the newspapers prominently not too long ago which revealed his lineage to be mostly Negro. He's dead now.

Then there was the Triple Lode Gold Mines, which Roy refers to in his essay, and San Joaquin Petroleum.

Triple Lode involved incorporation, stock issues, etc. This account came through Burt Chambers who was a salesman with Rucker Real Estate Company. A Mr. DeMaria and a Mr. Travares were associated in that. They in turn brought in other problems. DeMaria was involved in the restaurant business. Travares was a stock salesman and promoter—involved in country club promotions. Triple Lode was formed to develop mining claims in Copperopolis—which proved unproductive. They finally ran out of

*Roy Bronson was twenty-eight years old in 1919 when he started his firm.

money and the project was abandoned.

San Joaquin Petroleum was referred to Roy by James Hoey of Martinez, an attorney friend who was a brother of the Mr. Hoey who headed the company. They thought they had struck it rich. Mr. Hoey, the head man, would bring to the office glass jars with so much oil in them [gestures] and so much sand [gestures]. There was, and still is, lots of oil there. San Joaquin finally ran out of money. Their drilling bits kept breaking, which required endless "fishing" and replacements. That was way back in the early twenties, long before they had any of the modern equipment.

It's probably just as well that San Joaquin folded. If it had been successful I think Bronson, Bronson & McKinnon would never have gone on to its present eminence.

ANNETT: Everybody would have made a fortune and retired?

CONVERY: I think so. I know I would have [laughs].

That was over fifty years ago. If they'd been able to stick with it, we would have all been millionaires. I had quite a bit of stock in that, and I also kept their books on the side. I kept books for the Triple Lode, too. I was able to pick up a little extra money because Roy Bronson couldn't afford to pay me too much, which was okay.

Then there was the California Sweet Potato Company. Roy's brother-in-law, Eimer, who was with the Standard Oil Company, was interested in that. They were not only growing sweet potatoes down there, but they had a project for creating alcohol from them. But then came prohibition and that eventually petered out.

ANNETT: These all were basically young companies?

CONVERY: Yes. Mr. Bronson's work for these companies generally started with incorporating them.

Then there was this fruit drying concern—which was way ahead of its time too—started by two young men. That again involved incorporation and patents, but they ran out of money, and then newer methods came in.

Roy Bronson also worked on the formation of an irrigation district down near Modesto. It was the Modesto Irrigation District.

There was the incorporation of Sanger Medical Instrument Company. That was a little daring. You know Margaret Sanger who developed birth control devices? These two men thought they could capitalize on her name by incorporating with headquarters in the town of Sanger. Then they planned to use the title Sanger Medical Instrument Company and sell similar devices. They were stopped short on that when they tried to sell stock.

ANNETT: Did Mr. Bronson ever comment on his feelings about working for that company?

CONVERY: He made no comment to me. That was about 1921; he could not afford to be too choosy at that time.

There was Cap Hansen, a friend of Captain Klitgaard, a client. Hansen was into buying and selling oil leases in New Mexico. Ed was personally active in that venture. The office did the legal work but was not involved in the action. I don't think it was too profitable.

After Hood and Strong, a young certified accounting firm, was engaged by Roy to do the office annual accounting, they became a source of many references

Beginning in the lightwell days, and for years after, Roy had a very substantial client—E.H. O'Brien, owner of C.E. Bickford Co., coffee importers. O'Brien regularly supplied us with choice coffee samples.

That about brings us up—as far as I can recall—to the move to the Hunter Dulin building. As you can see, things picked up in a hurry after I came in 1919. I think I was Roy's good luck charm.

ANNETT: Yes, it looks like a number of those first clients that Roy got really turned out to grow, and the firm must have prospered with them.

CONVERY: Like Fageol Motors, for instance. They just spread out. There was Fageol Motor Company, Fageol Coach Company, and there was the truck factory development over in San Leandro, and then there were patents involved.

Ed's and Roy's Business-Like Attitudes

ANNETT: Do you remember how Mr. Bronson got involved with Hood and Strong, the accounting firm?

CONVERY: Roy Bronson was very businesslike, and as soon as he brought in Ed as a partner—there were just the two of them then—he decided that everything should be on a businesslike basis and the books audited. It wasn't because he didn't trust me, I hope, [laughs], because there wasn't that much money involved. Hood and Strong was, and still is, a certified public accounting firm. The Bronsons were very impressed with the Hood and Strong office and the office personnel, one of their young men in particular who later married Mr. Strong's daughter. Hood and Strong remained accountants for the Bronson firm long after I left. They probably still are.

I think Roy's grocery experience down at Ben Lomond had a good deal to do with his business outlook. I think he picked up some of his business sense from his father. His father owned that hotel down in Ben Lomond, the grocery business, and they had a home down there as well as in Oakland. You don't accumulate those things without having some business method about you.

ANNETT: Did Ed have that same quality of being very businesslike?

CONVERY: [Laughing] I'll never forget, one time Roy Bronson was talking about Ed and saying how his bureau drawers were all just like this [gestures]—everything lined up in rows in its place! Roy thought it was a little on the old maid-ish side of things. But he didn't criticize Ed to many people. This was before Ed was married.

Ed was always very methodical about things, and neat, but he was not to the point of it being an obsession.

ANNETT: So, Ed in many ways was even more organized than Roy?

CONVERY: He wasn't as forceful. And of course, soon after Ed came in, he had Helen Frahm. She was devoted to him, and she was very intelligent and competent. She kept his personal books. Roy was more forceful than Ed, there's no question about that.

A Small Business Clientele

ANNETT: Can you generalize at all about what kind of cases Mr. Bronson handled? Was it mainly small business matters?

CONVERY: Well, it was beginning businesses and people with ideas. But he'd try anything. I remember once a Mr. Zwerling came in and wanted a patent for a new type of pendulum clock. Roy worked on that and prepared the patent papers, just reams and reams of them, and sent them to the patent office. They returned them to Mr. Zwerling and suggested that he get a patent attorney. [Laughter] So, that was the end of patents. On the following patent problems, he always consulted a patent attorney.

ANNETT: So, he was beginning to establish referral relationships with other law firms. You mentioned some guy referred bankruptcies to him, and then he would refer patent cases to other people. Do you remember any other connections like those?

CONVERY: James Hoey of Martinez is the only other attorney referral (on San Joaquin Petroleum) I can recall. Undoubtedly there were others. Roy Bronson was very good at bankruptcies. He was well organized and got his facts, figures, and law together and knew how to present them?

ANNETT: Do you ever remember him refusing to take a client?

CONVERY: Not definitely, no. But he avoided criminal cases and he avoided messy divorces. He did, however, in my time handle one criminal case. This woman was accused of killing her husband. Her defense was that she was unbalanced because she had had a hysterectomy. In order to back that up, Roy called in Dr. Rodney Yoell, who was a classmate of his at Santa Clara. He prepared a hypothetical question covering the emotional responses resulting from ovary surgery, from elephants to chimpanzees. It went on and on and on! I had to take that down. Of course, I hadn't any idea of some of the terms—still don't. [Laughs] But she went to jail. That was the only criminal case he ever handled of which I know.

Laying the Groundwork for Future Growth

ANNETT: Do you remember him talking much about his ideas for building a firm?

CONVERY: At that point I think it was just a question of survival, but everything was organized as if we were meant to grow. He had me start on the books quite early, and, let me tell you, before we moved into the street-side offices of the Foxcroft building, there wasn't very much to put down.

He was very careful about doing work on time and keeping records. The trouble with so many attorneys, especially attorneys on their own, where there are time limits on doing things, especially court cases, they let them go by and then they're penalized. I don't know of the office *ever* being penalized for not getting the job done on time, and done properly.

ANNETT: That's important to know. Did he talk much about how he intended to promote his business, about how he hoped to get more clients? Were you very conscious of that?

CONVERY: No, not with me, and he talked over everything with me, including his family problems. I think he was just naturally a creator—a builder. He had pride in his job. I think he felt that you just can't stand still, and in order to be anyone or do anything in your profession you have to keep working at it.

ANNETT: Can you elaborate on that at all?

CONVERY: One usually goes into a profession with the idea of growing, and he definitely had that, but I don't think he had any concrete plan that he'd finally end up on top of the Bank of America building. No, when we moved into the Hunter Dulin building, that was the nth degree! Really pretty plush for that time.

Roy was a very likeable person. He liked people, and he was very friendly and very honest. I never heard of him ever double-crossing anyone or taking nasty revenge on anyone. He was a product of a large, high-class, middle-class family—I mean *educated* middle-class family.

Early Associations with Other Lawyers

ANNETT: Do you remember much about his association with Bob Carlisle?

CONVERY: [Laughing] Yes, Bob Carlisle was a character. To begin with, he had one eye; he had a false eye. He used to take it out in order to startle me. He had a very quick way of talking, with a Texas accent. He was just never very well groomed, and was always scratching—just not a very likeable person. What his legal ability was, I really was not qualified to judge.

ANNETT: So, that relationship didn't last too long.

CONVERY: No, it didn't last too long. I don't think Carlisle was there more than a few months. He kind of forced himself in. Roy Bronson turned him down first. Then he just kept coming back and saying he'd work without a salary—just being paid for overflow work that he did. Roy finally folded and said, "Well, come on, we'll try it out." But Carlisle didn't have any business following, and as I say, he just wasn't the type of person that would fit in with the decor. He was there between the time Tramutolo left and Hull was hired.

Chauncey Tramutolo came into the office in late 1919. Roy Bronson doesn't mention anything in his essay about Tramutolo. I'm sure that it was at the end of that first year—1919—that Chauncey Tramutolo, who had been an assistant U. S. Attorney, came into the office. At that time, we hired another secretary, Vivian Berges, and then shortly after that took on a room, one side of the reception-steno room, with a big conference table, and two additional offices. One of those offices was sublet to Niderost and Tabor Jewellers. Mr. Niderost was Tramutolo's brother-in-law. I'm sure it wasn't a partnership arrangement with Tramutolo, but what the split was, I don't know.

ANNETT: Did Roy Bronson invite Tramutolo into his office?

CONVERY: I think it was a mutual agreement. I don't know how the decision was made. Tramutolo and Roy Bronson went to Santa Clara together, and it was through that connection that they got together.

ANNETT: But that apparently was a prosperous move for Roy Bronson.

CONVERY: It was about 1919 that prohibition went into effect, and Tramutolo had quite a few [laughing] bootlegger clients, and that was very remunerative. About the end of 1921 Tramutolo left and opened his own office, and Vivian Berges went with him and stayed with him for thirty years.

Both Tramutolo's and Roy's clients were increasing. They were more or less at a cross-road. Roy chose the more dignified road rather than the more lucrative (for that time). The association and separation were amicable. Roy and Tramutolo remained friends. Vivian Berges is still my good friend. Tramutolo took me to the Democratic National Convention in San Francisco in 1920.

Then we gave up the offices in the lightwell and moved into front offices in the Foxcroft building—two with Post Street windows, one for Roy and one for Ed, and two inside.

That's when E. E. Hull came in. He didn't last long. I don't know why he left or was let go; he was supposed to do research work. He had been with some corporation before—Southern Pacific, I think. He was a much older man and a little bit of a fuddy-duddy. He probably thought there'd be more work for him.

ANNETT: Do you know how Mr. Hull came to be hired?

CONVERY: Probably through inquiry at the Bar Association.

Harold McKinnon Enters the Picture

ANNETT: Was Harold McKinnon the next one to associate with Roy?

CONVERY: Harold McKinnon, at the time I went to work in 1919, was with Archie Johnson, who was ex-Governor Hiram Johnson's son. Arch Johnson was a friend of McKinnon's through some connection. I don't know what the connection was. McKinnon lived at the University Club, and I think he met Arch Johnson there, because McKinnon more or less traveled around in a social group through connections with the University Club. As a matter of fact, McKinnon married a very social lady—high society, as they sometimes call it. She was a very fine person.

Being friendly with Roy Bronson, McKinnon was in and out of our office up until the time he went to the sanatorium. Then Roy Bronson kept in touch with him. Mr. McKinnon had contacted tuberculosis during the war, but I think what precipitated the

attack that sent McKinnon to the sanatorium was a family tragedy. He only had one brother—a younger brother named Cap—who was studying at Santa Clara in medical school. Cap was killed in an automobile accident early in 1922. Cap and Harold had been very close. It was Harold's car. The brakes slipped as Cap got out on the Powell Street hill. In trying to stop the car to protect others, Cap was killed. This was a terrific shock to Harold. He had to take his brother's body back to Arcata. Soon after that he went to a health sanatorium near Auburn, where he was until about 1930.

ANNETT: Do you know why Harold McKinnon left his old job with Arch Johnson and came with Roy?

CONVERY: It was at Roy's urging, after Tramutolo left. It looked like a more promising opportunity with Roy, and a more pleasant opportunity. Also, he and Roy Bronson were very close all through school. Harold McKinnon used to come home weekends with Roy before Roy was married—to the old home over in Oakland. You see, Harold's home was in Arcata. They'd camp out in the backyard. The Bronsons had quite a large home over there.

ANNETT: I never knew that they had been close friends before they started practicing.

CONVERY: Oh, yes. As a matter of fact, Harold used to say that Mrs. Bronson [Roy's mother] blamed him for some of Roy's escapades. It was typical university stuff, I guess. Maybe too many beers at a time.

ANNETT: Roy Bronson mentioned that there was some friend who talked him into going to the University of Santa Clara. Was that Harold McKinnon?

CONVERY: I don't know. I don't recall it was ever mentioned to me. I don't think he knew Harold McKinnon until he went to Santa Clara.

ANNETT: What were McKinnon's ties to the Bronson firm while he was in the sanatorium?

CONVERY: Just kept in touch. Writing back and forth as friends. Roy would visit him occasionally. There was no financial arrangement that I know of; I'm quite sure there wasn't.

ANNETT: Did he do any work for the firm at all when he was able?

CONVERY: After he came back, yes. As I recall, not while he was in the sanatorium because he had a lung collapse and he was flat on his back for several months.

The story by Mr. McKinnon [referring to McKinnon's essay on the firm, reprinted in the appendix] is very interesting; he doesn't do himself justice in his little essay on the firm and why it grew. He doesn't give himself very much credit, and doesn't give me very much credit, which I don't deserve [laughs]. But I got quite a kick out of reading that story about my typing a doodle about quitting if the work in the office didn't pick up so I would have something to do, and Roy Bronson finding the doodle in the waste basket after I went home for the day. I found plenty to do soon after. Anyway, I would agree with Mr. McKinnon all the way through his story, except to the extent he doesn't give himself credit as a stabilizing influence. Somebody should give McKinnon credit for it. He was very solidifying as part of the firm. Any tough question that came up was always referred to McKinnon, who had the answer on it. While friendly with the staff, he maintained his dignity at all times.

ANNETT: Everybody speaks of him as having had a very impressive mind.

CONVERY: To me, the most impressive thing about his writing was it was so clear and so concise. While he must have had a vocabulary equal to any in the country, he never used what they call two-bit words. He always phrased it in the simplest and the shortest way; there was no question about his meaning.

ANNETT: Who can tell me about Harold McKinnon?

CONVERY: Well, what do you want to know about him?

ANNETT: Just about his family background, his personality, the kinds of contributions he made to the law firm, that kind of thing.

CONVERY: Let's see, I made some notes here. Harold's father was a doctor in Arcata, and he also had a small hospital there. His mother was a very devout person. After I'd left the office, I had a gift shop over here. Two women came in one day and asked about my background—everyone does, just conversation—and it turned out they had lived in Arcata. They told me that everyone admired his mother so greatly. She wasn't a beautiful woman. She was small. They said that every transient that came through Arcata from the lumbering camps up there could always find a meal on her back porch, or was brought into the house.

I recall her coming into the office when she came down once from Arcata to attend the symphony with Harold and his wife.

Harold McKinnon often referred to his grandmother coming over across the United States with a shawl on her head—you know, typical immigrant. I think she was from Scotland.

When Harold left the sanatorium (about 1930) he returned to the Bronson firm. He was made a partner about 1937. Mr. McKinnon was what they call a lawyer's lawyer. If any outstanding question came up, he was consulted. He made a lot of difference in personal things, in ways of directing and influencing people in the office without being offensive.

McKinnon lived at the University Club for years, and then he married Katherine Duer Stoney. She in some way was related to Mrs. Mackay, the wife of one of the big four in the silver mining. Mrs. McKinnon was also the niece of Mrs. Babcock, who was quite wealthy and had an estate in San Rafael, which after she died was turned over as a public park to the County. Harold and his wife were close to her. Mrs. Babcock and her husband were the owners of the Babcock building down on Sansome Street, I think it is.

Then, of course, through his wife's connections, McKinnon went to a lot of social affairs. Although ordinarily he was quite reserved, he'd come in and tell us how the butler had served cocktails this way and that way, and the maid had done this and that and the other thing. But he didn't get very much business from that element.

So, that's about all there was to tell about him. He led a very circumspect life. Mrs. McKinnon was a very fine person, interested in church work and charities.

ANNETT: They never had any children?

CONVERY: No. They were both in their late thirties or early forties when they married.

ANNETT: Do you remember any nieces or nephews or people like that who could tell me anything about him?

CONVERY: I've never heard of any of his relatives.

Ed Bronson, Sr., Decides to Become a Lawyer

ANNETT: And then shortly after this, Ed Bronson was talked into becoming a lawyer, and he joined the firm. Can you tell me that story?

CONVERY: Well, I didn't hear too much about him being talked into it. Ed just appeared one day in late 1921, and announced he was going to be a lawyer. He stayed around the office for a couple of months getting the feel of it. In the meantime, he was taking coaching lessons (he never went to law school). Then as soon as he was admitted to the bar in 1921, he was hired. He used to come to me for help. He didn't know a demurrer from an answer from a

complaint. At any rate, he overcame that in a hurry because he was brilliant.

ANNETT: Did Roy Bronson have anything to do with talking him into becoming a lawyer? Do you know anything about that?

CONVERY: I rather think the father was more influential than Roy, although I don't know. Ed had been working as a tire salesman, which was not much of a challenge to his education, intelligence, and ability.

Ed's and Roy's Family Background

ANNETT: Can you tell me about the Bronson family?

CONVERY: Mrs. Bronson's name was Mabel Knox Bronson, and of course the father was E. D. Senior.*

The family lived in Los Angeles before coming to Oakland. I believe both Mr. Bronson and Mrs. Bronson senior were from the Midwest somewhere. She had a brother who was a Reverend Knox; what sect it was, I don't know. Mrs. Bronson was just a homebody, a delightful person. Often she would call me to have me pick up something on sale at the old White House department store. I think they both went to college; what degrees they had, I don't know. Mr. Bronson senior was a book salesman, very successful. Then they had the eight children, four boys and four girls.

They were both very interested in the office. They'd drop in every so often, and either Roy Bronson or Ed Bronson would take his mother out to lunch. Then the father would come in and pop into my office and say "Now Rita, don't let the boys spend too much money!" [Laughter]

The oldest girl, Bernice, married Mr. Butler of Butler-Veitch, and then Marjory married Eimer, who was an engineer with the Standard Oil Company, and Helen married a chiropractic doctor, and Antoinette married— I forget what her husband's name was, but they all went through college, went through Cal. They all seemed to be happily married.

Knox went about a year to Cal and then was driving a truck—kind of hadn't found his way around. Dick graduated from Cal in Engineering. (Roy always maintained it was Dick who had the brains in the family.) Of course that was approaching the Depression and there were no jobs. Ed's first wife, Martha Duke, was from the South. Her mother had had a successful business (Duke Mayonnaise) in the South. When Martha's mother

* Ed Bronson, Roy's brother, was originally E.D. Bronson, Jr. But then *his* son, E.D. Bronson, III, joined the firm in the '50s, and by this time the grandfather had died, so Ed, Roy's brother, changed from Ed junior to Ed senior, and his son dropped the "III" and became Ed junior.

followed her to California, she had her houseman, Esque, make up in her home kitchen sandwiches which she placed in a Berkeley soda fountain. Those sandwiches were so good and sold so fast. Dick and Knox started going around and putting them in coffee shops and whatnot. They built up quite a business just that way. That was the beginning of the Duchess Catering Company, which was very successful. In addition to that, Dick had several patents on deep frying and coffee dispenser machines. So they both ended up millionaires, so I have been told—much more profitable than the law business, but I imagine the law business was much more interesting.

ANNETT: So, Roy and Ed seem to have come out of a home that prized education and accomplishment highly.

CONVERY: They had education in the whole family atmosphere. I don't know what their home training was, but I imagine it was just understood that they'd get out and do well for themselves. They were all very congenial. There was, as far as I could see, no bickering. I was over there for a couple of the weddings, and they all seemed to be just pals.

The Relationship Between Ed and Roy in the Firm

ANNETT: What was the working relationship between Roy and Ed?

CONVERY: It was always relaxed and very friendly, except that Roy really held the whip hand all the time—he did not use it often, but he was in the driver's seat. But the brothers were very friendly. They always conferred on things. Even later, with the partners and the younger men, they had meetings every Monday morning and went over everything and discussed everything and got ideas from everyone.

ANNETT: What was the allocation of work and money between them?

CONVERY: Roy Bronson was never very fond of trial work. But Ed Bronson was; he was just a natural for it. He was cool and had his work prepared and of course was intelligent. When he came into the office, he was given a quarter interest by Roy—gratis!

I think they each worked equally hard and took equal burdens but did different types of things. Ed Bronson did take some probate work, but I recall he pulled an awful boo-boo [laughs] on one of them and that ended probate work for him. He didn't do any corporate work; Roy Bronson did all the corporate work at first. Later McKinnon and others assisted. I think Ed went right into the insurance trial work.

ANNETT: Did they seem to share the same ambitions about building the firm?

CONVERY: I think that was Roy's push. I think Ed always had more or less the younger brother attitude. No acrimony between them, but just a natural way of looking up to Roy, although Roy didn't look down on Ed at all, that I know of. Oh, once in a while they'd pop off. You can't make them too pure.

ANNETT: So, they really did make quite different contributions to the growth of the firm.

CONVERY: I would say that Roy Bronson made the greatest contribution to the growth, because by the time Ed came in the insurance business was just getting rolling, and Ed took over that.

ANNETT: Do you mean Roy was responsible for getting the first insurance business and Ed took over from there?

CONVERY: Yes. Then of course when Slaven came in later, the insurance work just piled up. Roy then concentrated on other matters.

Building a Clientele Through Outside Activities

ANNETT: What were the outside activities of each brother at this time that might have brought in clients?

CONVERY: I think golf was in the early years; that was about the only thing that Roy could afford, was golf once in a while. Then later he was interested in horses. He belonged to the Sheriff's Posse, and the San Francisco Horseman's Association. Later too, he was involved in the development of the Cow Palace. The organizers of the Cow Palace were mostly prominent San Francisco business men. In the thirties, Roy had a fling at buying, selling, and breeding horses—not remunerative, but fun.

Of course, Roy belonged to the Santa Clara Alumni Association and the Laymen's Retreat Association, a Catholic organization. Those paid off later in connection with Morris Noble Investment Co., because Morris was active in the Layman's Retreat. But that was much later.

Really, at the start he didn't have too much contact with anyone. He had two new babies, and that was about it. Up until the time we moved to the Hunter Dulin building, I think he had no time or money for any outside interests, although early on he belonged to the Athens Athletic Club in Oakland, which was a good contact.

ANNETT: Roy was Catholic?

CONVERY: Yes. He became a Catholic when he married Clarice Bronson, his first wife. For years and years he was a very devout Catholic and was very interested in this Laymen's Retreat. He was buried from St. Mary's Catholic Church.

I don't know what Ed did on the side. You probably could get some ideas from Helen Frahm on that [see below, Helen Frahm Tinney interview]. He had no outside activities, that I know of.

Organizing the Office and the Staff

ANNETT: Who taught you how to organize a lawyer's office?

CONVERY: I guess I just naturally figured it out. I had a fairly good basic education. I came from a well-organized home, was naturally curious, and had pride in doing well whatever I did. Whenever a problem came up, I tried to work it out and work out short-cuts for synchronizing the work and then clear it always with Roy Bronson. When challenged with a problem, I never said, "I don't know"-period. Rather, I'd say, "I don't know, but I will find out." Most of the time I did.

One thing I'm really pretty proud of was that probate schedule. When we first started to do probate work, every time you had to prepare papers on it, somebody had to go and look up the probate code—mostly time schedules, as you know. I worked that out on a form schedule. That eventually sold, almost word for word, in the stationery stores. It was a very simple thing; it simply made a list down of the documents that ordinarily were prepared, and the sequence and the time at the date they had to be filed. We used it for years in the office, but then somebody got a hold of it outside and had it printed.

ANNETT: Did Mr. Bronson leave most of the office details to you? Did he take much interest in how to set up an efficient office organization and all?

CONVERY: He took a great interest—discussions and suggestions—but from the start the execution was my responsibility, starting with preparation and indexing of files. The first indexing was in a little black book, just 3 x 5 inches. This grew and grew, to be eventually supplemented by the Roldex system. Later there was hiring and training the girls (sometimes the boys too); buying stationery and supplies; developing most of the forms and procedures set out in the secretaries' office manual; keeping the office books and Roy's personal books; billing clients; and so on.

The last piece that I contributed was the secretary's office manual. At that time there was no such thing as an office manual legal or otherwise that we could locate for reference. The closest we could get was the army manual, which was way out of line. Eimer, the brother-in-law who worked for Standard Oil, showed me their office manual. But it was mostly on corporate matters. So we had to start ours from scratch.

ANNETT: At the end of 1926—your last year at the Foxcroft building—how big a firm was it?

CONVERY: There was Roy and Ed. Tom Slaven came in just while we were moving into the Hunter Dulin building. Gordon Keith came shortly after the move.

ANNETT: How large was the office staff?

CONVERY: Just myself and another girl. She was "terminated" before the move—not permanent material.

ANNETT: In thinking back about those early years, from 1919 to 1926, does anything strike you as having been a turning point in the success or prosperity of the firm?

CONVERY: No, except that the business was building up gradually to the point where something had to be done. The situation there in the Foxcroft building was that there was no place to expand. I think at that time there were negotiations with Slaven about joining them, so they knew they'd need more space. Also, there was just the one insurance company as a client, the Commercial Casualty, but there were other contacts, and it looked like they'd get other insurance companies, and something had to be done. The new Hunter Dulin building was about to open, so we went there.

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The Firm Expands and Prospers: 1927-1941

The Move to the Hunter Dulin Building

CONVERY: Once we got into the Hunter Dulin building, and Slaven came in with all his insurance contacts, one insurance company after another would see the results and they'd inquire and come in.

Soon after we went into the Hunter Dulin, there was myself and a telephone operator and three secretaries, and they just kept adding; we had five secretaries besides myself and the telephone operator before leaving there.

Roy Bronson started the scrapbook with all the letterheads and announcements of new members about that time. He had in mind keeping some of each of those announcements, which would in itself be a history.

The Firm Starts to Expand in Numbers

CONVERY: So, first we got Tom Slaven, and then Gordon Keith was the next one hired. Slaven was given a quarter interest in the firm by Roy—gratis. Slaven originally worked at the Industrial Accident Commission. Keith worked there too, and Slaven brought him in. Keith had insurance contacts too, but that was mostly industrial accident [workmen's compensation] cases. There was a great deal of that; Keith handled all of the Industrial Accident cases. He had a secretary just for that work.

Eventually we got rid of the workmen's comp cases. Gordon Keith took all of those clients, with Ed's blessing. Ed didn't want them, and Keith started his own firm with Frank Creede, who had also been with the Industrial Accident Commission. Ed felt that field was too routine. Fees were set by a schedule, procedures were more or less uniform. He did not think it was a profitable or challenging enough kind of law.

After Keith left, we hired Archie McDougall. Archibald McDougall was from the University of Santa Clara and his first job was with the Bronson office. Four years later he took off for Sacramento. His family lived in Sacramento and was quite prominent. His father was an elected official. He had connections up there and did very well. In fact, he was involved in the organization of the Squaw Valley ski area and other litigation that arose out of that; he was in the paper quite a bit over that. I think he's dead now.

Then Dudley Sheppard and Jack Painter—both new lawyers—were hired. Things were looking good, then Slaven was in an accident.

Tom Slaven's Accident

CONVERY: Tom Slaven was badly injured in an automobile accident.* There Roy Bronson again rose to the challenge and took care of processing all of Slaven's insurance claims. Slaven had a severe head injury, became violent, and was hospitalized for months. When he came out of that and was well enough to be around and do things, Roy gave him the opportunity to come back and work in the library, to try to build up his confidence and see if he could come back. It turned out that he just wasn't able to get that far. But Roy did give him that chance. Roy was very interested in everyone in the office.

ANNETT: Do you know what happened to Mr. Slaven?

CONVERY: He was never able to practice law again. Slaven was well insured and Roy was able to make the insurance companies pay him full disability. Slaven used some of the money to train himself in real estate.

The Firm Continues to Grow

CONVERY: Have you interviewed Driscoll and Painter?

ANNETT: Not formally yet, but I will.

CONVERY: Driscoll is terrific! I think his father had been an officer of the Hibernia Bank and at this time was head of the Homeowners, a government board. Helen can tell you a little anecdote on the hiring of Driscoll. Ed Bronson was saying to her at one time, "The

* The accident happened on June 7, 1933.

next one we get in here, he's not going to be Catholic," because a few of them before were—no, no, not too many. Anyway, Helen said, "Well, you're in for a surprise. Lawrason Driscoll's a Catholic." [Laughter]

It was Driscoll's father who got all those Homeowners Loan Corporation cases. He had been an officer of the Hibernia Bank and at this time was head of the Homeowners, a government board. They'd taken all these mortgages during the Depression, and then they began to go into default. No questions about the fees—they were all set—and they all followed the same pattern, more or less, of preparing the documents and following them through. That was quite a boon. We needed steady-paying business at that time.

I notice that McKinnon [in his essay] referred to the office defending insurance cases other than automobile accident cases. There was the one on a defense against trichinosis. Painter handled that, and he can give you all the detail on that. Then there was another one where there was a chemical in a flour barrel. Painter handled that too.

This Louis W. Bennett, he didn't last long. He used to do research. He was an older man.

ANNETT: How did he come into the office?

CONVERY: Oh, I really don't know. The office needed someone to do research. I imagine somebody asked around. Often they would inquire through the Bar Association; attorneys looking for work would be registered with them—or at least indicate to the Association that they were interested in something.

Recruiting and Hiring Practices

ANNETT: Now it's very common for the firms to send representatives to the big law schools and interview students on campus. Was there anything like that back then?

CONVERY: No, not at that time.

ANNETT: You just waited for somebody to come into your office?

CONVERY: Well, yes, I would say in almost every case. I can't think of any instance where they went out. They never went out and stole an employee. LaShelle and Dana did come from insurance company clients, but I am sure with the companies' blessings. With the women employees it was the same way. I would try to get the best, through either an agency or I contacted the Presentation

Academy because they had one of the finest secretarial schools. Helen Frahm and Edna Tilton both came from there. Both those girls were outstanding.

Dudley Sheppard came in 1932 or '33 through his brother. His brother had a rather substantial position in one of the insurance companies.

ANNETT: Do you think that is why he was hired?

CONVERY: I think it helped. In 1935 Sheppard left to join Neumiller and Dietz in Stockton.

ANNETT: Do you know why he left?

CONVERY: I don't know; Helen probably does. Both Neumiller and Dietz were friends of Roy.

Jack Painter Leaves the Firm

CONVERY: Painter, who came the same year as Sheppard, on Sheppard's recommendation, stayed on for five or six years. Then he got restless and formed an association—I think it was with his brother-in-law. Then, after another five or six years, he came back to Bronson's and has been there since.

ANNETT: Why do you think Mr. Painter left?

CONVERY: Well, I think, as McKinnon indicates in his essay, that the younger members thought they weren't getting along fast enough. And of course, after all, you can only stretch a dollar so far. They didn't realize their lack of worth of more money, I guess, even if it were available. There was a little restlessness there. But Painter had only been there five or six years. He came directly out of law school and had had no legal experience. I don't know what he expected! But he came back and was a partner after he came back.

ANNETT: Mr. Driscoll thought that Bronson made quite a few young men partners just after Painter left because Roy realized he was going to start losing all his good young people.

CONVERY: I wouldn't say that. Painter left about 1940, just before the volume of business and prospects warranted additional partners. Kirke LaShelle and Paul Dana were made partners about 1942 after putting in five years of law practice in the office. Also, both were older and had prior trial experience. Both were outstanding trial lawyers which the office needed at the time. Painter was good in his own field; he did comparatively little trial work. He handled some of the unusual insurance cases. At that time the insurance

business and the insurance trials were booming and, as I say, LaShelle and Dana were outstanding trial lawyers. They were almost as good as Ed. But Ed taught them a lot. Driscoll had been in the office five years before becoming a partner. The Homeowners account came with him through his father.

ANNETT: Was there any sense at all in the firm of trying to recruit young Lawyers from the "name" law schools?

CONVERY: No. As I think I mentioned in our first interview, we had an experience with Harvard, two young men from Harvard. That was when we were still in the lightwell. They came looking for a job, and said they were willing to take on anything. They're complaining now about the children graduating from high school and not being able to spell. Well, these Harvard men had spelling problems too. They knew little or nothing about legal terms, procedures, or preparing documents. So, that ended the Harvard men.

No, they just took them as they came. Painter was Cal, Driscoll was Stanford, Smith was Stanford, Sheppard was Cal, McDougall was Santa Clara. That's the only other one that came out of Santa Clara. LaShelle, I think was Arizona. Dana went to USF night school and worked in a service station. His wife was working then, and that was how he was able to complete his law education. Of course, as soon as he got going, he divorced her. Typical.

ANNETT: Did anything like that weigh very heavily in the firm? Did that ruin your chances of promotion if you had trouble at home?

CONVERY: Oh, no, no. I don't think so. No, they didn't delve into private lives at all, although they were interested in it and came to your help when you needed help, pitched right in. I remember I was in an automobile accident one time and, unfortunately, two people were killed. Roy Bronson went down and took over the coroner's inquest and everything. There was just that feeling of family which McKinnon emphasizes.

More on Members of the Firm: 1934-1941

CONVERY: Harold Ropers then came in, and he had a good deal of experience. Then he was made a partner, but he stayed only five years and then he went down to San Jose and opened his own office.

ANNETT: Do you know why he left?

CONVERY: That was after I left. I really don't know the reason for it. He was quite successful in insurance defense and probably thought he could do better financially on his own. Which he did.

And then Rogers P. Smith, he stayed only a short time. His uncle was the head of Standard Oil Company, and his family was wealthy. His wife was a Thompson, a niece of Kathleen Norris. So I think he had a little independence about him; he just thought he could do better. He went out and opened his own office. I recall that because I met him on the street one day some time after that, and he told me he was doing very well. But he had the financial backing to be able to go out and open his office, which is very difficult to do. The same way McDougall had the financing in back of him.

ANNETT: Do you think McDougall left because he felt he didn't have enough opportunity in the firm?

CONVERY: No, I think it was mostly his wife was anxious to go back to Sacramento. No, because he was being pushed right along. In fact, he was made a partner, wasn't he, before he left? No, not according to this [referring to membership list]. Well, I think he was about to be made partner.

Wesley Dickenson—he was a very brilliant young man, although a little disorganized. He was there five years and then was made a partner, which was very young. (He had not even finished law school when he came into the office. He started as office boy.) Roy Bronson was grooming him to take over the management, or part of the management, when he got involved with something. He left to go to Los Angeles; he had personal problems and his wife was insisting on it.

Lou Phelps, he was there only two years. He was a Stanford graduate and, again, he was ambitious. His aunt was quite prominent in San Francisco politics. The J.D. Randall, Jr. Museum bears her name. And his wife was ambitious too. He had an opportunity to go with Arthur Dunne, who was socially prominent. Lou did well and is a partner in the present firm of Dunne, Phelps, and Miller.

ANNETT: You're saying a lot of these people left because they were ambitious and had the money. Nowadays, if you're ambitious, you stay with a firm, you don't leave.

CONVERY: Are you talking about old, established firms? In 1937, this firm was just beginning to accelerate, having started from scratch in 1919, without backing. Roy Bronson didn't know a soul in San Francisco. Pillsbury, Madison and Sutro and that other leading law firm—well, if I recall correctly, Pillsbury had relatives with the Southern Pacific Company; it was either his father or a member of the firm was head of the Southern Pacific at that time. Madison was an old established family, and the Sutros the same, going way

back. So those firms had been, I guess, operating for generations back there in 1936-37 when Bronson was just beginning to, as I say, accelerate (I guess that's as good a word as any). Those old firms were well established then. The Pillsbury firm had at least two or three floors in the Standard Oil Building. A young lawyer knew there was a good chance of promotion for those with ability. Now that Bronson's is well established, with unlimited prospects, I presume their young lawyers are less restless than in the thirties.

Also, as far as people leaving, there's a question of whether or not the firm is too anxious to hold them, whether there's a personality conflict that shows or doesn't show; sometimes it just doesn't rise to the surface at the start.

ANNETT: Did any of your young lawyers leave to go with some of these big established firms?

CONVERY: Not that I know of, in my time.

ANNETT: They mainly went out on their own.

CONVERY: The only one that left to go with an established personal injury firm was Paul Dana after several years and having been groomed by Roy and Ed Bronson. We all felt pretty let down about that.

ANNETT: About him leaving?

CONVERY: About him leaving. And he took two girls with him—Jean McCabe [who is now Jean McCabe Ross and is back working at Bronson's] and Helen Blakely—both had been trained in defense work. They were very competent. I doubt Dana could have made it as long as he did without them.

Dana, when he came, was in debt, and he had no sense of handling money. Roy Bronson had Helen Blakely set up accounts for him. She paid his bills and took care of his salary, and they sent him to the right tailor and all. Cooley, Crowley and Supple were doing defense insurance work, and he up and went with them and took Helen and Jean with him. I don't think he advised Mr. Roy of his plans until he was about to leave. I had no inkling of it until the girls did not show up.

He didn't last long at Cooley, and then he went out on his own. I don't know whether you're interested in this. You may know about it—do you know what finally happened to him?

ANNETT: No, I don't know.

CONVERY: Well, he was divorced and had a very beautiful daughter. She married a young man whose father was head of a poultry business here. There was evidence that she was murdered in the house by her husband, and then her body was finally found up on Mt. Tamalpais. Dana was simply out of his mind. She was really the

only thing that he ever loved in his life, and he just adored her. After that, he just went down and down and ended up in trouble with the law. But even at that, Ed Bronson came forward to defend him in the charges. That illustrates how much the Bronsons felt about people they had been associated with. Even Dana leaving under the circumstances that he did, which I thought was pretty ungrateful. But when he got into difficulty the Bronsons came to his help.

Arthur Shannon—he was what they called the lawyer's lawyer. He was McKinnon's type—contracts and advice on most everything.

ANNETT: You mean advice to other people in the office, that kind of thing?

CONVERY: Yes. A legal problem would come up—oh, something sticky in a contract or a business deal that one of the others were handling.

ANNETT: Those are pretty valuable people to have around an office, aren't they?

CONVERY: Valuable? I think it's almost imperative that you have someone like that. Take Dana. While he was a very successful trial lawyer, he didn't know anything about law. [Laughs] I wouldn't say "anything," I would say he knew very little about it, at least showed that he knew very little about law. In his cases, all the law would be prepared by somebody else in the office. But when it came to presenting a case in court, he did an outstanding job on it.

Then of course McKinnon was in the same category as Shannon, only much higher, much more important.

I think Wesley Davis was there for more than a year (you have him only here for one year). Again, he did trial work. He had an opportunity to go with the City Attorney's office. I think he's still there, and made quite a name for himself there. Again, he had the advantage of Ed Bronson's tutelage.

George K. Hartwick—I suppose you know all about him!

ANNETT: Tell me what you remember.

CONVERY: He wasn't at the office very long before we went to war. He was still going to law school—or was a recent graduate when he came in as calendar clerk, office boy, and general helper. He willingly gave a hand wherever needed. He came mostly under the guidance of Roy and McKinnon. He was good looking, neat, intelligent, and well-liked. We missed him when he went to war. But he returned—and how!

/ Sam J. Anderson—again, he mostly did research. His father was in the lumber business up the country. He had been raised in the woods and wanted to get out of town. He was lame from polio at that time so he couldn't go in the army. An opportunity opened

up down in Cupertino, and he opened an office down there and did very well.

Hoogs. Hoogs didn't stay very long. But this Francis B. Perry-- He was there for only one or two years, and then he went to the war. He was a very unique person but very brilliant. When he came back from the war, he spoke fluent Japanese and another oriental language (he spoke and wrote both). He opened an office over here on West Portal. He's still over there.

ANNETT: Why did he leave?

CONVERY: He left to go to war.

ANNETT: How come he didn't come back after the war?

CONVERY: I don't know. If the office had been clairvoyant, they would have held on to him for the office they opened in Jakarta in the late sixties. He was a very brilliant person, but I'd say a little offbeat. Although, I liked him very much. Very outspoken young man. As I say, he's opened an office over here in West Portal, and he thought that he could do well on his own, and he could.

You see, the advancement of a young man was really very slow in most of their estimations, and especially so by today's standards. But in taking in partners Roy Bronson sacrificed most of his share all the way along the line, and there's only so many pieces to a pie. But everybody wants to be top man.

Then Frederick Potruch, he did more trial preparation and occasionally some trial work. Then when they were planning to open the office in Los Angeles in 1946 or '47, Potruch was scheduled to go down there and operate it. Just before he left to go to Los Angeles, he had Roy Bronson out for dinner at his house, and I was invited. They were all enthused about the office down there, but I understand it didn't last long. I didn't think it would, but I had no say in it. This was after I had left. These others I don't know at all.

ANNETT: Did you know Edgar Rowe at all?

CONVERY: No, I didn't know him at all, although I think he was scheduled to come in just about the time I left. He'd been interviewed.

[Pointing to name on list] This is Goodin who's the present head of the firm, is that it?

ANNETT: Mr. Goodin is the partner who is working with our office on this oral history. I don't know if they have any one particular head. I think George Hartwick would be considered the most senior partner.

CONVERY: Who's pushing the buttons? I mean like Roy Bronson, everything revolved around him. Nothing happened in the office that he didn't know about.

ANNETT: I don't know who does that now.

CONVERY: That's what's been worrying me [laughing], that they're all going to scramble and want to be Mr. Big, because all three of the top men have gone out at about the same time. Hartwick is brilliant, but is he hard enough? Of course, I haven't seen him in years, not since his wedding, I guess. That was after I left. Somebody has to be in the driver's seat, holding all four reins.

Training Young Lawyers in the Firm

ANNETT: You mentioned before that Ed taught the young lawyers about trial work. How do you mean that—just by example, or--?

CONVERY: By example, and they would exchange ideas and thoughts and suggestions, and he usually would take one of them out to court. I don't mean LaShelle and Dana so much. They were in their thirties. They were very competent, although they'd never had much trial experience before. Each as an employee of an insurance company had had some, but not extensive trial work. LaShelle was quite deaf, but instead of it being a liability, it was an asset. Dana was a Mormon bishop—grandiloquent—which likewise was an asset. He seemed to charm the women on juries—other women, too.

ANNETT: Did it work out pretty quickly that they'd break it down into assigning some young lawyers to just trial preparation but grooming the others to work with corporate clients?

CONVERY: Not at first, but then later that was kind of true. For instance, Sheppard and Driscoll were more or less understudies to LaShelle and Ed Bronson, and Painter and Wesley Dickenson were understudies to Roy Bronson and McKinnon. I think Roy had Dickenson in mind as someone who would take over his role as leader of the firm when he [Roy] retired. But then Dickenson left. Although Painter worked mostly with Roy and McKinnon—as I recall—he handled some of the unusual insurance cases, such as the chemicals in the flour barrel and so on that I mentioned before. He was unusually good—not many like him ever.

George Hartwick worked almost exclusively with Roy.

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Cases and Clients: 1927-1940

ANNETT: Why don't we go through the rest of the cases and clients list to see which ones you remember.

CONVERY: Between 1932-40, the big thing was insurance company business growing, the Homeowners Loan foreclosures from Lawrie Driscoll's father, and the Schenley account.

Schenley came through the personal friendship of the LaShelles and the Nauheims. Nauheim was the top Schenley man in San Francisco. They gave us small problems at first but accelerated after we handled things so satisfactorily—even to hiring a secretary to go to New Mexico for Mr. Rosensteil, top man at Schenley.

Schenley came to us for help with their different acquisitions of vineyards in California, and then for help with their problems with compliance with all the new rules and regulations of the Alcoholic Beverages Commission. There was the Roma purchase for five million dollars (I had that check in my hand!). Nauheim gave a box of candy with a \$100 bill in it to each of the girls who worked on the Roma wine deal. They often had had to work through the night.

Anyway, those three—the insurance work, the Homeowners Loan, and Schenley—stand out in my mind as the clients that made Bronson's a solid, prosperous firm in the 1930s. I guess you'd have to say the insurance work was the most important in terms of the volume of business.

Fees and procedures were more or less standard in the ordinary insurance work. The Schenley work involved new, more specialized and complicated problems and justified higher fees and was very lucrative.

The Beginnings of the Insurance Defense Work

CONVERY: About '24 or '25, Roy Bronson got the first insurance defense cases from Commercial Casualty. Those carried over to the Hunter Dulin building, and then they just began to mushroom.

ANNETT: Just because the firm handled those first ones so well?

CONVERY: Yes. Of course, we handled everything well! You see, at that time there was very little insurance defense work; it was almost unheard of for anyone to sue until Vincent Hallinan came on the scene. As far as I know, he was one of the first to take a case on a contingent fee basis.

Up until that time, it cost a fortune to get anyone to take a case. I guess Hallinan pioneered in it with the Market Street Railway cases. There were all kinds of accidents on the streetcar lines, and it took a tough lawyer to handle them.

The insurance business really started to build in 1927. The only insurance clients Roy and Ed had in 1927 were Commercial Casualty and its associate, Metropolitan Casualty, although companies were in the offing. The insurance business quickly built up when Tom Slaven came in. He had been with the Industrial Accident Commission and was friendly with most of the insurance men and most of the doctors involved in insurance cases.

We pretty much stuck to the defense side of these cases, except there was one special case that Mr. Slaven took—a malpractice case that he filed on behalf of his sister-in-law. They had quite a time getting any doctor to testify, but he finally got a friend to testify. It was a blatant case because the doctor had used some strong chemical in treating her internally, that is, in the organs, and she was just all burned. But most doctors wouldn't testify against another doctor. Dr. Loutzenheiser sometimes testified for the insurance companies. He was one of the best orthopedic doctors in town.

ANNETT: What about some of these insurance cases? I didn't quite understand the news accounts of this *Hall v. Falk* case. There seem to have been implications that Bronson, Bronson & McKinnon, as the defendant's attorneys, had hired a claims adjuster who then had committed perjury.

CONVERY: That is the sort of implication expected of Herron and Fish, the attorneys for the plaintiff in that case. The adjuster was hired by the insurance company. No, the law firms never had anything to do with hiring the adjusters. The adjusters just made their job more difficult. There was no question about it, that the insurance adjusters, before a case ever went to suit, would follow the ambulance into the hospital and present claim releases and wave money in the face of the person badly injured, and not knowing how badly injured they were. That was regular business, the regular course of

business. It was about this time that Hallinan began to press these personal injury suits.

As I recall there was one case—I can't remember the name of it—in which the insurance company adjuster had settled a claim while the victim was in the hospital. The settlement was later overturned. After that the insurance companies were more discreet in settlements and more claims went to suit. That was the kind of thing Hallinan got started.

The Rise of Plaintiff and Defendant Bars in Insurance Cases

ANNETT: I always thought of Hallinan as having boosted the plaintiff's bar, but you're saying he actually helped promote the defendant's bar too: that lawyers had not been involved in insurance cases, on *either* side, until Hallinan and lawyers like him began suing in the courts on the behalf of injured parties. These suits forced the insurance companies to hire lawyers to fight back. Thus the plaintiff and defendant bars arose simultaneously.

CONVERY: Well, I don't know about that exactly. I'd say about this time, after this settlement was overturned, Hallinan came in with more plaintiff suits. Up until the time Hallinan and a few other plaintiff attorneys started to file suits, these adjusters would get in—they called them ambulance chasers. This was ambulance chasing on the part of the defendant. These adjusters were hired by the insurance company. They would go in and settle a claim while a person was still either in the hospital or didn't know the extent of their rights or their injuries. Then [laughs], the plaintiff's attorneys started riding the ambulances, and it was a different story. This the insurance companies protested—although it was pretty much the same kind of thing they'd been doing themselves.

Sometimes a plaintiff's attorney would show up in the hospital room with the adjuster and try to settle things right there. That usually meant there wasn't a need for defense counsel.

There was a lot of rivalry involved, which I think was good, because this deal of adjusters for the insurance companies going and settling cases out of court before injured people had a chance to consult an attorney, was terrible. Of course, Bronson's had nothing to do with that. That was just preliminary to filing suit.

ANNETT: Oh, I see. So, often a lot of the settlement business that went on happened long before Bronson, Bronson would be called in. They'd be called in to clean up situations the adjusters had gotten into.

CONVERY: A lot of the settlement business went on before. Usually Bronson, Bronson wouldn't be called in until a complaint was filed. There were all kinds of negotiations by the insurance companies before a claim went to suit.

I understand Hallinan was one of the first attorneys who would take a case on a contingent basis. Up until that time, the ordinary layman would think that it'd cost a fortune to open the door of a lawyer's office. Hallinan *et al.* had to do some ambulance chasing and approach the injured people before the adjuster did to convince them to take their case to court. It was a question of Hallinan or anyone else going in and saying, "I'll put up the cost and I'll give you a square deal. If you lose it will cost you nothing; if you win I'll take so much."

Some San Francisco Attorneys for the Plaintiff in Insurance Cases

ANNETT: The plaintiffs' attorneys in the *Hall* case, C. H. Fish and William Herron: their names seem to crop up quite a bit in insurance cases about this time.

CONVERY: They were not as active as Hallinan. Herron was the creepiest individual [laughing] I ever came across. He had been at least censured by the bar association at the time we were still in the lightwell. I understand he was a very brilliant man, and when Tramutolo came in, he had him do some research work for him. I'd be sitting at this desk, busy at something, like this [demonstrates], and Herron would quietly open the door and come in and stand in back of me, just saying nothing! He was a ghoulish-looking individual! I stood that as long as I could, and I finally told Tramutolo that I couldn't stand it. So he wouldn't allow Herron to come into the office any more. He didn't do anything, but he was just-- He was a character.

Fish I don't think I ever met, although I think he was just as bad as Herron. Fish and Herron—what a name. [Laughter]

There was great rivalry there—dislike, open dislike.

ANNETT: Between whom?

CONVERY: The office and Hallinan. In one case, during the noon recess, Hallinan "slugged" Dana and Dana "floored" Hallinan (Dana's terms).

ANNETT: Although you think he did a good job in what he did?

CONVERY: He did an excellent job in presenting his cases. He is brilliant. He quoted Greek poetry and all of the great literature. He was one of the first to take these ambulance chasing cases on a contingent

basis, where people could file suit and get a fair chance before the courts before these insurance adjusters got to them. I don't see anything wrong with the contingent fee. Of course, it's carried to extremes at times, as when you get someone with Belli's style who makes very dramatic presentations, and gets awards way out of proportion to the real injuries.

ANNETT: In a lot of these personal injury cases, the names George K. Ford and Bert Lerer appear. Do you remember either of them?

CONVERY: Ford? Yes. He operated out of Oakland. He handled a great many personal injury cases, the same as Hallinan did. He was rather well-liked by the office. I believe Lerer was a younger man than Ford, an associate.

Insurance Defense Work

ANNETT: The next case is one of those streetcar cases you were talking about.

CONVERY: Yes. She was caught between the two lines and neither one of them would concede responsibility.

ANNETT: Bronson, Bronson was for the insurance company in that?

CONVERY: I'm quite sure, yes. The Market Street Railway was probably self-insured. As I recall, their attorneys associated the Bronsons in the trial.

ANNETT: It sounds like in that case that that poor woman had really been badly injured and should have gotten some compensation. Did Roy ever talk about being bothered by having to defend the company?

CONVERY: You mean did they have any compunction about defending them?

ANNETT: Yes.

CONVERY: No, I don't think so. It was like the saying, you're innocent until proven guilty. I had a lot of feeling about it, and had no hesitancy expressing myself, but I didn't count [laughs]. There was a great deal of unfairness in it on each side.

ANNETT: Tell me what you mean by that.

CONVERY: Well, a clever attorney can sway a jury, and in preparation of a case, they had a way—of course, the insurance company did too—of investigating the jurors, knowing their background and how they had voted before. There was a regular service for that. Then you'd know what questions to ask, and some people you could just put off the jury by the appropriate challenges.

ANNETT: How did they know who was on the jury? There are so many people in San Francisco who could be on a jury.

CONVERY: You'd be surprised! There was a—I guess there still is—I've forgotten the name of the investigation bureau that did that. It was a regular service which prepared detailed profiles of jurors.

ANNETT: I thought that was a very new development in law.

CONVERY: At about that time, yes. You mean it is now?

ANNETT: I thought it was new in the sixties.

CONVERY: Oh, no, they used it all of my time. There was another tactic which I thought was very unfair of the insurance companies. For instance, they would put investigators on cases. They had one team in particular, a man and wife by the name of Prather (they called them the Prather Detective Agency), and they would go out and get chummy with these people. Of course, it worked both sides; one side was trying to pull a racket and the other was trying to defend. But they went out and got friendly with these people. This girl was claiming a broken back. They hired a boat and invited this couple out for the day, went to a beach over in Marin County, and they decided to play leapfrog. Of course they had a camera going all the time. So that threw her case out. [*Marshall v. Yellow Cab*, a 1939 San Francisco Superior Court case.]

ANNETT: That sounds fair enough. If she could play leapfrog, she obviously wasn't too badly hurt.

CONVERY: That's it—it was justified in that case. Oh, they had people in closets with recording machines—that side of it alone would cover a book. But there were other cases where people were actually entitled to damages, substantial damages, but some little quirk had made a hit with the jurors and the defense won.

ANNETT: There is a news article here [in the scrapbook] about the Bronson firm helping to institute pre-trial conferences in San Francisco. Do you know how they got involved in court procedure innovation?

CONVERY: I believe the office initiated this pre-trial conference procedure, because--

ANNETT: Because cases were bogging down so badly?

CONVERY: Well, yes, and there were so many trivial cases being filed, and they thought there was just no point in going in and defending for days and days a case that could be ironed out informally without much difficulty in front of the judge. Sometimes there was clear-cut liability and the damages were really easily set, or vice versa.

The firm was very successful in defending. Later, while they took a few personal injury cases for individuals at the start, as the insurance company business kept on building, they just couldn't serve two masters, really.

[Referring to the mention in the interview outline of *Metropolitan Casualty v. Colthurst*, 9th Circuit Court of Appeals, 12/30/29] That was a very important case in the office, and a very important appeals decision in the field of insurance defense law. As I recall the situation, the defendant in the Superior Court case (I don't recall the title) was insured by Metropolitan. The insured was served with summons and complaint. Metropolitan was not notified as required by the terms of the policy, so Metro obviously was not able to defend the case. Judgment went for the plaintiff in the Superior Court case—whether by default or trial, I don't know. The insured, defendant in the Superior Court case, was insolvent. Plaintiff in that case sought payment by Metro. Thus the appeal—*Metro v. Colthurst*. Metro claimed non-liability under the terms of the policy because they had not been notified of the suit, as required. The judgment on appeal was for Metro.

ANNETT: That seems like it must have been a very important ruling.

CONVERY: Yes, because I think the question had never come up before, because this was still in the infancy, you might say, of the insurance defense cases, from 1925 to 1929.

There's one more case here that I don't remember directly, but it looks like a familiar situation. That's this one where a woman hit a truck then sued the truck driver because his cab tilted and got egg all over her. That case was McDougall's. Occasionally one of the younger men would get a personal injury case, like this; the office wouldn't want to be associated with that formally, so they let them go ahead and do it on their own.

ANNETT: Explain to me what you mean by that, that the office wouldn't have wanted to formally--

CONVERY: Anything as silly as suing over being splattered with eggs, as in this situation—that ends up with egg on the *lawyer's* face. That must be one of those cases where they just let McDougall file it on his own.

On that case involving the man who sued to have his wooden leg, which was ruined in an accident, replaced. It might have been that McKinnon came up with the brilliant idea that that was personal property, not an injury. That's the sort of thing that would be referred to McKinnon.

There's very little of this I remember. You see, at this time, I was doing all the books and the accounting and the billing and the hiring, and then I was in the front office, and the trial attorneys were on one side and the trial secretaries were on the other side. I really just got kind of happenstance information.

Miscellaneous Cases and Clients in the 1930s

ANNETT: I think we've covered the firm's insurance work. Can you tell me about some of these other, non-insurance clients that we have listed here on this outline?

CONVERY: While I recognize some of these cases [referring to the scrapbook of news clippings], I don't know whether I can tell you too much about them, but I'll try.

[Looking at list] Roy even had Perry Askam as a client. Have you ever heard of him? He was in light opera, particularly in the *Desert Song*. There were problems in closing up the Askam estate. Askam went to Santa Clara with Roy Bronson. Then there was Seth Heney, who was also a classmate of Roy's. He had mining claims down in Mexico. He was a character—most of these people were characters.

Reiber was a physicist with the Roentgen X-ray development and patents, and also a device for locating oil. Mrs. Slaven's brother was involved with him on that. That's how Roy Bronson met Slaven. Reiber had Roy Bronson for dinner, to meet Mr. Slaven.

There was Morris-Noble, an investment firm, with John Morris and Bill Noble. I just read in the paper recently that Bill Noble died a millionaire. But at this time when they came in, each of them was driving taxicabs. That was the Depression, you know. Noble was quite a lady's man. Morris was very solid; he had five or six children, was devoted to his wife.

Then there was *Walkup v. Walkup*, a divorce case. The firm didn't take very many divorce cases unless the people involved had some special connection with the office, as Walkup had. The firm thought it was too unpleasant, not much law or legal expertise involved, and in most cases other business was more profitable.

There was *Ellsman v. Ellsman*, which made the papers. There were lots of accusations back and forth on that.

ANNETT: Why did they take that divorce case?

CONVERY: Because there was big money in it.

ANNETT: How did Roy get her as a client, do you know?

CONVERY: I was trying to think back on that. She came from Nevada. As I recall, some attorney referred her.

As a rule, the firm didn't get into the newspapers very often outside of these spectacular cases. There was a certain feeling that that was advertising.

This Crosby estate--

ANNETT: Did it bother the firm at all when they would appear on the front page like this?

CONVERY: No. You take it in stride, I think. If you're in the public area, you have to just take those things as they come. You just can't crawl into a shell. Some of the publicity was good and some was bad, but never scandalous. Some was encouraging. No, they were very matter-of-fact about that. They were grown men, you know. They'd been about. But personally I can't blame Mrs. Crosby for changing her will after being married to old Crosby for three years; he was difficult.

There was one more divorce case I remember that got sticky: *Avery v. Avery*.

ANNETT: That was the man who was a dentist, a wealthy dentist in the city. He tried to hide his assets from his wife. His secretary finally broke down and testified against him.

CONVERY: Bronsons' were attorneys for the wife. They couldn't get anyone to serve a summons on Avery, on the dentist. He was on the 20th floor of the 450 Sutter Building. They tried and tried and tried, and finally I said, "Well, I'll try." I put on my hat. I didn't have a coat on that day. I had a green wool two-piece dress, a pleated skirt, and I had a book under my arm with the summons tucked inside. I went into his office and said a friend of a friend had referred me.

So, the girl brought me around. He was standing at the end of a hall, and I was standing here [gesture]. He looked me over and gave her the hi sign that I could come in. So, I came in and told him my dental problem! I don't think I had a hat on—I couldn't have had a hat on that day. So I got up in the chair, still holding my book. When he started to put a napkin around my neck I pulled out the summons and handed it to him. [Laughs]

He was furious! I thought he was going to throw me out the window. But that was how he was served. I was young and brash.

[Reading from list] *Peterson v. Klitgaard*.

ANNETT: That was a pretty big settlement in that case—\$15,000—for those days, wasn't that?

CONVERY: Yes, depending on the injury. But of course \$15,000 then is almost equal to \$150,000 now. But you see that was just the start of these insurance cases. Klitgaard later became Ed's client. Klitgaard was a friend of this Captain Hansen that I spoke of before. They were both Norwegian sea captains.

ANNETT: And Roy was already known as a specialist in bankruptcy by this time?

CONVERY: Yes, he became quite efficient at that.

ANNETT: When the LaGuardia Commission was out here and took testimony about Judge Louderback, both Roy Bronson and Tom Slaven were called before that committee to testify. Was there any--

CONVERY: Shenanigans?

ANNETT: That's not exactly what I mean. It sounded like LaGuardia tried to impute, although not treating it as all that serious a matter, that Bronson and Slaven hadn't been quite proper in their relationship with Louderback.

CONVERY: I think that allegation was made. But those kinds of things are always said in political hearings. People are able to tell when you've really done something wrong. I don't think the office worried about what was being said and what people thought. I'm sure there was nothing improper on the part of Roy Bronson or Slaven. There was no feeling of that around the office or by any of the clients. That was just one of those things.

ANNETT: Throughout a number of these cases, including Louderback's impeachment hearings and the KPFA licensing case, there runs a thread of San Francisco political connections, with Roy Bronson being affiliated with Joseph McInerney. Do you know anything about that?

CONVERY: As I recall, Roy Bronson's involvement was as legal counsel to McInerney. For some reason during that I had to go over to his office. He had a great big office, and his desk was raised up on almost a dais. This Warren Shannon, who's also mentioned in connection with the KPFA case—Lawrie Driscoll is married to his daughter, although they didn't meet through the office. They met at some club.

ANNETT: On the other side in one of these McInerney cases, was John Francis Neylan and the Hearst newspaper people. How did Roy get mixed up in that? Was he involved in San Francisco politics at all?

CONVERY: No, no. I think McInerney just called on Roy Bronson as his counsel because Roy was capable.

No, the only time I remember them being involved in politics was when Edmund G. Brown, Sr., was running for district attorney, and Ed Bronson was on one list recommending him, and Roy Bronson was on another list recommending somebody else. [Laughter] I called Ed on that, and he said, "You have to keep your foot in both sides of the door." [Laughs] That was the extent of it ever, that I know of.

Harold McKinnon later was on the police commission. I was very surprised at that because he's not the type. If it had been some other, more dignified commission, I could understand it. That was, oh, long after I left, and I was surprised that he'd gone on that. But that's the extent of the firm's political activity, as far as I know.

Clients and Contacts

ANNETT: Do you happen to remember how somebody in the office met any of these people and were able to bring them in as clients? By this time was Bronson, Bronson & McKinnon's reputation sufficient to bring in clients on a pretty regular basis?

CONVERY: Apparently, because at the beginning Roy had no business or social connections in San Francisco, none whatever outside of Butler-Veitch and Ryan. So, the firm just had to establish its reputation by doing well whatever it did. "Then (to paraphrase) it followed as the night the day"—clients came.

ANNETT: How did the Bronsons do this? Was it their outside activities?

CONVERY: Oh, yes, Roy was in the Bohemian Grove for many years. He belonged to the Athens Athletic Club, the Santa Clara Alumni, the Laymens Retreat Association, the San Francisco Sheriff's Posse, the San Francisco Horsemen's Association, and the Bohemian Club. That was about the extent of his club associations. These associations, as such, did not produce much business directly, but word got around as to the firm's ability and reliability.

ANNETT: What did he feel about being admitted to the Bohemian Club? Was that very important to him?

CONVERY: Well, he always loved fun. The Bohemian Club is rather exclusive. There's the PU Club, as they call it—the Pacific Union Club. McKinnon belonged to that. I don't think Roy Bronson ever wished to join the Union Club; it just wasn't his style. But the Bohemian Club was. As you know, they're just good rounded-out fellows who like a good time. I don't think he ever did any theatrical work there, but he could certainly join in the festivities. He was a good story teller. I don't think he was particularly *honored* by it, but I think McKinnon felt honored with the PU Club membership. A friend of his, Horn of the Horn Manufacturing Company, was the one that promoted him there. [Pause] On reflection, I think it was Arch Johnson who proposed him. Is that important?

One thing that was important, but was hard to measure in terms of how many actual clients it brought in—Roy Bronson had been giving lectures from way back, from about 1932. As I said before, he did a lot of lecturing at the Alumni Association and University of California Extension courses and that sort of thing.

ANNETT: He taught Extension courses?

CONVERY: No, he just lectured at them, on a particular subject, from time to time.

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Conclusion

A Sense of Family

ANNETT: Okay. Is there anything more you want to add? Have you made further notes on anything?

CONVERY: Let's see. I went over McKinnon's essay again. I guess you'll incorporate this whole thing of McKinnon's. It's really very concise and accurate. It tells the whole story, except his part in it. I don't know whether I brought it up before, Roy's attitudes which actuated the growth of this family—and he always did treat it as family. The Christmas party, he would arrange for the hotel it would be in, he'd arrange for the menu and arrange for the gifts, personally, you know.

When he had the ranch in Sunnyvale and later a rented ranch in the Oakland hills, several times he had barbecues for the whole office force. He would personally arrange for the transportation, food, and fun—horseback riding, sack races, jumping frog contests (really!), and all the amenities including choice, fresh-picked strawberries from the adjoining Sunnyvale ranch. He had the enthusiasm of a small boy planning his first picnic.

ANNETT: How early did he start giving Christmas parties for the firm.

CONVERY: It was about 1932, when we moved into the Hunter Dulin building. Then we had a couple in the office, which he had catered by the Duchess Catering Company. We first had them in the office, and then had them at the Palace two years and the St. Francis two years and back to the Palace again. Then, when there got to be too many in the office, about the time I left, they kind of petered out. They may have been resumed.

Of course, everybody wanted to get into the Bronson firm, both the men and the girls. When I phoned an agency for a secretary or stenographer or any office help, they'd say, "No problem. Everyone wants to work at Bronson's."

ANNETT: Why was that?

CONVERY: It was a nice feeling. While the pay was usually less and the hours were longer, it was pleasant working there, if any work can be pleasant, though I think it can. Some girls didn't like it because we sort of had rules about the girls dating any of the men and such, which rules the men sometimes ignored. But, in general, we were able to get good staff, and to keep them.

At one of the Christmas parties Mr. Shannon remarked to me, "How do you get so many attractive and capable girls who fit in so well in a party like this?"

Another indication of the family mood was when I went on a trip to Havana on a banana boat. Roy Bronson came down to the dock to see us off with bananas stuffed in his suit pockets! Wallace Downey had his uncle, who was a captain in Panama, meet us there with a big open car lined with white duck, and a driver.

When I was talking to Helen a few weeks ago, she remembered that when she came in looking for a job, I interviewed her and then Roy interviewed her, and she said, "Do I have to work under a woman?" [Laughs]

He said, "Yes."

She said, "Then I don't want the job." [Laughter]

Roy said, "But she's different."

Helen lasted ten-twelve years. She left to get married. She married an attorney whom she had courted. This Joseph Tinney was working for Mr. Tobin, president of Hibernia Bank. She managed to get [laughing] on the same streetcar with Joe coming in the morning. Ah, we've had some wonderful gals!

A Tradition of Quality

CONVERY: I've often wondered what was going to happen to this firm when Roy Bronson withdrew. Roy always insisted on quality, from die-engraved letterheads to the finished product. Roy Bronson held everything together, and there was no discord between the different members of the firm, or the employees.

Even with the girls, most stayed eight, ten years, until the time they were married. A lot of them disliked me thoroughly [laughs] because I was Simon Legree at times, but many are still my very good friends.

There was that cooperative attitude with the girls in the office, and with the men. And of course you have to attribute that to Roy Bronson. He was a very big man; he was broad-minded and generous. He never treated anyone as an underling.

As I often said, "We're not the biggest but the best." Roy had a standard of quality and you usually associate with people on your own level. It was just understood that there was going to be a certain level of decency or culture, and ability.

Another point on Roy Bronson that I don't think I've mentioned, during the Depression, when everyone was taking cuts, in most cases it was just the employees that were being cut. But in the case of the Bronson firm, everyone, including the partners, took a 10 percent cut. As a result, no one had to be let go at that time.

There was another trait of Roy Bronson—that he would criticize and correct without hurting people.

I thought Roy Bronson was very anxious to have a son to carry on. I think you asked, or somebody asked me, if any of the Bronson family tradition was being carried on with sons. After Roy's third daughter was born, he came in one morning, opened the door and said, "Three queens is hard to beat." [Laughs] I just felt that he was terribly disappointed. Of course, Ed had the one son to carry on; I don't know whether he is carrying on in the old Bronson, Bronson & McKinnon tradition.

[Later inserted by Miss Convery as a closing remark] They are among the biggest now; may they continue to be the best.



Office picnic at "Mr. Roy's" Sunnyvale ranch, May, 1935.



Members of the office bid Rita Convery goodbye on her Panama cruise, 1935. Note to the left of center the distinguished looking gentleman with bananas bulging from his pocket. That is Roy Bronson!

From the Bronson, Bronson & McKinnon "Family" Album



HELEN FRAHM [TINNEY]
circa 1933

Regional Oral History Office
The Bancroft Library

University of California
Berkeley, California

Helen Frahm Tinney

A Sense of Family

An Interview Conducted by
Joan M. Annett

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1

Helen Frahm's First Job—with Bronson, Bronson & Slaven

ANNETT: Tell me how you were hired by the Bronson firm.

TINNEY: My father had become ill. I was at Cal, but I had to quit school and go to work. So, I went down to an employment office and they sent me out on a job interview. I was interviewed by Roy Bronson and he hired me right there. When I came home, a sister from the high school where I'd gone, Presentation High School, who knew I was going to look for a job, phoned and she said there was a job at Barrett's and that I could have it. So, I went down to Bronson's to quit, and Roy Bronson talked me out of it! [Laughs]

ANNETT: How did he talk you out of it?

TINNEY: He just said he didn't think I'd like to work at Barrett's; I don't know why, but he did.

ANNETT: Rita Convery tells a story of when she tried to quit after her first day of work, Roy stood with his back to the door, blocking her exit, while he talked her out of it.

TINNEY: [Laughs] Oh, did he? No, he sat down and talked me out of it. I was just as well pleased.

ANNETT: Had you had any law training?

TINNEY: No.

ANNETT: But you'd had secretarial training.

TINNEY: Yes, but I had been to college for a year and was a little rusty. I went to Munson's at night for a couple of months after I started at Bronson's, particularly to brush up on my shorthand. Later, I could take dictation half asleep.

ANNETT: So, that was really your first job?

TINNEY: That was my first job.

ANNETT: And there were three people in the office?

TINNEY: There was Rita, a Miss Charlson, and myself, and the three partners—Roy Bronson, Ed Bronson, and Tom Slaven—and Archie McDougall. That's all the office there was then.

ANNETT: How busy an office was it when you came in?

TINNEY: It was fairly busy. There was just a little bit too much work for Rita and the other girl, and so they always said they would have fired me but they couldn't afford to hire anybody else [laughs] in the first six months. Then after that I was fine.

ANNETT: Oh, because you didn't have much experience?

TINNEY: No, I hadn't had much experience.

ANNETT: Was it a very well-organized office?

TINNEY: Yes and no. In six months they started to grow, and of course the growing pains are always a little difficult.

ANNETT: What do you mean, they started to grow?

TINNEY: Within six months they had gotten a switchboard and an operator, had taken on Gordon Keith, and Harold McKinnon had started to come down full-time. He was only on part-time before then. He'd been ill, as you know, with TB.

2

Reflections on the Founders of the Firm

E.D. Bronson, Sr.

ANNETT: Will you give me some of your impressions of Ed Bronson?

TINNEY: Oh, he was a doll! [Laughs] He was not a big man, but he was very debonair, very charming. He always wore a straw hat in the summer, cocked at one angle—he was a little bit cocky, but not obnoxiously so. Many people likened him to Maurice Chevalier. He and I got along very well. He was Protestant, and at one time he said, "This office is getting too Catholic. The next girl who comes in here has got to be Protestant and a Republican!" [Laughs] But I don't think that was a criterion on which they hired. I've never lived any other place than San Francisco, so I have this attitude that it doesn't matter.

I think the Catholicity in the office force just happened, really. Rita was a Catholic, and then I came. Miss Charlson, who left within six months, was not, but then Elsa Christiansen, who came as a switchboard operator and later became a secretary, happened to be one. Everybody thought she was Swedish—her father was—and they didn't expect her to be Catholic. But she was; her mother was Irish. Rita and I have been good friends over the years, and still are. Elsa and I were quite close.

ANNETT: Do you know anything about the story of how Ed Bronson became a lawyer?

TINNEY: Yes.

ANNETT: Will you tell me about it?

TINNEY: He told me a couple of times. He had come back from World War I, and he took a job at the University of California getting jobs for veterans who were returning from the war. He said, "I got the job intending to work for the University for a while, and then I thought

I'd pick out the best job that came across my desk for myself." The irony, he used to say, was that a job came in from Standard Oil and he recommended Ralph K. Davies, who later became president of Standard Oil. Ed, on the other hand, took a job as credit manager for a tire company down in Fresno.

So, Ed was down in Fresno for a couple of years, but decided that was kind of a dead-end job. So, he decided to become a lawyer. At that time you didn't have to go to an established law school. You just had to take the bar exam. He lived at the University Club and read law with, I think, an ex-judge for a couple of years. Then he was admitted on motion of the judge and a couple of others, and then he came and practiced with his brother. He came in around '24, '25.

ANNETT: Was this an independent decision of Ed's or had Roy urged him to do it?

TINNEY: No, I think it was his own decision. He just decided that he would like to do this.

He always told one story about his studies for the bar. He borrowed the money from his father to live for the time that he considered he'd have to take to get to be a lawyer. There were some wealthy fellows at the University Club. He said, "One night I got into a poker game. I was playing along, doing fine, and all of a sudden somebody said, 'We'll up the ante from \$100 to \$150.' I realized that the chips were \$100, and there was my whole money on the table!" He said, "So, I didn't know what to do, and I thought, well, when I thought they were a dollar I was doing all right. So, I'll just pretend they're a dollar. I didn't lose very much." I think he came out ahead, actually. [Laughs]

Ed and Roy's Family Background

TINNEY: Ed met this girl some place down south—Alabama or Georgia. Her mother had a business where she made sandwiches and a very famous white fruit cake for the boys in the military camps near their home. Martha, the first Mrs. Ed Bronson, was their only child, and after she married Ed and came here to live, her parents sold the business at quite a substantial profit and followed her to California.

Martha's mother went into Edy's candy store in Oakland (that was the big place) and she had a sandwich. She thought it was so terrible that she went home and made a couple of sandwiches, went down and said to the manager, "Here are a couple of sandwiches. Yours are terrible; I can't eat them. Let's see what you think of these." Then she didn't go back for about two weeks. She walked in one day and he said, "I've been trying to get hold of you all over the place! Those were just delicious. Will you supply me with so

many a day?" So, she went back into the business again and formed—their name was Duke—the Duchess Sandwich Company.

Dick Bronson, the youngest of the Bronson brothers, was an electrical engineer. This was in the middle of the Depression and he couldn't get a job. So he started working for the Duchess company, and then Knox, another brother, started in too. That's how they got into this Duchess Catering Company.

ANNETT: All of the children, whatever they took a turn at, seem to have done well.

TINNEY: Yes.

ANNETT: Did you know the senior Bronsons—the parents?

TINNEY: Just as they came in the office a couple of times. I really didn't know them that well. The mother was a little lady, very small.

ANNETT: Do you have any sense of how much the father might have influenced his sons?

TINNEY: I think he did have quite an influence on his sons.

ANNETT: Did the Bronsons' parents take much interest in the law practice?

TINNEY: No, only in a general way. The father had retired. I think he retired when he was fifty-two with seven children! The parents lived a very nice life and were devoted to each other. They used to come and visit their sons every once in a while in the office. There were very strong family ties among all the brothers and sisters.

ANNETT: Did Ed start into the trial work right away when he came with his brother?

TINNEY: No. He did some trials, but not exclusively, no. He did a lot of other things. He handled Sterling Motor Company, who were on a retainer. He handled some divorces and general practice. When Gordon Keith came in, Keith took over all of the industrial accident cases, and Tom Slaven and Ed Bronson divided the insurance defense cases between them. Later, when they finally decided that Mr. Slaven* was never coming back, the load got too big for Ed. So, they hired LaShelle and Dana, and then Ed was head of the trial department.

ANNETT: He eventually gained such a great reputation from his trial work. That wasn't something he knew he had a talent for from the beginning?

* For an account of Slaven's injury in a traffic accident see below, p. 66, and the Convery interview, p. 27.

TINNEY: No. I think he liked it, though. One of the few cases I remember is *Peterson v. Klitgaard*. That was his first big jury trial, and he won it. The firm represented Klitgaard, who had a stevedoring company. It was a case of very severe injury.

Another case I remember was Ed defended the Soule Steel Company. That case was assigned (McKinnon assigned the cases) to LaShelle. There was a conflict on the calendar and LaShelle was busy. So they used to ask me, and I volunteered that Ed would be free. He really worked on that case, and he won it. Afterwards, he said, "I understand that you got me that case. Why did you do that? I worked like a dog."

I said, "Well, I thought you could win it, and I didn't think LaShelle could."

He just looked at me and never said another word. LaShelle and Ed were different types of lawyers, and this was a case where Ed's special talents would be put to good use. You needed a little more imagination with the defense of this type of thing, which Ed had.

Roy Bronson

ANNETT: Will you give me your impressions of Roy Bronson?

TINNEY: Roy was a very vibrant, energetic, enthusiastic man. When he started something, he had to finish it then. That was how I did so much night work, as he had to complete what he was doing.

One day he was dictating an opinion, and in the middle of a sentence he appeared to drop deeply into thought. He sat in the chair, and I thought he was looking down at his feet while thinking of what to say next. All of a sudden, he comes up with a pearl-handled revolver with gold horses heads on it and said, "Isn't that just beautiful!" This was the time when he was very interested in show horses (Western style), and was buying hand-tooled saddles and silver bridles.

Roy and I were very good friends on an employer-employee basis. I liked him very, very much. He had a booming voice, and when he used to blow his stack and bellow at times, you could hear him all over. I used to say, "The books are coming down today," if anything went wrong. He used to say he never swore at the girls, but he swore around them. [Laughs] He had horses, and Rita and I used to go over with him and ride sometimes on a summer night. He'd take his friends—Johnny Morris, Walter Hood—and we'd go out and ride for a couple of hours. That was when he had the ranch where we had the picnic.

Tom Slaven

ANNETT: When you joined the firm, Mr. Slaven was already a part of the firm, so you don't know anything about the circumstances of how he came in?

TINNEY: No, only just generally. He had worked for either the State Fund or the Industrial Accident Commission, doing compensation work, and I think they decided that they needed someone to do some compensation work and do some trial work. Mr. Slaven did that.

ANNETT: And did Ed work under him?

TINNEY: No, they were equal.

Mr. Slaven had to go back to Washington on the Louderback impeachment trial. As there were no commercial airplanes then, he traveled by train. He had to go out on trial the day he came home, or the day after. He hadn't had time to prepare the case, so he would come back after court and work until about twelve o'clock. He lived in Berkeley and had to take the Hyde Street ferry to go home. He was the first one on the boat apparently, and when they woke him up to drive off, he was not fully awake. He had not gone far along the pier when he ran into someone. He was knocked out of the car and fractured his skull severely with some brain damage.

Incidentally, I spent my honeymoon in Mr. Slaven's house in Palm Springs, or part of it. Mr. Slaven didn't remember too many people from the office, but I was one of the ones he remembered. So when he heard I was getting married, he insisted that we go down that way and call on him. We had made arrangements to go to a hotel, but he wouldn't hear of it.

ANNETT: So he prospered after he had to change careers?

TINNEY: No, not really. He had taken out several insurance policies from friends of his selling insurance in the Depression era, which guaranteed him an income of \$600 a month, which doesn't sound like that much now, but at that particular time in the Depression it was very adequate to live on.

The Relationship between Ed and Roy

ANNETT: Do you know much about the relationship between Ed and his brother Roy as far as how they split up the work in the office?

TINNEY: It was Roy's business, always, and he managed the office. Roy took what he wanted to take always and had special clients. They were brothers: Ed would question his decisions every once in a while and argue with him. But on the whole they didn't do that sort of thing.

It was Roy's business, even though Ed was a partner. Roy ran the office and did the heavy corporate work, involving holding companies and that sort of thing. Occasionally he would try an insurance defense case, but not often.

ANNETT: Was that because he was the older brother?

TINNEY: I think so. Ed came into his business, and that's the way it was.

ANNETT: In general, it was Ed and Roy that ran the firm for most of the time?

TINNEY: Yes, it was Roy mostly, not Harold McKinnon too much. Ed let Roy run it. Every once in a while he would put his finger into it. He'd tell me, "I don't like that man. He's got to go," and he would go to Roy and say, "That fellow goes." And he would go. Roy always took Ed's advice about hiring and firing, I think.

ANNETT: So, the two had a pretty compatible relationship?

TINNEY: Oh, yes. As I say, they were brothers and they argued a bit. But everybody else took Roy's word as law. They argued often about fees to be charged. Ed liked to charge the tops, and Roy didn't agree with him. Roy usually set the fee himself in the end. Everybody else took Roy's word as law. I think it was rather good, probably, that the brothers did argue a bit.

Roy Bronson's Ambitions to Grow

ANNETT: Do you remember them talking much at the beginning about their ambitions for the law firm?

TINNEY: Roy did. He had great ambitions for the law firm. He used to say, "We're set up to do all kinds of work, and there isn't any around," because in the thirties, the early thirties particularly, all these business retainers disappeared. Sterling Motor Company and a couple of others disappeared; the insurance companies used to bring in a retainer fee of \$100 or \$50 when they brought up a case, and that disappeared (the firm had to wait to bill them later); Fageol Motors went broke. There were many, many things that seemed to collapse on them. Roy used to say that: "We're set up to do anything." He had great ambition for the firm.

ANNETT: Did he talk about growing much in terms of size?

TINNEY: No. The size, I think, didn't overwhelm him. But as it grew, and as we acquired more lawyers, the overhead used to scare him once in a while because the business had not yet caught up.

In terms of the growth of the firm, I think the turning point was the decision to let Gordon Keith take away the workmen's compensation cases. Mr. Keith was hired to do Industrial Accident Commission work. He had been a referee at the IAC and was very familiar with this. If there was a conflict of hearing times, he would get an assist from Tom Slaven, and also, Mr. Slaven did all of the appeal work in the IAC matters. After Mr. Slaven was hurt, the IAC work got heavier and heavier, and Mr. Keith needed some help. This meant hiring another man to handle the IAC work with Mr. Keith, and also a secretary as there was a great volume of work. Roy Bronson was not sure they wanted to go so heavily into the IAC work, as he didn't think it was that lucrative. He finally came to the decision that they would not handle the IAC work any more, and so Gordon Keith took the IAC business and opened an office a couple of floors below with Frank Creede who had been the manager of the State Compensation Insurance Fund.

This decision not to handle IAC work any more was talked about with all of the partners and some of the younger lawyers, and thought about for more than a month before a decision was reached. It was a hard decision, as in the early thirties, in the middle of the Depression, it was the IAC work and the automobile defense work which constituted eighty to ninety percent of the income of the office. However, the decision was made, and Jack Painter started in on the corporate work and Lawrie Driscoll on trial work with Wes Dickenson helping in the corporate field.

I think this decision was one of the most important with regards to the direction the firm would take in its growth. If they had retained the IAC business, I am sure the growth would have been in another direction. But this decision released the younger lawyers for the work which Roy wanted to get into.

Keith and Creede became quite a large firm and got into the automobile defense work. I don't think Mr. Keith liked that, as he didn't want the responsibility of a large office.

ANNETT: Did Mr. Bronson talk much about specializing in certain areas? Did he see that as a way to grow and prosper?

TINNEY: I don't think so, at the time I was there. During the Depression you got business wherever you could get it, and the insurance defense work was the biggest thing at that particular time because the corporate business was not there. Most of it evaporated and was late in coming back. It was only in '38, '37 that Schenley started to come in. The Schenley account started with Kirke LaShelle, and that was the big account at that time. That kind of turned the office around.

ANNETT: Did you realize at the time that this was going to be an important account?

TINNEY: Yes, they did.

Survival During the Depression

ANNETT: And yet they hired young lawyers during the Depression. How were they able to do that?

TINNEY: When they decided that Mr. Slaven was not coming back and that they had to buy out his share of the partnership. They realized they had to have more attorneys. Until they made that decision, they were going along with just Ed. John Painter and Lawrason Driscoll had been hired a good deal earlier, but McDougall had left in the meantime. (You have one of the clippings here [referring to scrap-book] about when McDougall went to Sacramento. His father was a politician in Sacramento, and I think McDougall went back there because he thought he had a good opportunity.)

Dud Sheppard left. Then the insurance business started to pick up, and they hired Paul Dana and Kirke LaShelle.

They were always understaffed as far as secretarial work was concerned. There were sometimes only three girls. I was Ed's secretary, but I always had to pick up the slack too, and I did. Rita had been Roy's secretary, but then she got to be the office manager as things started to get bigger. So I did most of Roy's work, too.

ANNETT: Did anybody talk much about worrying about the firm's survival during the Depression?

TINNEY: Yes, they did worry about it. I think they always thought they'd make it, but at times I know that they were worried.

At one time there was a lot of corporate work, but those sources dried up. Stuart Hawley was a millionaire, and he had the Nash agency here. He had a couple of investment trusts. Bronson's hired a couple of attorneys to handle that. One was an older man; I forget his name, but he lasted about two months. The involved corporate setup was not the kind of law practice he had known. Anyway, Hawley was one of the clients that lost everything during the Depression. There were several others.

ANNETT: Did anybody have to take salary cuts?

TINNEY: Yes, we all did. There was a ten percent salary cut. There were a couple of months where they hardly made the employees' expenses; they didn't take in anything, or very little, like one or two hundred

dollars, which is just like nothing. But I think they always thought they were going to make it, and that it was a temporary thing, and that they'd be all right.

ANNETT: But everybody left the matter of growth pretty much in Roy's hands?

TINNEY: Oh, yes, yes.

ANNETT: How about Harold McKinnon?

TINNEY: Mr. McKinnon left the growth in the Bronsons' hands. He did bring in some business, but that was not his specialty.

Harold McKinnon

ANNETT: What can you tell me about Harold McKinnon's contributions to the firm?

TINNEY: I know that the first couple of years I was there, Mr. McKinnon only spent three or four hours in the office, and not every day. He was writing briefs, and I used to do them. Being the third girl and he was the odd man, I did a lot of his work.

ANNETT: Will you tell me something about Mr. McKinnon? Very few people seem to have known him well.

TINNEY: He was a classmate of Roy's. They knew each other at Santa Clara, and this is how he came into the office. He had been in the war, World War I, and had contracted tuberculosis, and had spent I don't know how many years in sanitariums at government expense. He told me once that if he got TB again he would have two months to live. But he apparently lived quite a long life.

I was there only a few months when Harold's brother, Cap, was killed. His brother had just graduated from medical school. Harold was not married at the time and lived at the University Club, and he had his brother come and live with him and was helping him along to start his practice. The Bronson firm at that time was representing Butler-Veitch, an automobile agency. I think it was Roy's brother-in-law who was a manager and owner of that. They had the agency for Marmon cars, and Mr. McKinnon had bought a Marmon car. His brother was called out on a Sunday night, I think on an emergency. He took Mr. McKinnon's car. He came back and parked it on California Street, and it started down the hill. He jumped back into it and was thrown out. He broke his neck and was killed. I put my arms around Harold McKinnon then; and later he put his arms around me when my father died.

That was quite a blow to Harold. He thought he had the future right in his hands, and he was very upset. It was his only brother; there were only two of them.

ANNETT: When Mr. McKinnon first started, then, he couldn't work very many days a week?

TINNEY: No, not a full day.

ANNETT: Did he come into the office just to do research?

TINNEY: Yes. He had a way with words, and he was doing brief writing. Then gradually, as the corporate business got larger, he did very much more complicated things. But he still did a lot of the brief work.

ANNETT: I understand he was the intellectual in the office and put together a lot of the really sophisticated legal arguments.

TINNEY: Yes, that's true. If the case was on appeal, he always did the appeal.

He always watched his health and he left promptly at five o'clock. If he got too many things to handle, particularly if they were the big corporate things, he got very nervous and very excitable. He used to get the whole office upset.

He did, as I said, all the appeals; when Ed or any of the trial lawyers lost a case, McKinnon did all the appeal work. That was writing the briefs, going over the transcripts. This was his forte. As I said, he had a way with words, and he would write a good brief. The trial attorneys never had the time or the inclination usually to write briefs. Particularly Dana--

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Other Members of the Firm in the 1930s

Paul Dana

- TINNEY: Paul Dana *never* wrote briefs. Dana hated office work. He'd be three days in the office and then he'd have to phone the secretary of the superior court to send him on a trial, because he loved trial work.
- ANNETT: Miss Convery mentioned something about how he was a great trial lawyer but not really much of a lawyer.
- TINNEY: No, he wasn't. I remember him phoning Lawrie Driscoll and saying, "I made a motion for a new trial, and the judge is considering it. What do I do now?" [Laughs] They used to back him up—Painter and Driscoll. He had to have a back-up. He graduated from law school a little late. He had been a Mormon, and the Mormon people put their boys out to travel and preach. Dana had done this for about two years. He could really talk, and he had the Bible at his fingertips. He was really very dramatic, and an excellent trial lawyer—excellent. He had a dramatic flair. I remember once there was a schedule conflict, and Roy Bronson was going to take over one of Dana's cases. Dana told him, "You just lead him along and let him go into exaggeration, and then you can kill him." Roy said, "I can't try a case that way." But Dana could.
- ANNETT: The way I hear Dana described makes him appear a lot like the way they portray lawyers in the movies and on TV.
- TINNEY: Yes. I remember one case. A woman was suing a beauty shop because her hair fell out. Dana sat in the back of the courtroom and talked and laughed the whole time. He just made light of the case, and the jury finally agreed with him! [Laughs] It was a gamble, but he did it. This was the type of lawyer he was.

He wasn't a good office lawyer at all, and he would make mistakes. I can remember him saying, "My witness blew up on me! My witness blew up on me!" Ed would say, "How much time did you spend with him? The three things for a lawyer before trial are preparation, preparation, preparation."

ANNETT: Do you have any sense that Roy Bronson tried to balance out personalities in the office? Would he take on somebody like Dana, and then decide to back him up with good scholars in the office?

TINNEY: Yes, they'd back him up. It was a joint enterprise of Roy and Ed, primarily Ed.

ANNETT: Dana did leave the firm, though?

TINNEY: Yes, he did. I guess Rita told you about that. He went a little berserk after his daughter was murdered on Mt. Tamalpais.

ANNETT: But do you remember why he left in the first place? Didn't he leave before any of this happened?

TINNEY: No, he didn't leave before it happened.

Rita said she didn't think he realized how much money he was making. Every time he needed \$100 they'd give it to him. They paid his income tax and other bills by taking money directly out of his salary. Actually, this was his problem. I don't think, when he got in business for himself, that he could really handle this. He didn't realize that all this money was going out on his behalf. They were kind of nursing him along.

ANNETT: Somebody in that office must have had quite a talent for personnel organization. Covering a lawyer's weaknesses by having a secretary pay all of his bills and having young lawyers do his research requires a lot of organization.

TINNEY: This was a combination of Roy, Ed, and Rita Convery. They had the two younger men, Painter and Driscoll, who were not doing any trial work. They were doing research. They had to back up Dana at times, and they did it.

Jack Painter and Lawrason Driscoll

TINNEY: I knew Jack Painter and Lawrie Driscoll from the time they came into the office. They were nice young men. I used to work for them occasionally. I did Roy's and Ed's work first, but I did theirs if they were in a spot, and I would stay overtime and do it for them. So, we were real good friends.

ANNETT: You spent long hours?

TINNEY: Yes, but I really didn't mind.

ANNETT: Lawrie Driscoll told me a story about he and Mr. Painter annotating the California traffic code.

TINNEY: They called me Prexy—you know, president of the company which they were going to form to annotate the codes; I was supposed to do the typing, and then we were all going to split the profits. But they never did it; [laughs] they started it, but they were always busy. You know how it is. I called them a couple of years after I was married, and I said, "Somebody came out with that annotated code. You missed!" [Laughs]

ANNETT: I guess by then they were prospering well enough without it.

TINNEY: Yes, I think so.

Kirke LaShelle

ANNETT: You mentioned before that Kirke LaShelle was responsible for bringing the Schenley account into the office. Did LaShelle have a lot of connections?

TINNEY: Yes. His mother was married to a lawyer in New York or Connecticut, and he had appeared for the United States at the Hague. That's really ancient history! Well, they had an international reputation, and this is how Schenley came to Bronson's office, through them.

Mr. LaShelle was deaf and wore a hearing aid, but he had no inhibitions about his affliction. If you met him in the street, he would say, "Wait until I get wired for sound," and then he would start talking. He sold a great many hearing aids to clients who came into the office, as they saw how well he did with his hearing aid. He didn't, of course, get a commission on them, but all of the salesmen would let him try out the newest model, as sooner or later he would sell one for them.

When we had the picnic at Roy's ranch, we played musical chairs on horseback—that is, we would ride around a circle and when the music stopped, we had to dismount and, holding onto the horse, sit on a chair. LaShelle won. Jack Painter said to him, "How did you win? You didn't have your hearing aid on." LaShelle replied, "Oh, you dopes who can hear waited until the music stopped. I watched for the signal and was three steps ahead of you all."

He had an amplifier on his phone and whenever we got a new girl in the office, he would leave the amplifier turned on on his phone, go into another office, and call the girl on the phone, saying, "This is Mr. LaShelle. Will you please go into my office and read me the letter that is on top of my desk." She would go into the office, pick up the phone, and when Mr. LaShelle said, "Hello," it would blast her ear off! He would laugh and laugh.

ANNETT: How did Kirke LaShelle happen to end up working for the Bronson firm?

TINNEY: He was working for an insurance company. Ed picked Dana and him when they decided that they needed more experienced trial lawyers. It was Ed's department, so he made the decision. LaShelle had been working for, I think it was, Pacific Indemnity Company doing subrogation and some of the minor trials, and had been in the office quite a bit. When they started looking for attorneys, they considered him, and they also considered a couple of other fellows. But they finally hired Dana and LaShelle. Mr. LaShelle and Dana and Ed did the accident defense work, and the corporate business always went to Roy and McKinnon. McKinnon drew the papers.

ANNETT: Can you tell me much about that process of how they hired new lawyers?

TINNEY: That was the way they did it then.

Hiring and Recruiting

ANNETT: I have a list of some of the early lawyers they had. Maybe you could look at that and tell me which of those you recognize.

TINNEY: I knew Bennett, Sheppard, Painter, LaShelle, Dana, Downey, Driscoll, Dickenson, Phelps, Ropers, George Hartwick, and from there on I don't know.

ANNETT: Do you remember how most of them came into the firm? Would Bronson's wait until somebody came into the office asking for a job, or would they go out and recruit?

TINNEY: No, the new men were usually recommended. Downey's uncle was connected to a large firm but Downey was not the type of attorney they were looking for and they told him to make other connections. He later got a job as an attorney for one of these trucking firms—I think a large transportation company—and did very well.

Sheppard and Painter had graduated from California. Sheppard had been on the law review; Painter hadn't. Painter, I think, was interviewed and got the job just on his own ability. Sheppard's brother was a claimsman for the London Casualty Company or something, and he got the job because at that time we didn't get much business from London Casualty and they thought he was going to bring it in.

ANNETT: Did he?

TINNEY: He brought in municipal court cases, but no superior court cases.

LaShelle, as I say, had been with Pacific Indemnity Company and knew the insurance business very well.

Dana had been with the district attorney's office and wanted to get into trial work. He showed great promise at the time.

Harold Ropers

TINNEY: I knew Harold Ropers.

ANNETT: Tell me about him.

TINNEY: He came in from Auburn. He apparently felt that he had reached a dead end up there—that there was not enough business and he wasn't making enough money. He wanted to become associated with a large firm. He came down, and he wanted to do trial work. The Bronson firm was not in a position at that time to take on another lawyer and pay him a really good salary. Ropers said he didn't care about salary; that his wife was working and that they could manage for three or four years. I think he came in at something like \$250 a month. Money was never easy in those years, never easy.

ANNETT: But you said generally the Bronsons didn't like that kind of arrangement.

TINNEY: No. But I think they thought that Ropers was good, although they just couldn't afford to hire him at a lawyer's salary at that time. But if he was willing to come, fine. They said, "How are you going to get along? You can't make it on \$250 a month." He said, well, his wife was working and they had a little money and they were going to live with her parents or something.

George Hartwick

TINNEY: George Hartwick came while I was there. He was great. He was recommended as an office boy. California Casualty was upstairs, and the manager met Roy in the elevator one day and said, "My nephew is looking for a job. Could you give him one?"

Roy said, "We'll give him one for the summer, take him on temporarily, but we can't promise him anything." That was George and he just turned out to be delightful—intelligent, willing, and with a good personality.

Maintaining High Standards

ANNETT: They had a lot of people going in and out of the office in the Depression. Do you have any sense of why people were coming and going?

TINNEY: Bronson's required top people and many, while competent, were not outstanding. I think they would tell them, "You'd better look for another job." They didn't fire them.

ANNETT: So, they kept their standards pretty high?

TINNEY: Very high, very high. I remember one man said to me one day, "Is this what Roy wants?" I mean, you shouldn't ask a secretary if that's what the boss wants. I said, "No, I don't think so," and that threw him. Young lawyers were applying for jobs, as there weren't any in the Depression. They often offered to work for nothing just to get started, but the Bronson firm wouldn't do that.

ANNETT: Did other firms in the city let young lawyers work for them for free?

TINNEY: Oh, I think so, if they had the business. In the Depression there were lawyers with twenty years' experience working for the WPA [Works Progress Administration] defining California codes and things like that. Their business had just disappeared.

ANNETT: Do you remember the firm turning away clients or just deciding that they didn't want to deal with certain types of business?

TINNEY: Well, yes, that's true. They didn't do criminal business at all.

ANNETT: Why?

TINNEY: They didn't like it, to begin with. Dana had been in the district attorney's office, and he had a client from those days who came into the office with a statutory rape case. LaShelle was grumbling the whole morning, "I don't understand why he had to take a statutory rape case," and all this.

ANNETT: How much concern was there with the standing of the firm relative to--?

TINNEY: There was a lot of concern about that.

ANNETT: Do you have a sense of where, during the time you were there, Bronson, Bronson & McKinnon ranked in terms of other law firms in the city?

TINNEY: They were always considered a good law firm. They were not in a class with the large firms.

I know that at one time Ed defended Baker Hamilton Pacific on a case. Baker had Morrison, Hofield, Foerster, Schumann, and Clark as their attorneys on the overage.

(People always sue for \$50,000 or \$100,000, and if your client doesn't have that much insurance coverage, you send them a letter saying that they're entitled to have their own attorney to look after their interest for the amount they were being sued over their coverage—that's overage.)

One of the lawyers from that firm sat in with Ed and he said at the end of the case, "I had no idea that this much work went into this type of thing, and I have to congratulate you"—Ed had won the case.

ANNETT: Yes, I understand some of the old San Francisco firms wouldn't take insurance defense work.

TINNEY: No.

ANNETT: Why?

TINNEY: Because they had other business which was much more lucrative.

ANNETT: To whom did the firm compare themselves? Who did they want to be like?

TINNEY: I don't know who they wanted to be like, but they had their own standards, and they used to complain if they weren't met. I was not the fastest typist they ever had in their office, but my work was the best-looking and most accurate. I was an intelligent stenographer. Roy Bronson used to say, "A letter is your message to the public, and we want a high type of work." I did most of the trust agreements for that reason.

The Office Staff

ANNETT: So, they put a lot of effort into cultivating a quality staff as well as quality lawyers?

TINNEY: Yes, they were always proud of their secretarial staff and wanted them to be friends. I remember Ed saying to me one time, "I've been in your office (the secretary's office) three times in the last couple of days and you are never talking. What's the matter?" I answered that nothing was the matter; that we were just busy. He said, "I want you to tell me if anything is the matter as we want our girls to get along and help one another out." I assured him that everything was fine; that we were just busy.

Right after Mr. Slaven's accident, especially when they knew he would be out a long time but didn't know *how* long, Ed had said to me, "You have to do everything you can for me. I will be trying too many cases." So I watched the time for him—*notices of a new trial or a stay of execution—all these things I did automatically; he didn't bother his head. If I slipped up, it was my fault. As I said, I set all the depositions, got out the papers, kept him up on the letters to the insurance company, things like that. I did the settlement papers for most of the settlements they did, without his dictating them ever.*

ANNETT: Once things evened out a little bit, did you continue to do this?

TINNEY: I continued because he got used to it, and he didn't want to be bothered with all that sort of thing. I kept my own particular time system even though we had a calendar. Ed did not want to be bothered with that. I always got the things out on time. I did the instructions to the jury most of the time. He'd do one or two if he thought mine weren't adequate. I also paid his bills; I had a signature on his account.

ANNETT: It must have been a terrible blow when you said you were getting married and leaving.

TINNEY: I guess it was in a sense. I received a very nice letter from him about two or three days after I left. But I think he knew it was coming, and he didn't try to talk me out of it. I went back and did some temporary work after I was first married.

ANNETT: Did they ever try and train any of the other clerical staff to do the extra work you did?

TINNEY: No. By that time it was getting a little bit too big, and they didn't try to train any of the other girls. The only thing was that there was a master calendar kept.

ANNETT: That was quite a responsibility. You mentioned earlier, when the tape wasn't running, that you had had some law school education. What did that involve?

TINNEY: At the time of Tom Slaven's accident, when Ed Bronson took over the heavy trial load and told me to do everything I could for him, I decided I needed some legal knowledge. I entered the University of San Francisco law school. I had a year of law school, and then I took code pleading and a few other courses, but I had met my husband and had decided I was not going to be a lawyer. Ed trusted me with a lot, but I think sometimes I surprised the office. I remember once McKinnon and Roy were having a conference about writing a trust agreement. I was taking notes. All of a sudden I said to them, "You haven't got any lives in being." And they looked at me [laughs] and said, "That's right, we don't." McKinnon didn't expect me to say that. He called me "Lawyer Frahm" at times after that.

I remember one other similar incident. One late afternoon, one of the lawyers returned from trial. He had lost the case and was very depressed. The attorney on the other side had given him a bad time all the way, and then he lost it. He asked me to come in (all the other girls had left), and he dictated a stay of execution on the judgment "to and until" a certain day. I knew this was not in our usual form, but I did not want to bring it to his attention in his depressed mood. The defendant in the suit was a trucking company, and the attorney for the other side levied execution of the judgment on the last day specified in the stay. The trucking company phoned the insurance company; they in turn phoned Roy Bronson, and he called me in and said, "You typed this and you know better." I replied, "But (this other lawyer) dictated it, and, after all, he is a lawyer and I am not." Roy turned to the man and said, "You know better than to interfere with her. Leave her alone, and let her do those things. You stay out of it."

Oh, yes, they were very, very proud of their girls at that time.

ANNETT: Did they treat them well?

TINNEY: Yes. They treated each of us as a human being, as a person.

ANNETT: Was it considered a good place to work?

TINNEY: I think so.

ANNETT: Were they able to hang onto most of their staff?

TINNEY: Yes. Jobs were hard to get! Most of the time anyone who left was told to leave.

ANNETT: Miss Convery mentioned to me something about them having given you a sterling silver set when you--

TINNEY: No, it was a check for a thousand dollars.

ANNETT: That's remarkable!

TINNEY: Yes, that was, particularly for 1940. I was walking on air for three days.

ANNETT: Were they that generous with all their secretaries—that seems to be an extraordinary amount of money.

TINNEY: No. I think I was in a special category. They usually gave a silver service to any of the girls who got married. There were three of us who got married within six months, and I don't think they did anything like that for the other two. I was in a special category. I came young, I stayed until I got married, I grew up with the office, and I never refused to do overtime. I had worked many nights, Saturday afternoons, and even on Sundays. But I think they gave it to me because I had grown up with the firm and was part of the "office family."

It was a very impressive gift. And we needed it! [Laughs]

ANNETT: Who was behind that kind of thing? Was that Roy Bronson's idea?

TINNEY: I don't know whether it was Ed's or Roy's, but it was a joint decision. It happened on a Saturday. There was a beauty shop in the building, and I had gone down to get my hair done. Rita phoned and said, "Can you come up?"

I thought something had happened, so I wrapped my head up in a towel because it was all wet. Roy and Ed were sitting in Roy's office, and they made a little speech and gave me the check, and I just collapsed! [Laughs]

ANNETT: Just the two of them, not Harold McKinnon?

TINNEY: No. I just don't think that he was in on those types of decisions. They did have a conference, supposedly every Monday morning at eight o'clock (which sometimes they had and sometimes they didn't), to discuss business, and I don't think he showed up to many of those.

Jack Painter's Departure and the Problem of Partnerships

- ANNETT: Mr. Painter made some reference to the fact that he left for a while because he didn't think the young lawyers were advanced rapidly enough.
- TINNEY: That's right. Roy was very upset about Jack leaving, and he said (in my presence, not to me necessarily) "I didn't give him enough. I didn't give him enough. If he'd waited a little more, I'd have given it to him." Well, they got him back, because they really realized his worth.
- ANNETT: Did Mr. Painter leaving change office policy at all about advancing young people?
- TINNEY: Yes, I think it did. They let the young men know that if they made the grade they were going to be taken into the firm.
- ANNETT: You mean taken in as a partner?
- TINNEY: Yes.
- ANNETT: In general, did Bronson's have trouble hanging onto the people that they wanted to keep?
- TINNEY: No, on the whole they did not. It was hard to get a job in the thirties!
- ANNETT: Do you think the Bronsons advanced the young lawyers as rapidly as the firm could take it? Was there much discrepancy between what the partners made and the--
- TINNEY: Oh, there was quite a bit of discrepancy between what the partners and the others made. But, as I say, jobs were hard to get and it was a nice place to work, even though the work was demanding.
- ANNETT: I was able to talk to Mr. Bronson once before he died, and it was clear he felt he had been taken advantage of when he was a young lawyer just starting out. He hadn't been paid much, and that's why he went out on his own. He indicated it gave him a special feeling towards his own young associates.
- TINNEY: I guess that's true, although I think Painter kind of brought it to the head.
- ANNETT: Do you know why they decided to take on McKinnon as a partner?
- TINNEY: Mr. Slaven was leaving, and I think—I'm not sure, but I think that McKinnon paid off Mr. Slaven's share of the partnership. He bought the partnership. He gave me the memo about it—he dictated it to me because, he said, "You're familiar with this and you

won't say anything," and that it shouldn't get around the office that they were going to do this—buy Mr. Slaven's interest out.*

ANNETT: I don't want any names, but do you think they ever took anybody on as a partner that they later wished they hadn't?

TINNEY: Not in my era, no. It was small, and I think, no. It was always very much investigated and thought about before they offered anybody a partnership.

* Mr. McKinnon was made a partner in 1937, and the name of the firm was changed to Bronson, Bronson & McKinnon.

4

Cases and Clients from the 1930s

Cases that Received Local Publicity

ANNETT: Did you have a chance to look through these cases [pointing to the Bronson, Bronson & McKinnon scrapbook of newsclippings on their cases from the 1930s]?

TINNEY: Yes.

ANNETT: Are there any that you remember?

TINNEY: Some of them. This, of course, was the big one: *Elsman v. Elsman*. Did Rita talk about that one?

ANNETT: She didn't know much about the cases after 1930; she thought you'd be a help on those.

TINNEY: *Elsman v. Elsman*. That made the magazine section (the lurid section) of the paper. She was the beauty operator who married a millionaire. She used to come in all the time with this full-length mink coat. It was his second or third marriage, and they had had a son. They got divorced in New York, where he obtained custody of the son. The wife thought he had gotten custody because of his money. Mr. Elsman brought the boy to California, and the California case involved a fight over the custody of the son. Mrs. Elsman was recommended to Roy Bronson by I forget whom. Roy got an injunction to deliver the boy to Mrs. Elsman. Mr. Elsman heard about it (no one knew how). He flew the child to Nevada with the process server right on his heels. It was all over the papers; you know, very lurid.

ANNETT: It sounds awfully sad, actually.

TINNEY: Yes, it was sad. She never did get the child back. Mr. Elsman was very, very wealthy, and he wouldn't bring the boy back into California where the state courts would have taken jurisdiction of him. I think Mrs. Elsman lost most of the money that she had gotten from him in trying to get her child back. She was in and out of the office for a long, long time—for several years.

ANNETT: In general, did the Bronson firm do much divorce work?

TINNEY: No, not a great deal. There were clients who would bring in a divorce, such as Ward Walkup. He was in the drayage business and was in the office often. When he wanted a divorce, he asked Roy to handle it. One client, in particular, wanted Ed to get him a divorce and he talked Ed into serving his wife with the papers. She didn't realize that he was filing for a divorce, and when Ed served her with the papers she started to cry. She was a very large woman, heavy and rather tall. Ed was not a big man. He said, "I can't represent you."

"Well, just get me an attorney," sob, sob.

"So," he said, "I walked down Montgomery Street to the other attorney's office with her in tow, crying her eyes out. I'll never do that again! I don't know how he [her husband] ever talked me into it! I met about five people I knew, and here I was with this big woman collapsing in tears." [Laughter]

ANNETT: Did the firm try to avoid divorce work?

TINNEY: Yes. They didn't really take it, and they didn't take much criminal work.

ANNETT: How did they feel about the publicity over something like the Elsman divorce?

TINNEY: They didn't mind that. They thought Mrs. Elsman was a victim of money and was entitled to have her son back. The only publicity that they really minded was the publicity which surrounded the Klitgaard-Crosby case. They were very upset about that. The story was on the front page. The papers printed allegations which were not true. The case involved the widow of Captain Klitgaard; the Captain was one of Ed's first clients. In fact, the Captain had met Lily at a trial while Ed was defending him. The Captain divorced his first wife to marry Lily; then he died and left Lily a lot of money.

After Captain Klitgaard died, she married Crosby. He was an alcoholic, and he used to beat her up. She used to come down to the office. (She adored Ed and she was just crazy about him.) I remember her coming into the office with black eyes and all that sort of thing, and talking about divorce.

One day, she called and said she was ill and she wanted Ed to come out and make her will. Ed was in a trial, so Roy said he'd do it. I remember Roy talked to her on the phone. He dictated a rough draft of the will, and then Roy went out to her home. I waited for him to come back, and then I typed it and he went back out to get it all signed.

Both she and Crosby were bed-ridden, so the first thing Roy did was wheel him [Crosby] out of the room because Lily was afraid of him and Roy thought she couldn't make an adequate will, an independent will, if he were there. She died and when the will was read, it turned out she left almost all of her money to her doctor, Dr. Yoell, who happened to have been a classmate of Roy's at Santa Clara. This was a mere coincidence but the papers made the most of it.

Well, Crosby accused Roy of all sorts of terrible things—of dragging him out of his own bedroom and so on. It was all over the front pages, and it was terrible. So, the firm was upset about that publicity. That was very bad.

ANNETT: The will was upheld, wasn't it?

TINNEY: Yes, and Ed was the executor.

The Spencer murder case—I guess Rita went into all that. Did she?

ANNETT: I'd like to hear your comment on it too.

TINNEY: Frank Spencer, of course, was one of the better clients and owned the Spencer Elevator Company. He was a little, little fellow. He used to come in and wait for Roy. He'd come in about 1:30 or quarter to two; he'd sit on the chair, and his feet didn't reach the ground! I mean, he was that small. He was a little round man—kind of cute—and apparently an excellent businessman. He died, and his widow came in to make a will. She said this was a temporary will, and she left her money mostly to charity. Then she was murdered, and of course they all figured that she was having an affair with the gardener which was never proved or disproved. It wasn't even six months after Frank Spencer's death. The firm didn't know what to do. Most bequests to charity are invalid if the will is made within a short time of death. For instance, if you leave all your money to the church down the street and die within a month, it's invalid; at least, that was the law then.

ANNETT: There were constant reinvestigations into that case, and the implication was that both Mrs. Spencer and the gardener had been murdered, so there must have been a third party involved.

TINNEY: Yes, but they never found out anything very much.

ANNETT: Bronson didn't get mixed up in that at all?

TINNEY: No. We represented Frank Spencer's nephew, who, I think, got a quarter or a third of the estate and some of the jewelry. She had beautiful jewelry. I remember Roy showing me her diamond bracelet, and I just gasped. I didn't think I could do that for a diamond bracelet, but that thing just sparkled.

ANNETT: So, they were getting some pretty wealthy clients by this time?

TINNEY: Yes. They had Frank Spencer from 1928. He was successful, and the Depression apparently didn't hurt him that much; it was the ones that the Depression hurt that they lost, such as all of the motor car companies. We were attorneys for the Motor Car Dealers Association, Butler-Veitch, Marmon, the Fageol Motor Company, Sterling Truck, Nash Motors—all those disappeared.

ANNETT: Were a lot of the wealthy clients whose estates the firm handled, people whom they had done work for when the people were just starting out and who only eventually became wealthy?

TINNEY: Some of them, not always. McKinnon brought a couple of them in.

ANNETT: How did McKinnon do that?

TINNEY: He married a woman who was rather wealthy. But these estates were mostly just one-time things.

ANNETT: Can you tell me anything about these other cases?

TINNEY: Most of these are not Ed's. Gundelfinger, that was embezzlement, and they were cracking down on him and he committed suicide.

ANNETT: Oh, I didn't know. The first reports were that--

TINNEY: McKinnon was doing the investigating, and they had found that he was embezzling money from the firm. It didn't come out though. As long as he committed suicide and was gone, they just dropped the whole thing.

ANNETT: Who was Mr. McKinnon investigating that for?

TINNEY: Hood and Strong had done an audit and the firm for whom Gundelfinger worked asked the office to handle it. I think it was on Hood and Strong's recommendation. Mr. McKinnon had dictated a memo to me which was very confidential, and the next thing I knew, the man had committed suicide.

Fageol Motor Company and the Judge Louderback Impeachment Hearings

ANNETT: How about the Louderback case?

TINNEY: It was just before the time when Mr. Slaven was hurt; his accident was right after he and Roy came back from that impeachment hearing in Washington.

We got into it because of Fageol Motors, which was one of the accounts that Roy Bronson had. Fageol made a very good truck. It was owned by the Bill family. As so many businesses did in the Depression, Fageol got into cash-flow problems. They couldn't collect their bills and so they couldn't pay their employees or pay their own bills. They had enough outstanding if they could collect it—but they couldn't. So, Roy advised Mr. Bill to go in receivership. Then they talked to the manager of the Chevrolet factory in Oakland, and they had a meeting with the creditors. Everyone agreed that the Chevrolet man should be the receiver. The case was assigned to Judge Louderback in the Federal Court. Roy knew Louderback was difficult, and so he made a very forceful statement that this man should be appointed receiver, and that the creditors agreed and were sure that the business could be pulled out of bankruptcy. But instead of the approved man, Louderback appointed Mr. Leggeford, and the business went down the drain.

We also were involved in the impeachment hearings because of the Lumbermans Reciprocal Association, which was one of Mr. Slaven's accounts. That was a question where they tried to put the California part of the business into receivership and separate it from the business in other states because business in the other states was not doing well. The California part was doing fine and it was felt did not have to go down the drain if left to itself. There was doubt whether that could be done under the present law, and I remember the lawyers researching the question. I think one judge had held that they could do it. Anyway, Judge Louderback tried to upset this arrangement—not for reasons of law, but to help friends. Everyone in San Francisco knew he was doing this kind of thing. But Roy said that when it came to testifying before the Senate impeachment committee, most of the other lawyers backed down—the other attorneys in San Francisco wouldn't say anything very definite about Louderback.

ANNETT: Against him?

TINNEY: Against him—so he was not impeached.

ANNETT: The newspaper accounts of the San Francisco part of the impeachment hearings were confusing as to what side Roy Bronson was on. At times they seemed to imply that Roy had tried to help Louderback appoint these bad receivers.

TINNEY: No. No way.

ANNETT: So, Roy was one of the few lawyers in San Francisco who'd testify against him?

TINNEY: Yes.

ANNETT: Did he just feel that was his responsibility?

TINNEY: He felt it was right. Louderback was not an exemplary judge. Federal judges are appointed for life; there's no way of removing them except by impeachment.

ANNETT: Was Mr. Bronson worried about the implications?

TINNEY: The effect on him? No. He was a fighter! Both of the Bronson brothers were. There was one time Ed was in trial, and this judge would go out—I forget his name—to lunch and have a bottle of wine and fall asleep in the afternoon, and he would not know what the witness was saying. Ed endured it for two or three days then he finally called him on it and told the judge, "Please, don't drink these bottles of wine and don't go to sleep in the afternoon again."

Ed came back and was telling what he had said, and Roy said, "You should never do that to a judge! The trouble with you is you're a proud Protestant Anglo-Saxon!" and went slamming out of the door.

Ed looked at me and said with a smile, "I resent the Anglo-Saxon part." [Laughs]

ANNETT: Are there any more of these cases that you can tell me anything about? There's a case in here [referring to scrapbook] that apparently was Roy's first case before the U.S. Supreme Court—the Pacific Wholesale Auto Company?

TINNEY: Yes. I remember it just faintly. I remember his winning it.

ANNETT: Do you remember what he felt about trying a case before the Supreme Court?

TINNEY: He was a little nervous, but I think he enjoyed doing it, and he prepared well for it. So, he did win.

Attracting Clients

ANNETT: What were some of the things the lawyers in the firm did to attract clients?

TINNEY: I'm not sure I know what you mean?

ANNETT: For example, what were some of the outside groups the lawyers were active in which might have introduced them to clients?

TINNEY: Bronson's office hadn't been very active in the Bar, and about the time I left [1940], they decided that Ed Bronson would take that on, and that they should become active in the Bar Association.

ANNETT: Why?

TINNEY: Well, I guess there were lawyers from the large offices who were active in the Bar, and then there were the other ones, like Hallinan and a few others, who were trying to be active in the Bar, and they thought they owed it to the Bar Association to get a little more diversification because they were kind of in the middle.

ANNETT: Roy was president of the San Francisco Bar Association in 1945.

TINNEY: Yes. But Ed had started it. He was on the board of directors for a long time.

ANNETT: And did they play much role in this [referring to a *San Francisco Chronicle* editorial from June 29, 1938 about the S.F.B.A. activities re] trying to get lawyers for indigents?

TINNEY: Yes, they did. In fact, [laughs] my husband got on the panel. Roy spearheaded that and took that on as a program.

ANNETT: Do you have any sense of how the firm was able to grow in terms of getting clients and all?

TINNEY: I think that mostly came after I left. They were just beginning to start as I left. I guess after the war the economy started to boom, and they were in a position and had the reputation to take off with it.

ANNETT: Did they mainly pick up clients on the basis of their reputation? Was it through people they had met at clubs or--?

TINNEY: No, Schenley was not. That was definitely LaShelle who brought that in.

Insurance Work and the Rise of Plaintiff's and Defendant's Bars

TINNEY: Really, the big thing while I was there was the growth of the insurance business.

ANNETT: One of the things I'm trying to get at is, in the development of the insurance industry cases, there seems to have arisen at the same time a very definite plaintiff's bar and a very definite defendant's bar in San Francisco.

TINNEY: Yes, there was. There was a definite group of attorneys who did plaintiff work and a definite group that did defense work.

ANNETT: Were they different types of attorneys?

TINNEY: In a sense. You have to be plaintiff-minded to win cases for plaintiffs. Ed Bronson said that. He thought at one time that the firm should not take any plaintiffs' cases because he thought we were defense-minded and we couldn't really represent a plaintiff because we didn't have the right attitude.

ANNETT: Would the insurance companies get at all upset if you switched back and forth, or was this really just a decision within the office?

TINNEY: No, it was a decision within the office, I think. You had to be careful it wasn't one of your insurance companies who was the defendant when you took the case, but there were lots of insurance companies who weren't our clients.

ANNETT: My feeling is that, from the descriptions I've heard of people like Ed Bronson, he's quite a different kind of man than some of the famous defense lawyers, such as Vincent Hallinan and Melvin Belli.

TINNEY: Oh, definitely. Of course, Vincent Hallinan was another thing. But he was a very good attorney. He was an excellent trial attorney, and good to his people who worked for him.

ANNETT: Was there any personal feeling between your firm, which was a defense firm, and some of these plaintiff attorneys, or was it all just seen as business?

TINNEY: It was mostly business. I think Dana had a little feud with Vincent Hallinan. You saw the article about the fight. I don't think Dana liked Hallinan, and this was the reason that the policy of the office was that we always got out deposition papers. We never asked for a stipulation for a deposition. Attorneys used to phone and say to me, "You got out a subpoena and all this. You didn't have to do that. You could have phoned me." It was the policy of the office not to ask anyone; you didn't want to ask certain lawyers to do it because they might not come up with their client or something.

You filed an affidavit and you got a subpoena, and you served a subpoena for a certain day for a deposition. (It could always be changed afterwards.) Some of the offices, you could phone and say, "We'd like a deposition. When will we do it?" But it was the policy of the office not to ask anyone because they didn't want to ask people who would put you off or do something. So, you just went ahead and did it.

This was part of my job—I kept Ed up on his depositions. McDougall used to take some of the depositions for him.

ANNETT: I see. But in general the relationship between the two groups stayed pretty friendly?

TINNEY: Oh, yes. There were a few that they didn't like. Ed never liked Ingmar Hoberg just because Hoberg usually won [laughs], and it used to get him!

But Ed liked Mitchell Bourquin. Once they were on opposite sides and I remember Ed telling me, "Schedule that deposition late in the afternoon." Afterwards I'll take Bourquin out and see if I can't break him down." So, the two of them went out, and Ed came in the next morning and said, "Oh, what a head! And he didn't let loose with one word about that case."

While I was sitting there, Bourquin phoned and said, "What a head! I was trying to get you to say something, and you didn't say anything." So, the two of them were feeding each other drinks, trying to get something [laughs] and never--

But this was the way it was. Yes, they were friendly, on the whole.

The Ethics of Insurance Defense Work

ANNETT: What were the insurance companies like to deal with?

TINNEY: I would say they were, on the whole, pretty professional. There were some shenanigans going on which Ed tried to stop.

ANNETT: Can you tell me about that?

TINNEY: Well, Ed tried cases all over the state. A couple of the insurance claimsmen would go down to prepare the case the day before, and he always thought that sometimes there was a little shenanigans. He would want to go down ahead, too, to check on the adjusters. The insurance companies didn't want to pay for his day, to go with the claimsmen, but Ed finally just said, "If I try the case, we go a day ahead."

I remember one case that Ed tried down the Peninsula. It was for one of our big insurance clients, and they had associated another lawyer. We wondered why; Ed thought that perhaps this other lawyer was going to get some of the insurance company's business. It was one of our better clients, so he was worried. Ed won the case. McKinnon said to me the next morning, "What's the matter with Ed? He won his case and he's not happy." I said, "He found out afterwards that this attorney that had been associated with him had done something he didn't like." No, they were high principled.

Jack Painter was trying a municipal court case one day. The insurance company had a series of pictures, several of which showed that our client was right. However, there were also two others which were not so good. The claimsman wanted Jack to introduce into evidence the ones which showed our client to be right and not to introduce the others. Jack said he would introduce all of them or none of them. The claimsman came to Roy Bronson on the lunch hour and asked him to intervene. He also went to Ed with the same request. After a conference where Jack was adamant, they told him to go ahead and do what he wanted to do even if it meant that they lost the client. Jack introduced all the pictures in the afternoon session and won the case.

5

Conclusion

A Sense of Family

ANNETT: I hear the word "family" spoken of quite a bit with respect to the firm.

TINNEY: Yes, they considered it a family at that time and hired people they thought would fit into that category.

ANNETT: Did you feel a part of something like that?

TINNEY: Yes, I did, I really did.

ANNETT: Why? Because they were always so solicitous in terms of giving parties and--?

TINNEY: No, I don't think so. It was their attitude toward you. While it was an employer-employee relationship at all times, their employees were persons, human beings with feelings. At times, some of the girls would have problems, and they always felt free to discuss them with Roy Bronson, particularly. He always was interested, compassionate, and ready with fatherly advice.

ANNETT: Did you have a sense of how your working conditions compared with other legal secretaries?

TINNEY: We'd had some girls there who didn't like it because it was a business office, definitely, and there was an unwritten rule that you didn't go out with the bosses. They wanted it a little more relaxed.

But on the whole, I enjoyed working there. We worked hard, very hard at times, and carried a terrific load because they were never adequately staffed as far as secretaries went. The most we ever had was five, and there were always eight men.

The men treated each other as members of a family, too. Very often when Dana or LaShelle were on trial and had a jury out in the afternoon, Ed, Roy, and some of the younger lawyers would congregate in the library and toss pennies across the floor waiting for the call to come in as to the result. This happened often.

A Final Comment on E.D. Bronson, Sr.

[Ed. note: A few days after Mrs. Tinney and I taped the above interview, I received the following letter in the mail from her.]

August 4, 1977

Dear Joan,

Reflecting on our interview of the other day, I came to the conclusion that I did not present a very vivid picture of Ed Bronson.

He loved trial work. He worked very hard but it was like an athlete—victory was worth it. It was said of him that he "built" a case like very few attorneys but with a flair. I can remember him sitting on the floor with a map of the scene of the accident with his red, blue, and green toy cars reconstructing all the phases.

He also loved the haggling over the settlements. They were like a poker game to him and he was very good at bargaining.

He was charming and attractive to women but was also a "man's man." He corresponded with a retired sea captain in Roswell, New Mexico. Ed had a little interest in some oil leases the captain was handling. The story is that the two of them were out one night and the captain became obstreperous. Ed told him to be quiet or he would punch him in the nose. The captain didn't quiet down and so Ed punched him in the nose. They became fast friends after the incident.

Again, a defendant was a rather garrulous truck driver, much bigger than Ed. Theodore Roche, a clever, successful lawyer, was the attorney for the plaintiff. Ed was afraid the truck driver would talk too much answering questions and would get into trouble. He told him that he would punch him in the nose if he said more than "No, sir," "Yes, sir," to any question. The truck driver did as he was told, and Ed won the case.

I hope this will help you.

Sincerely,

Helen Tinney



EDWARD D. BRONSON, JR.
circa 1972

Regional Oral History Office
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Berkeley, California

Edward D. Bronson, Jr.

Reminiscences of the Bronson Brothers

An Interview Conducted by
Joan M. Annett

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1

E.D. Bronson, Sr's., Background

High School and College Years

ANNETT: I would like to start by recording as much information as you can remember about what your father, Ed senior, told you about his educational background.

BRONSON: He talked a lot about going to Oakland High School, but the only person that I remember him discussing was Bud Voit, who eventually ended up owning a bar called Bud's at Piedmont and Pleasant Valley Road in Oakland.

After high school, my father attended the University of California, and part of that time he was at Davis. I'm not sure whether he was interested in something to do with agriculture or not, but I do know he was very active in the fraternity he joined—Phi Gamma Delta. He acquired a beer mug, which I have now, with the nickname "Tough Bronson" on it.

ANNETT: Is Phi Gamma Delta a social fraternity?

BRONSON: Yes, it's a social fraternity. Figi—as it's called for short—still has a house there near the campus.

ANNETT: Was your father a better student in high school than Roy? Is that why he was able to go to Cal (the University of California, Berkeley)? In the one conversation I was able to have with Roy before he died, I asked him why he went to Santa Clara instead of to the University of California. He good naturedly replied, "Hell, I couldn't get into Cal; they wouldn't accept me!"

BRONSON: That may be. I don't know how either one of them did scholastically. My father did like and revere the associations he made at college because he always attended the reunions that they had for his class—the class of '17.

Army service

BRONSON: Following his graduation, my father joined the United States Army and became a second lieutenant in the infantry. He never served overseas but spent most of his time in the deep South. His only distinction in the service that I recall hearing about was his winning his regiment's light-weight boxing championship.

While my father was in the South, he met my mother. When my father wrote her, after he was discharged from the war, she agreed to come out and marry him. That was the beginning of my immediate family. (As you may know my father eventually divorced my mother and then later remarried.)

The Decision to Become a Lawyer

BRONSON: My father talked a lot about his initial business career with the Firestone Tire Company in Fresno. How he got that job and how he ended up in Fresno, I don't know, but apparently he had that job for several years before Roy talked him into going to law school.

By the time my father decided to take up the law, Roy was already in practice. I have heard allusions to the fact that it was his father—my grandfather—as well as Roy who talked Father into doing what was necessary to be admitted to the Bar.

What additional education Father had to have to become a lawyer, and what additional education he did have, I'm not sure, but I know that he did not have to go through what we now know to be law school. He was not a law graduate.

ANNETT: I know he was tutored in preparation for taking the bar exam. Do you happen to remember the name of his tutor at all?

BRONSON: No. I didn't even know he had been tutored. But that makes sense, because I never heard about him going back to school at all to get a formal legal education. So, that must have been it. And then he passed the Bar by the standards that existed then. In those days, the bar examination was oral, not written.

ANNETT: Actually, according to the fail rate, it was quite a rigorous examination. They only passed about half the people who took the oral examination for the Bar.

BRONSON: Okay. I remember my father spoke many times about going through the oral grilling that was involved in his getting certified and being admitted to the Bar.

ANNETT: Was it a difficult experience for him?

BRONSON: I never got that impression.

The Bronson Clan

BRONSON: My father had a tremendous respect for his father and was extremely close to both of his parents. So was Roy. His father—my grandfather—was apparently an extremely hard-working, industrious, dedicated, and honest person. That basic honesty is something that I'm sure had a profound influence on my father, as well as on Roy.

ANNETT: Is that something that your father remarked upon—his father's honesty? Or is that something you have inferred?

BRONSON: Well, Father wouldn't use that word. But it was apparent in his honest dedication towards what he wanted to do and what he thought was right. It found its way into my father's make-up in what I would call professional integrity.

ANNETT: What did your grandfather do?

BRONSON: He sold encyclopedias at the end of his career. Before that he'd been in banking.

ANNETT: I understand your grandfather had a comfortable home, and yet he retired early and he had a lot of children. So he must have been quite successful.

BRONSON: Right. But I really had no knowledge of that. I was quite young when he died. I guess I was about ten or eleven when he died.

My grandmother lived on for many years after that. Whatever estate my grandfather left, it couldn't have been too much, because she eventually became totally dependent upon her children.

ANNETT: What were your grandparents' names?

BRONSON: My grandfather was Edward Duerdin Bronson. When I was born, I was named E.D. Bronson, III. I understand Duerdin is English. My grandmother's name was Mabel—to us, she was just Granny.

ANNETT: I particularly ask about your grandparents and how they influenced their children because all their children seem to have done quite well: Ed and Roy built a large and prosperous law firm, the sisters married well, and the two youngest brothers were quite successful

with the Duchess Catering Company. Did your father talk much about how well his family had done and why they might have done that well?

BRONSON: No, no, because it was common knowledge. We all lived in the East Bay. I had a number of cousins, and I would see them all the time. Then we had a big Christmas party every year which would be either at our house or at one of my uncle's or aunt's houses. (It alternated every year.) Everybody down to my generation was invited, so we were always up to date on what the other people were doing. For the most part, we all lived close by. While Roy and his family moved around several times, I think Roy's house was probably never more than a half mile from ours. Roy and Aunt Bernice lived in Berkeley all the time, so they weren't that far away. Marty and Pike lived down around Piedmont Avenue, which was a couple of miles away. Knox and Helen lived right down in the middle of Piedmont too, so they were less than two miles away. Dick, I think, lived in San Francisco most of the time, so he was the only one we didn't see as much as the others.



Roy and Ed



Roy and Dad



Ed and Mother

2

The Growth of the Law Firm

Ed's and Roy's Relationship

ANNETT: What was your father's relationship to Roy, who was his older brother?

BRONSON: As far as my father's relationship with Roy is concerned, they had a complete respect for each other but they fought all the time. The way the firm developed, it just fell into a natural division with Roy doing the general-type practice and my father doing the litigation. While Roy in the beginning did some trial work, I don't think he was particularly fond of it, and by the time we get to the late 1940s, early 1950s, Roy never did *any* additional trial work. Similarly, while my father initially did some administrative work and general practice, he got away from all of that and ended up doing nothing but trial work, leaving the administration of the firm to Roy and eventually others as it grew larger.

Roy never second-guessed my father on his judgments in the litigation area, that I know of, although I am only familiar with this for the period of the fifties and beyond when I came with the firm. It was during this period that we were really beginning to grow, and the litigation end of the firm really blossomed. Roy never tried to post his judgment over my father's in those matters. The same thing was true with my father on the business side of the firm—he had little if anything to say as far as the general business aspect of the firm was concerned.

Of course, in partnership meetings, as far as business judgments were concerned, they both had their input. Their disputes were usually on minor matters, typical flare-ups between two brothers.

ANNETT: Did Ed share Roy's dream of building a large law firm?

BRONSON: I don't think my father had any particular feelings about the growth of the firm. That was Roy's big thing; he wanted to see the firm grow. As far as my father was concerned, how that would work, and if it *would* work, was Roy's part of the business. As far as my father was concerned, I think it was just if it happened, fine, if it didn't, fine—as long as their litigation department was healthy and prospering.

ANNETT: I understand Roy and your father used to have substantial disagreements about Roy's tendency to always want to move the firm to the newest and biggest building in town.

BRONSON: I don't know about the move to the Mills Tower. When did that happen—'32?

ANNETT: Yes.

BRONSON: Surely the move to the John Hancock building wasn't any big problem. We just knew we had to have more space, so there wasn't any problem about that. When it came to the move to this building, we had some disputes. I think most of the trial staff wanted to go down towards the Embarcadero where the transportation is easier because that's the center of the town. The business side of the firm, including Roy, insisted that we come to the Bank of America building because that would put us in the center of the financial district and would mean we would be in the same building as a client that we would like to get more business from—the Bank of America. There were a lot of other reasons, and of course the business side prevailed.

I don't remember my father or any partners having any big issue about moving at all. But they could have had in the early days.

ANNETT: Do you know anything about the economic arrangement between Roy and your father?

BRONSON: As far as the monetary end of the thing is concerned, in the beginning I know that Roy paid my father a very meager salary.

ANNETT: Actually, according to surveys that were done of lawyers' salaries in San Francisco in the twenties and thirties, within four years of practice, your father was making more than the average lawyer in San Francisco.

BRONSON: Is that so? That's not the impression I got from my father.

The Structure of the Firm's Partnership

BRONSON: At some point, of course, they became partners; when that was, I don't know. Probably about the time that Slaven came in.

ANNETT: No, he actually made him a partner before then. He made him a partner in 1924, with a twenty-five percent cut.

BRONSON: Really? Where did you learn that?

ANNETT: I know Helen Tinney, your father's old secretary, mentioned that. I think Roy said something about it in his essay on the firm, too. [See appendix for a copy of Roy Bronson's essay.]

BRONSON: Okay. In any event, as far as the money's concerned, the way Roy and Dad worked was that as the firm grew they gave of themselves to have the firm grow. In other words, you have to assume that back in the 1930s the partnership was, say, fifty percent Roy and twenty percent Slaven and thirty percent my father. As they would take new people in, they would give their own percentages to the new partners. So as the firm grew, their own interests were diluted. That principle still exists today.

ANNETT: I thought that was typical of partnerships in San Francisco.

BRONSON: No, it was not. I'm sure it's the case with some. Other people can speak better to this than I, but I know that in many firms the founders never give up their fifty-one percent share. No matter what happens to the firm, they maintain that, or one or two of them will hang unto a majority share so that they maintain control. Well, Roy never worried about that.

He was a benevolent dictator, and even though his interest was not enough to carry, his respect was. So there were never any problems with Roy exerting himself. If it got down to a controversial matter, I suppose if you took a vote he might be out-voted two to one; but if he wanted it one way, everybody gave in to him. That's the way it was. There was a respect not only for the man but for his judgment as well.

ANNETT: Why did they adopt such a liberal partnership arrangement? Did they ever talk about that?

BRONSON: There's only several ways you can go in a law firm. One way is that when you make a person a partner you don't really give him that much of an interest in the firm but you give him a vote. Those are sometimes called associate partnerships or junior partnerships. There are all kinds of variations in that. But even in some of the largest firms in San Francisco today, the very senior partners, which may only number three or four, still have a controlling interest, and they take off the huge part of the profits.

ANNETT: Did your father or Roy ever mention why they didn't adopt that kind of arrangement?

BRONSON: Just that they set up the partnership the fairest way they could. They always had the idea that if you take a person in as a partner, he *is* a partner and ought to be in every sense of the word. While when he comes in he would start at a low interest, he would build that until at some point he would have a maximum interest.

That's the way we are today. There's a maximum amount that any person can have. It doesn't add up to a hundred percent any more. We got away from percents; it's just points. The maximum interest in the firm at one time was ten percent; Now it's ten points, which means that gradually that ten points is diluted as you take new partners in.

At some point, if the firm levels out, the deaths and retirements will more or less equal the new incoming partners. So you will have some stability in there. But during periods of growth like now, the senior partners' interests are being diluted all the time. That was the way with Roy's and my father's shares—they were always being diluted. Of course, the compensating factor is that as we have grown, the firm has made more money. So, I think their incomes have always been good.

Attracting Clients

ANNETT: Did your father ever mention that he worried about the law firm when he first started out—about whether or not it was going to survive?

BRONSON: No. Both he and Roy were good business-getters. Both of them were big on the concept that you're always going to lose clients, so you've got to be getting new clients all the time and, of course, do what you can to keep the clients that you have.

ANNETT: Did they talk in much detail about that—about their client building and maintaining techniques?

BRONSON: Yes, oh yes. We had a flat spot in about 1961 when we were closing more cases than we were starting. In other words, we were losing business. Well, we found out what it was. The man who was taking the incoming cases and making the assignments was acting like Napoleon to the clients, so the clients didn't particularly like to call up and give us a lawsuit. To overcome that, we had meetings for the better part of a year, once a week, and the subject was, "What are you doing for this client and that client," and "Here's some new clients; who's going to take this one and who's going to take that one."

We really scratched for business—not only to get new business but to mend the fences with the old. We assigned a new partner to handle the incoming cases to get rid of that problem. Roy would have meetings with the younger men and make speeches about the importance of new business, and that just because a new man comes to the firm and he's got clients doesn't mean he should sit around and expect that business to be there all the time. He used to talk about how it's the one hundred percent effort that gets business and keeps business, and how good will is just as important as doing a professional job on a piece of business. Both senior Bronsons were very big on that, particularly Roy.

Hiring and Training Policies

ANNETT: Do you remember hearing about any special hiring policies which were established in the early years?

BRONSON: That's something that Roy and my father got out of a long time ago. As the firm began to grow, I think they both realized that the younger partners were the ones who should select the men that they were going to be working with in later years. With a few exceptions, my father and Roy left the hiring to younger partners.

ANNETT: I should think if especially Roy was interested in maintaining control of the firm, that would have been one of the key vehicles.

BRONSON: He didn't have to be interested in maintaining control of the firm—he *did*. It's as simple as that. He did. It was a fact.

ANNETT: I've heard various references to this firm doing a good job of training it's young lawyers, especially in the trial area. Can you tell me anything about that? Was your father behind that?

BRONSON: No, that really got started with his son—with me. You see, when the firm was growing, when we needed a trial man, as when I first started, we'd hire a guy with experience. We'd get a Dick Hawkinson or a Bernie Kearns or a Jim Martin or a Bob Friedrich.* You'd get a man who could jump right in and pick up a file. I think you have to go about five years down from me before you find anybody in this firm who was hired as a green trial lawyer. You can go back and find Driscoll and Painter, who were hired without experience. But they were an exception to what our pattern was in those days. It really wasn't until much later that we got involved in hiring green people whom we had to teach. So, Father didn't organize that.

* James E. Martin later went with the law firm of Barry, Martin, and Howe. Robert E. Friedrich eventually set up a solo practice in the Fox Plaza.

Harold McKinnon Joins the Firm

ANNETT: What can you tell me about Harold McKinnon's role in the firm?

BRONSON: I know a lot less about McKinnon; I never got too close to him. He went to Santa Clara at the same time as Roy did, and I think they became friends at that time. Then Harold had tuberculosis or some other illness that kept him laid up for years. I understand he read a prodigious amount of literature, particularly in the area of philosophy and the arts. He came with the firm apparently not too long before Slaven had his accident. In any event, I know that as soon as Slaven was unable to work McKinnon's name was added to the partnership roster.

Harold always did appellate work, and he also did some general business law, like probate. In the litigation department, we talk in terms of how you have to have eight or ten balls in the air all at the same time or you're not a decent trial lawyer. That means that you have to be working on a number of things all of the time and have to be able to keep them organized in your mind. In contrast to this, Harold was the kind of person who worked best by devoting his entire attention to one matter at a time. He was a man who worked with an absolutely clean desk except for whatever he was working on. He loved to teach; he would like to have you come into his office to discuss a problem, and pretty soon the problem developed into a much broader subject and you found yourself sitting in his office for half an hour, forty-five minutes at a time. It got down to be more like a philosophical discussion than work.

ANNETT: On balance, was that a distraction or an asset to your office?

BRONSON: I think Harold was a terrific asset to the office because in a very short period of time his reputation as an appellate lawyer was established. People knew that he had a fine analytical mind and that he was an extremely persuasive writer. That's a big piece of law—the persuasive writing. So he added something that neither my father nor Roy had.

Sometime in the 1950s, Harold wrote a critique on one of the United States chief justices—I think it was Oliver Wendell Holmes—as being a complete pragmatist as opposed to thinking in terms of the Natural Law. Somebody else took Holmes's side, and there was a series of articles published which received nationwide attention. They were published in the *American Bar Journal*.*

* For a copy of Mr. McKinnon's article on Holmes and of some of the correspondence it generated in the *American Bar Journal*, see the appendix.

Many contemporary philosophers were correspondents with Harold, and several were friends. Mortimer Adler and he were quite good friends.

ANNETT: Roy told me that he [Roy] thought some of the biggest influences on his life had been philosophically-oriented courses he'd taken in college in things like social theory and political economy.

BRONSON: Really?

ANNETT: Yes. Do you think there was a side of him that enjoyed philosophy, and that's what attracted him so much to Harold McKinnon?

BRONSON: Well, they were friends at Santa Clara. If you've never been to a Jesuit university, you can't really describe the impact that it has on you. Anybody who goes to a Jesuit university becomes interested in philosophy; you just can't get away from it. The priests are full of it, and it's a part of so many courses in one way or another.

I went to Santa Clara, too. It's kind of strange the way it happened. I was in the Air Force in World War II; I went into the war right out of high school. In the middle of it all, I wrote my father one time and said, "I guess this thing's going to be over pretty soon and I ought to start thinking about college. I've made up my mind that I don't want to go to the University of California. I think a coed university would be a distraction." The next thing I got was an application for admission to Santa Clara. Roy had gotten it. I guess my father had talked to Roy about it, and Roy had [laughs] made up somebody's mind that I was going to go to Santa Clara.

Roy had been a big rugby star down there, and he'd done well. Whether he'd done well scholastically, I don't know, but he made a lot of friends with the priests and became a very active and loyal alumnus.

ANNETT: Incidentally, I've seen Roy's report cards for law school, and he did extremely well. He placed first in quite a number of courses.

BRONSON: That makes sense, because it was tough to get into Santa Clara by the time I came along. Roy's recommendation got me through pretty easily.

McKinnon's Catholic Influence

ANNETT: I've heard a number of people refer to this law firm as having been a Catholic law firm in its early years. Can you just straighten that out for the record?

STUDENT <u>Roy A. Bronson</u>					
CLASS <u>Senior</u>			MONTH <u>May</u> YEAR <u>1912</u>		
SUBJECT	RANK	CREDITS	SUBJECT	RANK	CREDITS
CONDUCT.....		96	MODERN LANGUAGE.....		
DILIGENCE.....		90	JOURNALISM.....		
TABLE ETIQUETTE.....		80	LAW.. { 1 <u>Personality</u>	1	95
PHILOSOPHY OF RELIGION.....	1	96	{ 2 <u>Realty</u>	1	95
ETHICS.....	1	96	{ 3 <u>Pleading</u>	1	95
MENTAL PHILOSOPHY.....			{ 4 <u>Equity</u>	1	90
ECONOMICS.....	1	96	{ 5.....		
PHYSICS.....		92	{ 6 <u>Neg. Instrum.</u>		90
PHYSICAL LABORATORY.....			PRE-MEDICAL { ZOOLOGY.....		
CHEMISTRY.....		85	{ ANATOMY.....		
CHEMICAL LABORATORY.....			{ HISTOLOGY.....		
MATHEMATICS.....			{ EMBRYOLOGY.....		
RELIGION AND MORALS.....			DRAWING { ARCHITECTURE.....		
LATIN.....			{ DESCRIPT. GEOMETRY.....		
GREEK.....			{ GRAPHIC STATICS.....		
ENGLISH { LITERATURE.....			{ STRUCTURAL.....		
{ PRECEPTS.....			{ GRAPHICS.....		
{ COMPOSITION.....			MUSIC.....		
HISTORY.....					
ORATORY.....					

Roy excelled in all of his classes while a law student—with, perhaps, the exception of table etiquette.

S. C. U. GRADUATION EXERCISES SUNDAY

Many Notable Guests Will Be
Present at Ceremonies

[Special Dispatch to The Call]

SANTA CLARA, June 10.—Roy J. A. Bronson '12 of Oakland will deliver the valedictory at the graduating exercises to be held here Sunday afternoon.

The program will include musical selections, both vocal and instrumental, a display of five historical tableaux portraying the life of the early inhabitants of California, and commencement exercises. The celebration will terminate with athletic games in the afternoon.

Among the notable guests who will attend are Count del Valle de Salazar, Spanish consul general at San Francisco, and his suite, Mayor James Rolph Jr., Mayor Charles Davison of San Jose, Archbishop P. W. Riordan, Chief Justice Beatty and Judge Lorigan of the supreme court.

PRESIDENT MAKES ANNOUNCEMENT OF MANY DONATIONS

Bestowal of Awards for
Scholarship Honors Is
Feature of Commence-
ment Exercises

(Special Dispatch to The Call)

UNIVERSITY OF SANTA CLARA, June 11.—In simple but impressive commencement exercises held here this afternoon 21 young men received diplomas.

Joseph Scott of Los Angeles, one of the best known attorneys of the state, gave the commencement address. As his theme Mr. Scott expounded the

value of Catholic education. Robert J. Flood, a graduate of the 1913 class, delivered the valedictory. Rev. Father James P. Morrissey, president of the university, spoke on the progress Santa Clara is making educationally. He praised highly the work that the 1913 graduates have accomplished.

Contributions received by the university from former students and friends were made known to the assemblage by Father Morrissey. At the conclusion of the exercises extraordinary prizes and honors were awarded to the students who distinguished themselves during the last year.

DEBATERS RECEIVE MEDALS

The Ryland medal, an annual prize of \$25, the gift of C. T. Ryland of San Jose, to be given to the student who may be deemed by the university most fit for the prize, or to the student judged to have distinguished himself most in the annual Ryland debate, was awarded to Royal Andrews Bronson of Oakland.

There have been added in late years two purses of \$12.50 and \$7.50, the gift of John W. Ryland, to be paid to those the next in merit in the Ryland debate. The first purse was awarded to Harry W. McGowan and the second to Harold R. McKinnon.

Roy Bronson and Harold McKinnon were distinguished students in the University of Santa Clara's law class of 1912. Roy was first in the class, and Harold was second.

BRONSON: I've never heard that. I am surprised anyone would single that out as a distinguishing feature. This has always been a Catholic town. But, above all, this has always been a very tolerant town. The religious groups have mixed pretty freely. No one seems to pay much attention to religion.

ANNETT: I have definitely heard that comment from a number of other prominent lawyers in San Francisco.

BRONSON: I believe only Harold and Roy were Catholic. Even Roy was a recent convert. I believe he had converted while he was at Santa Clara. Perhaps it was because of the prominence of Harold's writings. As I said, McKinnon wrote a lot, and a lot of that would have been Catholic-oriented.

ANNETT: That's probably where it comes from, then—a strong association with McKinnon's interests.

BRONSON: They were both—if what you say about Roy is true—outstanding scholars down at Santa Clara. They may very well have gotten a lot of clients through their Santa Clara connections. I know one of the first cases I ever worked on was a will contest involving the Little Shepherds of the Poor, a cloistered order of nuns down at Carmel. It was a big piece of litigation, and that was referred to us through Harold McKinnon.

Tom Slaven

ANNETT: Do you remember any talk about Tom Slaven—what kind of a person he was?

BRONSON: No. I can't add much about Slaven except that I had heard that after his accident he lost some past memory and he also damaged that part of the brain which has to do with the ability to lay down recent memory. I know he tried to go back to law school to pick up what he had lost, and he simply wasn't able to get it back or to retain it.

ANNETT: The firm actually kept him on and paid him a portion of profits for quite a period of time.

BRONSON: He eventually went into real estate, I guess. But I did not know Tom Slaven other than to meet him a few times.

I remember hearing that when Slaven first joined the firm, they had a hard time getting him to wear shirts that weren't tattered. Apparently he kept his shirts until they fell off. [Laughter]

The Appearance of the Law

ANNETT: Was your father very concerned about proper dress?

BRONSON: Yes, he definitely was. He felt the same way about our stationery and about the way our letters went out. He said every letter that was sent out was a piece of law business. If there were a lot of corrections in the typing, you might lose a client if he happened to be a person who read those things as being illustrative of a person's or a firm's habits.

ANNETT: Did your father and Roy pay equal attention to detail?

BRONSON: Yes, although more so my father.

ANNETT: I've heard the comment that your father was more meticulous about personal habits than Roy.

BRONSON: Yes, he was.

Gordon Keith

BRONSON: There was one member of the firm that I don't know whether anyone has talked about, and that is Gordon Keith.

ANNETT: I know a little bit about him, but I'd like to hear more.

BRONSON: I didn't learn this until fairly recently. Gordon Keith eventually founded the firm of Keith, Creede and Sedgwick, which is today one of the major litigation firms in the city and is now called Sedgwick, Detert, Moran and Arnold. But when Gordon first started out, he was with Roy and my father.

In 1921 the workmen's compensation act was passed. That immediately generated a large amount of what I'll call quasi-litigation (because it involves administrative hearings, as opposed to a court trial where the full rules of evidence apply and you have a right to a jury). Anyway, we apparently began to get some of that business in the beginning, and my father didn't like it; he thought it was inferior. Gordon Keith liked it. As a result, Gordon Keith left and took with him the workmen's compensation work that we had. We kept all of the regular casualty and other forms of litigation that we had in the office at the time.

Gordon Keith, then, built a firm that, at least in the beginning, was primarily a workmen's compensation firm. They've since broadened the spectrum of their work. But that was a split that apparently occurred early.

ANNETT: Was it an amicable split?

BRONSON: Right.

ANNETT: Why didn't your father think there was a way to work out an arrangement where, within the firm, Keith simply could have handled all the workmen's compensation cases and your father could have handled the other kind of cases as he preferred?

BRONSON: My father didn't want the business at all for the firm.

ANNETT: It also was a more boring kind of work, wasn't it?

BRONSON: Yes, it's of limited interest. If you've done ten workmen's comp cases, you've done them all.

Archibald McDougall

ANNETT: Would you take a look at the list of firm members before World War II? Do you remember hearing stories about any of them?

BRONSON: I remember McDougall. McKinnon called him Trick Point McDougall because he would always come up with some way to handle the problem that nobody else had thought of and that was unique. So he had that nickname.

ANNETT: Was that a term of flattery?

BRONSON: Yes, very much so.

ANNETT: Do you know why McDougall left? He went to Sacramento.

BRONSON: No, I don't.

ANNETT: I know he later went on in politics. That might have been why he left.

Dudley Sheppard

BRONSON: I don't know why Dudley Sheppard left either. He started a firm in Fresno. Chet Hansen was the founder of that firm, and it eventually became McCormick, Barstow, Sheppard, Coyle and Wayte. They've done very well. I've never heard that there was anything but an amicable separation. For instance, I see Dudley from time to time, and he's always been close with the members of our firm, particularly Roy and my father.

Kirke LaShelle

BRONSON: Of course you know about Painter and LaShelle.

ANNETT: I'm going to be talking with Painter, but I don't know too much about LaShelle.

BRONSON: Okay. Kirke was an all-American lineman, I believe at the University of Arizona. He continued to play football later on in life, for the Olympic Club. He came to the firm with experience as a trial lawyer. He also had a connection with Schenley Industries, and when he came with the firm, he brought that client.

In the early days—in the later twenties and early thirties—when the litigation department was growing, LaShelle was one of the trial horses. In those days, they had Dana, LaShelle, my father, and Driscoll. Painter tried some cases, but not really very many. Then eventually Harold Ropers came.

LaShelle couldn't keep a secretary. He had a heart as big as a lion, but towards the end of his career—in the sixties—he began to get irascible.

In the last years of his career, LaShelle's contributions to trial work were primarily in preparation. For instance, he did the bulk of the preparation work for that huge Hercules Power explosion case that my father tried for several months. He also did some insurance coverage work, where he'd be analyzing whether a given accident was covered under an insurance policy. I do not remember Kirke trying any cases by himself from the time I came into the firm in 1952. But he did before then, I know, and was quite effective.

Paul Dana

ANNETT: Do you remember hearing much about Paul Dana?

BRONSON: Oh, sure. If you had talked to the court attaches who were around when my father and Dana were trying cases many would describe Paul Dana as the greatest trial lawyer they'd ever seen. Many people still say that. He had a fantastic imagination and presence. They say that he was great at quoting the Bible in his closing argument; the only trouble is that he'd make it up. [Laughter] He'd make up some biblical-type phrase to fit his case, and quote it as a passage from the Bible, and it really wasn't there at all.

I've always heard that the two greatest defense trial lawyers in this community were Paul Dana and my father.

ANNETT: Paul Dana burned himself out young, though, didn't he?

BRONSON: Dana? He had a most unusual experience. His only child, a daughter, married a fellow named Panetoni in the late forties. Then his daughter disappeared. To make a long story short, they finally got the young husband to admit he'd murdered his wife and buried her up on Mt. Tamalpais. He was prosecuted for first degree murder.

Well, Dana was so emotionally involved that he went down and watched the entire criminal trial. He was tremendously critical of the prosecuting assistant district attorney, and when the verdict came in for second degree murder, it just tipped him over. He was never the same since. Panetoni was sent up to prison, but he was not executed, which he would have been at that time if he had been convicted of first degree murder.

Harold Ropers

ANNETT: Can you tell me anything about Harold Ropers?

BRONSON: Harold was always known as a lady's man. Just about the time I came to work for the firm, he left and opened an office in what was then pretty much the hinterland, down in San Mateo County. He has made a big success of it in a practice very similar to our own.

Our firms have always maintained a close relationship. It's typical of the people who have left us—they've always maintained a close relationship.

Harold was another very gifted trial lawyer. He was one of those that was trying cases back-to-back in the forties and fifties—Ropers, Dana, LaShelle, and my father were the group.

ANNETT: Do you know why Ropers left the firm?

BRONSON: He left, I suppose, just because he wanted to be out on his own. That happens, you know.

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E.D. Bronson, Sr's., Career as a Trial Lawyer

ANNETT: Do you know why your father became so involved in trial work to the exclusion of other kinds of legal practice?

BRONSON: I think he just fell into it and liked it. He began to get clients.

One of the first clients he got was the San Francisco Municipal Railroad, another was Fireman's Fund. One of the closest relationships he had with a client was with a fellow named Fred Stuckey who, I believe, was in charge of claims at Fireman's Fund. Stuckey was succeeded by Charlie Umland, who also became very close and was a great admirer of my father's.

ANNETT: Did your father ever talk about having excelled as a youth in debate or forensics or anything that would have given him a clue that trial law was a good field for him to go into?

BRONSON: No. It was just a natural thing. He began to get the business, and he liked it, and he did more of it. Roy didn't and he got away from it. It was the natural thing.

It does take a particular kind of person to do trial work. Once you win your first case, and then you lose some, if you still want to do trials, you're hooked. [Laughs]

Trial Techniques

ANNETT: Would you characterize your father as having had a special style in his trial work?

BRONSON: I know my father read a lot about trial practice. When I got started, he gave me a bunch of books that he had on the art of advocacy. He was an avid reader, and I'm sure that when he got into trial work, he read everything he could put his hands on.

My father had special trial techniques. While Paul Dana's main forte was his closing argument, I think my father's strongest point was cross-examination. It didn't involve so much brow-beating a witness, but rather getting as much as he could from the witness to help his case, and then stopping before the roof fell in. That's the classic error of many trial lawyers, over-cross-examination. Either they will spend so much time on cross-examination that they'll lose the jury, and whatever points they've made will be lost with them. Or else they'll get a good answer on cross-examination, and they'll try to make it better and they'll lose it because the witness will realize his mistake and correct it.

So, I think my father's strongest area in the courtroom was in cross-examination, in particular in getting the most from a witness and stopping before it was too late.

ANNETT: You said he had a lot of books on trial advocacy and all. Was he very big on certain methodologies?

BRONSON: No. He was just versatile. People say that he was as versatile as anybody they knew—that he could be the nicest guy on one case and the dirtiest guy on the next. Most trial lawyers have a technique and they pretty well go along with it. But he was versatile.

In one case I remember, I can't remember the name of it, but it was against Hoberg, Finger, Brown's office, and it was a suit involving a black man who was injured and hurt his back. The insurance adjuster was out there in a hurry and got the case settled for \$600. The injured man turned out to have a much more serious injury than he originally thought he did. He brought a suit to break the release, to have the release broken on the basis of mutual mistake or fraud. Essentially it was fraud because the insurance adjuster had misrepresented the effect of the release. Of course, if you read the release, you can see that you're waiving all claims for all times and you have no comeback. Anyway, we had to put on the adjuster as a witness, and there are very few adjusters who make good witnesses. We were defending an insurance company against a poor man and a racial minority, so most of us in the office figured it was a dead-bang loser, particularly since the guy really had a bad back injury.

I had a jury out at the time, and I went in and listened to my father's argument, and I couldn't believe my ears. This was in the sixties, right at the beginning of the equality issue, and he got up in front of that jury and said, "You know, we hear all this about equality. But then when the black man comes to court he wants to be treated differently. He wants to tell you he can't read and can't understand. If there is such a thing as equality, I say treat the black man the same as you would a white."

It was a tremendous gamble, and there were three blacks on the jury. If you don't do it right, you're going to get murdered. But he made it work, and he won the case. I sat there and listened to that argument and said, "I can't believe it! They're going to kill him." But he had the touch, the words and—of course, I'm paraphrasing the argument. But he made it work.

ANNETT: A lot of lawyers nowadays will actually do surveys of the juries and try and figure out scientifically--

BRONSON: No, he never did that. That's been going on in the criminal field in the past eight or nine years, I guess. We've been using it on civil cases over the last three or four years. But there was never a big thing *before* the jury trial and the selections.

Of course, we've been having juries interviewed after the trial for a number of years to find out if any error occurred in the course of deliberations or if some juror brought some piece of evidence into the courtroom, which would be illegal. So jury interviews afterwards are nothing new. But the jury analysis for jury selection purposes is something very recent.

ANNETT: Did your father ever know much about that or think that had any value?

BRONSON: I never heard him mention it.

ANNETT: How did your father handle some of the activities surrounding a trial, such as settlement negotiation?

BRONSON: As far as settlement negotiations were concerned, he regarded negotiation as a particular art, and rightfully so. A lot of people don't. A lot of lawyers say, "The client says they're willing to pay \$10,000. Okay, then that's what we'll offer." Well, the first thing the second lawyer is going to think is, "That's his openers," and the next thing you know, the first lawyer's client ends up paying more money than he wanted to.

I think the best negotiators are the people who are able to say the least and listen the hardest. You start out with the idea that the side that's suing knows in their mind essentially what their bottom dollar is going to be. And on the other side, the person that's going to be paying the money has got some idea about how far he can go in the way of payment. Each side figures the better they can do, the better negotiators they are.

A typical situation is when the plaintiff's attorney is willing to go as low as \$5000, and the defense attorney is willing to go as high as \$10,000. So you've got a \$5000 margin in there, right? The question is who's going to get it, or who's going to leave what on the table. That's the cat and mouse game: the concept of talking to somebody for a long time in the course of negotiations without saying a great deal, in hopes of drawing the other fellow

out. That's what it's really all about. That was another one of my father's strong points.

There's one thing I forgot to mention. Being in the casualty field, you have to know a certain amount of medicine. My father was one of the first who really got down to the nitty-gritty and learned medicine. He took a course in anatomy that involved carving up cadavers; he really learned his anatomy.

I remember that fifteen or so years ago, I went up to Nevada to take the deposition of a doctor in a case that I had. He was an older fellow. I got there before the other lawyer and he asked me to come into his office. As soon as I got in, he said, "Are you Ed Bronson?" I said, "Yes, I am." He said, "It must be your father I remember." I said, "He certainly was a trial lawyer." He said, "I want to tell you something. I was asked to testify one time on a case where the lady injured her mouth and her teeth, and she was complaining about numbness in her tongue. I attributed all this to this accident. Your father cross-examined me on the nerve distribution in the tongue, and he knew more than I did. I was absolutely fascinated, and I've never forgotten it." I said, "How long ago was it?" He thought a moment and then said, "Geez, it's got to be thirty years."

So anyway, my father left a lasting impression on one doctor. Of course, everybody in these kinds of trials prepares. But my father spent a lot of time getting a medical background.

ANNETT: When did he take this course in anatomy?

BRONSON: Oh, I don't know. Probably in the forties.

ANNETT: Before you came into the firm?

BRONSON: I was talking to Belli one time, and Belli said he went to that same course. So, if that's the case, it would probably have been in the late forties.

Opinions on Important Legal Issues

ANNETT: No-fault insurance, administrative hearings, overcrowding of the profession—these are all controversial topics in law today. They also were issues back in the twenties and thirties. Do you remember hearing your father talk about how he felt about these topics back when he first started to practice?

BRONSON: I don't remember any discussion about no-fault insurance in the twenties or thirties, or [reading additional topics off of the interview outline] about compulsory insurance, handling of injury suits by administrative hearings, and contributory versus comparative

negligence. To my knowledge, all of these issues are of recent origin.

ANNETT: The *California Bar Journal* and other California law reviews from those decades are full of discussions of these issues.

BRONSON: I didn't know that.

ANNETT: Do you know what your father's views were on these issues at the time they first appeared?

BRONSON: Not really.

ANNETT: Well, can you say anything about his views of more recent years on these issues?

BRONSON: Well, yes, some of these are quite popular topics of conversation among lawyers, and my father did talk about them.

Changes in the procedure of insurance litigation was something that was a sore subject with my father. When the state legislature in the late 1950s or early 1960s adopted the federal rules of discovery (and by that I mean the scope of depositions, the scope of obtaining documents, the scope of obtaining admissions before trial) which were much more liberal, it was a severe blow to my father's method of doing business because he was happiest if the other side didn't know what his case was. He didn't particularly care that he didn't know what the other side had because he figured he could handle whatever came up in the courtroom; that was part of the thrill of the courtroom. The idea of having a case that was absolutely completely exposed to the other side, he didn't like at all, because that was just like going through a play that's been rehearsed. So much of the challenge of litigation was taken away by this.

I can remember him coming in the office and saying, "Some lawyer called me up and wants to know if I've got a statement from such-and-such, and if I do, he wants it. I'm not going to give him that!" I said, "You are or you're going to be in contempt of court." Anyway, that was a major thing for him.

ANNETT: Why was he so confident that he could take care of himself in court? Was it because of his depth of preparation?

BRONSON: No, because of--

ANNETT: His ad hoc ability?

BRONSON: Yes. Even today, you're always going to get some surprises, and your ability to cope with those is really one of the classic elements of trial practice. You can't know everything; you're always going to get some surprises. Your ability to cope with those and

perhaps turn them around to your side is what makes the accomplished trial lawyer. My father was big on that. He figured that he was as good or better than anybody else in the courtroom, so he would just as soon they not know anything about his case, and it didn't bother him at all that he didn't know anything about their cases.

I think to understand his views, you have to kind of get the setting. When Keeton and O'Connell came out with their book* on the virtues of no-fault automobile insurance and detailed all the vices of our present system, lines were drawn between the attorneys for the plaintiffs and those for the defense.

The Organization of Plaintiff and Defense Bars

BRONSON: The attorneys who represent the plaintiff side of these cases have been well-organized ever since Belli got NACA [the National Association of Claimants Compensation Attorneys] started in 1950. Of course, the plaintiff's bar was dead set against no-fault. They were dead set against administrative-type trials. They were very much in favor of comparative negligence because it would mean that most injured people would not be turned away with nothing, but would have something—diminished, perhaps by comparative negligence, but still something. Of course, the plaintiff's bar was against the guest statute because it had a tough burden of proof. In other words, they were all for all the things which fostered their income by enhancing the rights of the injured people.

Somewhat on the other side, the defense bar became organized through the Defense Research Institute and several other national defense organizations such as the IAIC [International Association of Insurance Counsel] and the Federation of Insurance Counsel which looked to the interests of the defense lawyer. That meant that the defense bar was against no-fault because it would take a lot of things out of the courts. They didn't like administrative hearings for the same reason. On the other hand, they were in favor of contributory negligence because that is a complete defense and is beneficial to the insurance industry. They were in favor of the guest statute.

So the lines were pretty well drawn by the time these issues began to receive a lot of general public attention.

Of course, my father was active in the Defense Research Institute and in the IAIC, so he kind of went along with the party lines. I never heard him express any views which were contrary to what you might call a defense party line. I know he was on one of the first boards of directors of the Defense Research Institute, and

* Keeton and O'Connell, *Basic Protection for the Traffic Victim: A Blueprint for Reforming Automobile Insurance*, published by Little, Brown in 1965.

he would have given some speeches around the country on these subjects. I'm sure he pretty well followed along with what was considered the best for the insurance industry because they were the people who were paying the bills.

ANNETT: Why would he have opposed administrative boards? That's not necessarily against the insurance industry.

BRONSON: No. As it later turned out, we saw a benefit in having arbitration hearings for smaller personal injury cases. The Defense Research Institute and a number of us came out in favor of arbitration, and that has since been implemented. But most defense lawyers are against taking injury litigation out of the courts and putting it in something like the workmen's compensation system because that takes away the trial lawyer's livelihood.

ANNETT: Did your father ever talk about the social consequences of the kind of law he was practicing? For example, the idea of no-fault insurance—I've heard one lawyer remark that people thought it was all right for society to bear the cost of something like workmen's compensation because most people are employed and it's a common problem, but society shouldn't have to bear the cost of automobile accidents where it's much more easy to find fault. Did your father ever talk about broader social issues like that?

BRONSON: Well, I've talked about my ideas in that regard to him, and he didn't show any sympathy. My personal view is that our society can't afford our present tort system. I'm not talking about just automobile accidents, but about every kind of tort. I really believe Jerry Brown will change it—or at least try to change it in this state. (And if it's ever changed in California, it'll catch on around the country.)

But, no, my father never expressed to me any interest in the broader social aspects to the tort system. He grew up with it, it was part of his life, and he'd seen it grow from nothing into something huge. I could see he'd have a difficult time saying, "This ought to be junked."

ANNETT: Do you think one of the reasons why he resisted change is because he enjoyed what he was doing so much?

BRONSON: Yes, he surely enjoyed his work.

ANNETT: Would you say he had more of a pragmatic orientation rather than a social orientation towards these questions?

BRONSON: Right, true. Yes, his life was his work. He was in love with it.

Trial Opponents

BRONSON: [Looking at a list of Bronson insurance defense cases from the 1930s] I see one of the cases he's got here is against George Ford. Father said George Ford and Vincent Hallinan were the most accomplished adversaries he'd ever been up against.

ANNETT: Did your father ever say anything specific about Ford or Hallinan? There are pretty mixed opinions in the San Francisco legal community on Hallinan.

BRONSON: Well, Hallinan he regarded as somebody you never turned your back on, and Dad didn't believe everything he said.

Hallinan and Paul Dana had a fist fight in the middle of a trial on the fourth floor of City Hall one time.

My recollection is that the first big verdict in an injury case in San Francisco Hallinan got against my father. I think it was \$195,000, and it was the first six-figure verdict, I believe, in the state.

ANNETT: Do you have any clues as to what this case was about to help me try to track it down?

BRONSON: No. At any rate, I know that my father regarded it as a horrible loss. He tried some other cases against Hallinan. Hallinan's just a guy who's extremely bright, and that's a tough combination to beat.

One of the last cases my father tried was against Vincent Hallinan. That involved the daughter of Nathan Fairbairn. Fairbairn was the founder of the California Compensation and Fire Company, which is now part of the Hanover Insurance group. (Nate Fairbairn started the company on his own and built it into a successful workmen's compensation and liability company.) Anyway, the theory of the case was that this adult daughter was unable to care for or support herself, and that under the law the father should support her for life. Hallinan represented the girl and my father represented Nate Fairbairn. It was all psychiatric testimony as to whether or not she was emotionally disabled. On that one Hallinan lost. But it got some publicity, and it was a significant win.

One of the other last cases that my father successfully tried was this one [points to case list] against Melvin Belli, where we represented television Station KRON\mStation 4, I think it is. Anyway, a guy named Stewart, who had one of these talk shows in the middle of the day, had some Italian singer out from the East. Stewart, in the course of the television program, jokingly referred to this singer as a member of the Mafia so the singer sued the station for slander. The judge, after a long trial with a lot of demonstrative evidence, ruled that the remarks were slanderous *per se*.

That means that there's liability and the only question the jury has to decide is how much damages to award. The verdict was zero. That's about as nice a "defeat" as you can get.

Trial Practice in San Francisco

ANNETT: Did your father ever talk about the peculiarities of the San Francisco courtrooms and juries? I've heard comments that San Francisco is supposed to have been the ripest area for big-dollar personal injury verdicts.

BRONSON: It has been. It has been certainly in the last twenty years. Before that, almost all juries tended to be conservative. The times were tougher; people were asking for money from jurymen who didn't have very much themselves and, who therefore tended to be conservative. But now, with the give-away state and welfare programs and all of that, and with the unemployment that we see in San Francisco, the opposite is true. So we don't like to try defense cases in this jurisdiction, that's for sure. That's been the case for the past twenty years. If there's any way we can get a case out of San Francisco, we'll get it out and get it up into some place where everybody isn't on welfare or unemployed.

It's easy to classify jurors as to the propensities for liberality in making awards. Any psychologist can give me a list of yeses and noes with regards to race, occupation, circumstances, etc.

4

Activities in the Legal Community

ANNETT: What importance did your father place on being active in legal associations?

BRONSON: Some of the biggest clients that we have had in this office have come through professional referrals. I think the biggest client we've ever had, the Federal Deposit Insurance Corporation, came to us through a friend of my father's that we knew through the International Association of Insurance Counsel. We got Boise Cascade through litigation contacts.

The main thing that Roy recognized was that in any specialty, you have to get out and see the people who are doing the same thing in the other parts of the country, because they're going to have business out here and if you know them, you're going to get it. But it's also important to get to know people who do not have any expertise in your area of specialization because when they have a problem in your area they know where to go.

That has been a big aspect of Roy's concept of success in legal work, his professional contacts. All of us have been active, either voluntarily or semi-involuntarily, in our own specialties.

I know my father felt the same way. After he got me into the IAIC, he told me, "Look, if you're going to be in there, you're going to work. When you work, that's when you get to know the guys who are going to refer the business to you." This philosophy has been very productive.

Pretrial Conferences

ANNETT: Do you remember any discussion about who was instrumental in bringing pre-trial conferences into San Francisco superior courts? Was your father involved in that?

BRONSON: I'm sure my father was active in that. That's the way these things develop; somebody gets an idea that a pre-trial conference is a good idea, to try to get the parties looking at the case a little closer well in advance of trial in hopes it'll be settled.

Association of Defense Counsel

BRONSON: Father also was the first attorney consulted by the men who wanted to start a Northern California Association of Defense Counsel. He and Al Dechamps from Fireman's Fund, who's the claims counsel for that company, organized the first planning meeting of the California Association of Defense Counsel.

ANNETT: Are these situations where the idea grew up with members of the firm and then they spread it to other people, or are these cases where if someone or some group got an idea, they'd come to this firm, because of its prominence, to activate it?

BRONSON: The essence of it was that from the word go, my father was recognized as the top defense trial lawyer in Northern California, and people just looked to him to get things done. That continued right up into the sixties. As a matter of fact, I think that Association of Defense Counsel was started in 1960.

ANNETT: Does that tie in at all with the comment I've heard that specialized plaintiff and defense bars, especially in insurance litigation, grew up in California before they were organized in other states?

BRONSON: Our defense association was either the first or the second in the nation. Philadelphia had one, and I don't remember whether we were first or second, but it was one or the other. The idea of a defense association came from Al Dechamps.

The American College of Trial Lawyers

BRONSON: It was the same way with the American College of Trial Lawyers, which is the most prestigious organization of trial lawyers in this country. That was started by four men—my father, Emil Gumpert from Los Angeles, Cody Fowler from Miami, and C. Ray Robinson from Merced.

ANNETT: There are three California men in this group that you have just named.

BRONSON: Three California men. They got together.

I think, of all of the areas of recognition that my father received, probably the American College is the most significant because that is *the* trial lawyers' organization. He was one of the founders and was very active in it right up until the time of his death. Even after he was retired, he still went to meetings. He was one of the College's first presidents.

Bar Association Activities

BRONSON: You probably know he was also elected to the Board of Governors of the State Bar of California.

ANNETT: Yes.

BRONSON: He gave a great deal of time to that. He considered that to be quite an honor.

I think most of the trial lawyers have been approached to do state bar work on disciplinary matters. If you get into it, it's essentially a four-year program. The first year you're a prosecutor; then you sit on the disciplinary committee for three years and pass judgment on your fellow lawyers. If you say no, that's the end of it; if you're too busy, you don't do it. But Roy and Dad have always, not in a pushy way but in a quiet way, encouraged all the people in the firm never to turn those kind of things down if you're approached. It's an obligation you have to your profession.

ANNETT: All three partners in the firm in the twenties—Roy, Ed, and Tom Slaven—belonged to the San Francisco Bar Association. That was when the SFBA was a relatively new organization and only about ten percent of San Francisco's lawyers belonged. Do you know why your founders were among the early joiners of the S.F. Bar Association?

BRONSON: No. But that sounds typical, to me, of Roy. Roy would have insisted that my father and Tom Slaven be members of the San Francisco Bar Association, even in those early days. Roy always stressed the importance of being active in the American Bar and in the local bar, as he himself was. Roy recognized that we were going to get clients on referrals. As long as we had a specialty in litigation and we had some other specialties in the business aspects of the firm, our communications with our fellow-lawyers were going to produce business.

Roy was very strong on that. He always insisted that we have a certain number of men who were active in the American Bar, in the state bar, in the local bar, and in the specialty groups like the trial lawyers organizations and the insurance organizations. So I have no direct knowledge, but I'd be willing to bet anything that it was Roy who insisted that he, Slaven, and my father join the San Francisco Bar Association and be active in it, because he expected it to produce clients.

The International Association of Insurance Counsel

BRONSON: My father was very active, over the years, in the International Association of Insurance Counsel, and was one of the instrumental figures in starting the Defense Research Institute, which grew out of the International Association of Insurance Counsel. The Defense Institute is an educational organization for attorneys who specialize in insurance and casualty defense work.

ANNETT: When was that started?

BRONSON: The International Association of Insurance Counsel was started probably about the time my father started practice. He became active in it in the thirties. It was a very small group at that time; it included lawyers from all over this country and Canada.

The Legal Aide Society of San Francisco

BRONSON: He took a lot of interest in the Legal Aide Society of San Francisco. He was on the board of directors of that for a period of time, in the late 1960s I think.

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Bronson, Bronson, & McKinnon Cases and Clients

McCann v. Hoffman

- ANNETT: With regards to the guest statutes, one of the big cases this firm had in the thirties was *McCann v. Hoffman*. Biff Hoffman was married to Giannini's daughter, and that case received a lot of national publicity. Did your father ever talk about that case?
- BRONSON: I only heard him mention that case in the context that it was something that this firm was a part of, and it was a major decision and recognized as such in the country.
- ANNETT: Was it your father's case, do you know?
- BRONSON: I don't know. I don't know who tried that. I know LaShelle was active in it.
- ANNETT: Did your father ever talk very much about how the kinds of individuals these cases involved affected the trial? For example, this case involved Giannini's daughter. Does that ever have anything to do with why a case becomes *legally* important?
- BRONSON: No, it was the legal aspect of the trial that made it significant.
- ANNETT: But how much do you think it was made a point of law because at the original trial the jury's decision was affected by the importance and wealth of the individuals involved?
- BRONSON: Not at all. Whatever value the Hoffman case has is right in the decision of the appellate court, which has got nothing to do with personalities. It's got strictly to do with legal principles. I'm not sure that today that decision is all that important. I can't even remember what it's about now.

ANNETT: Apparently California had seesawed back and forth between the legislature and the courts on the guest statute, with the courts generally being more favorable to the guest. This case marked something of a turning point because the case went against the guest.

BRONSON: All I know is that it was a significant decision at the time. In the early part of my practice, we'd talk about it.

Miscellanea

ANNETT: I have a list of cases that the firm was involved in that I've been able to gather together.

BRONSON: Okay. Why don't you let me see that.

ANNETT: It's clear from some of these earlier cases that Bronson, Bronson & Slaven started out doing some plaintiff work.

BRONSON: Oh, sure. We still do. We'll take any case we believe is meritorious and doesn't involve a conflict with one of our existing clients. As a matter of fact, we had two rather major ones. One involved some workmen falling off the Golden Gate Bridge in about 1950-something, and we got a big recovery on that. There was another one involving an air force crash in Alaska. We represented the widows, and we got a nice recovery on that. We've always got plaintiff cases.

ANNETT: You probably don't get a lot of referrals for plaintiff cases.

BRONSON: Yes, we don't get a lot of referrals. Occasionally when we do, we find that it might be against Fireman's Fund or Industrial Indemnity, and we don't want to be in an adverse position with them.

[Reading case list] No, I don't know any of these.

ANNETT: Do you remember any discussion about California Basic Industries? That probably would have been one of Roy's clients.

BRONSON: No.

ANNETT: They were involved in some crazy business deals in the late twenties.

BRONSON: That was Roy. He had a lot of clients that, oh, you might say, were marginal. I don't mean they were marginal in integrity, but they were marginal in the sense that we obviously weren't going to get paid.

ANNETT: Do you remember any talk about the Elsman divorce case?

BRONSON: No.

ANNETT: Do you remember any talk about the Judge Louderback hearings?

BRONSON: Just vaguely. That's just a name out of the past; it doesn't mean anything to me.

I see the name of Pacific Grainyards here [looking at case list]. That reminds me, they were a client that we had for quite a while, and lost them.

I see Sheppard went with Lewnore and Deets in Stockton before he went to Fresno.

Our father used to always say that he learned how to fight cases defending the Market Street Railway, so they must have had a lot of those cases.

ANNETT: The one brush that I could find that this firm had with politics was the KYA radio station case, where they got mixed up with Joseph McInerney and John Francis Neylan. Do you remember anything about that?

BRONSON: No, I don't know anything about that. I saw that in the list here.

Roy Bronson represented the liquor lobbyist who was such a powerful political figure around here for so long.

ANNETT: Arthur Samish?

BRONSON: Yes, Artie Samish. I don't know much about it, except that we were his attorneys. Roy did all the work.

Well, I don't get much out of that list.

ANNETT: Do you think that's at all indicative of the fact that the importance of the kind of work your father and this firm did, lay not so much in the area of substantive law, as in the way they did their work?

BRONSON: Yes, probably. That's essentially the difference between a trial lawyer and one in general practice; a trial lawyer deals with facts, and the other lawyers deal with the law. A trial lawyer has to deal with the law, but basically you win or lose cases on the facts, because that's what the jury uses to decide. The jury doesn't decide what the law is—the judge tells them what the law is. So, a trial lawyer deals with the facts. If he likes his work, that's what he's dealing with: what do the facts mean, and how can you present them to a jury in a manner that's most persuasive to the interest of your client?

The Hercules Powder Company Case

BRONSON: The Hercules Powder Company case was the biggest production, I think, my father ever put on. That arose out of the 1952 explosion over in the town of Hercules where this powder company had its plant. There were, I believe, twenty-some-odd deaths and many injuries and around \$3 million worth of property damage to the surrounding houses. It was all in one lawsuit. Noel Dyer from Pillsbury's office was the chief trial counsel on the plaintiffs' side. Cyril Appel was also in it. Noel Dyer represented the interests of the Hercules Powder Company, and I think Cyril Appel had the injuries and the deaths. There was a tremendous amount of discovery proceedings, depositions, and expert witnesses. The claim was that the defendant's automatic sprinkler system did not work, and that if it had worked it would have put out the initial fire that eventually caused the explosion.

That first case resulted in a defense verdict, and my father tried it. It went up on appeal, and McKinnon handled the appeal. The appellate court said that the trial court should have given *res ipsa loquitur* instructions, which would be to tell the jury that there was an inference of negligence and that the burden was on the defendant to overcome it. It went back to trial. My father started the second trial but he got a respiratory infection in the middle of it and had to go to the hospital. They took a two-week recess, and Driscoll finished it. Again the trial lasted over two months, and this time it was a hung jury, eight to four for the plaintiffs. So that's a mistrial; they had to start it again. This time, the third time, Bob Friedrich in our firm tried it. He'd been with the firm several years and was a very competent trial lawyer. Again there was another two-month trial and again another hung jury. This time it was eight to four for the defense. At this point the other side gave up and accepted a token of \$60,000, which we figured hardly covered their court costs.

ANNETT: You mean they didn't hold out for a larger settlement than that!

BRONSON: That's all they got. Anyway, that's the kind of lawsuit that not many lawyers have an opportunity to try. And my father was the only one who won it. [Laughs] After three trials, and six lawyers involved on both sides, there was only one who ever won.

6

Civic Involvement and Hobbies

ANNETT: We've talked about your father's and Roy's attitudes towards their involvement in professional organizations. What were their attitudes towards involvement in civic and philanthropic groups?

BRONSON: Both of them were big on that. They felt it was an obligation. Roy was recognized as a great fund raiser. There's only a few over the years, such as Ben Swig, who had that distinction. It takes a certain type of person to phone up somebody that you don't know very well and say, "Look, I'm calling up for money, and the reason you ought to give some is this, and everybody else is doing it, and this is the amount you ought to be giving, and maybe it'll be published." I mean, raising money is a real art.

Roy was a fund raiser, and he was active in some very important community things that way. One of them was one of these Catholic hospitals.

ANNETT: St. Mary's Help?

BRONSON: St. Mary's Help. He was very active in raising money for that. He did an incredible job.

ANNETT: Did he think of that kind of activity in terms of the firm—in terms of gaining business—or was it really just an outside interest?

BRONSON: It would be more an outside interest.

ANNETT: That hasn't been pushed on other people in the firm—that they get involved in civic activities—the way professional activities have been pushed?

BRONSON: Well, Roy might have made a statement about, "This is the kind of thing you never want to turn down."

That was true, for instance, about being asked to head up a unit of the United Crusade or a unit of the Cancer Society for raising money. We've got guys that have always been active in those things. Those are things that were always quietly encouraged. Being active in the professional associations was pushed more strongly, however, because there you will produce business.

The Salvation Army

BRONSON: My father was on the advisory committee of the Salvation Army, on which he spent a considerable period of time.

Interest in Horses and Reading

BRONSON: You know, one thing we haven't mentioned is that Roy was quite a horseman. My father was also an avid horseman, although to a lesser degree than Roy. In the early 1930s, Roy leased a ranch up in the East Bay hills and acquired a number of show horses. The ranch was run by an Indian family. My father and Roy would spend every weekend out there riding. My dad had a couple of horses. Roy had eight, ten, or twelve. He had several top-notch show horses, and he took them around the state to horse shows. Towards the end of his career, he became active in the Cow Palace rodeo—in the show part of it.

I've forgotten when Roy gave up the lease on that ranch, but it would probably have been some time around the end of World War II. He had it quite a while. That was a real hobby for both of them. Even after that was given up and my father was living in San Francisco, he kept his horses at, I think, the St. Francis Stables, and he'd ride on the weekends.

ANNETT: Did Ed have Roy's capacity of picking up a hobby all of a sudden and then pursuing it with a vengeance?

BRONSON: No. Outside of reading, the only real hobby my father had was horses. He was not interested in sports at all. As far as general reading is concerned, if it went in any one direction, it was towards early California history; that was his one main interest in reading. He collected quite a few early Western American maps.

7

Conclusion

A Question of Professional Integrity

ANNETT: You spoke before about your father's sense of professional integrity, his professional standards. How did that show up in how he handled things, like negotiating settlements and dealing with his own insurance company and its adjusters?

BRONSON: Well, to anybody who's a decent businessman in the litigation game, the customer's always right. The customers are the insurance companies if you're doing our kind of work. So my father always deferred to the insurance man—you have to. A lot of lawyers find that difficult. They figure, "I'm a lawyer, and the claimsman is a layman. I know more about this, and if he doesn't follow my advice, he's dumb or crazy or both." Attorneys lose clients that way because, even when they try to be nice, the lack of respect comes out in their manner or voice or something. My father never had that problem. He just figured, "Look, if somebody asks my opinion, I'll give it to them. If they don't want to accept it, that's their business. It's their money." And that's the way he operated. He never had any trouble with people in the insurance industry.

ANNETT: Helen Frahm Tinney, who used to be your father's secretary back in the twenties and thirties, mentioned one of the things she admired most about your father was that he would get very angry in the early days about the behavior of the insurance companies, his clients, and he exerted a lot of behind-the-scenes pressure on those people to "clean up their act." Did he ever talk much about that?

BRONSON: No. That could be. I never heard anything like that. By the time we get to my period the insurance people, I'm sure, had a better approach to cases than they did in the early days.

ANNETT: Ambulance chasing and the problems with the adjusters was quite a big issue.

BRONSON: Oh, I see what you mean. Like some adjuster stops and looks at an accident and he sees somebody's injured and he's got Joe Duke's card so he'll give him the card, and the other attorney gives something as a kickback to the adjuster.

ANNETT: Yes, that was one problem.

BRONSON: We still have that problem. No, I don't know of any particular efforts of my father to prevent that practice.

ANNETT: Mrs. Tinney mentioned things like the insurance companies sending their adjusters out to people in the hospital who were quite ill and getting them to sign, and your father--

BRONSON: Oh, I'm sure he probably gave speeches to the insurance industry against things like that, because you can't use it. If you try to use a statement that you obtained in the hospital, the other side will make you look awful. They'll say that the person was under sedation, and "the guy badgered him," and all of a sudden you look awful. You don't accomplish anything by it.

But I'm sure that's something my father would have been doing in the natural course of his career—talking to insurance clients and their adjusters about what type of investigation is good and what is bad.

ANNETT: I've noticed, in interviewing a lot of men of your father's generation, that they do not use the language of ethics to describe their good deeds; rather they use practical language. In other words, instead of saying they helped an old lady across the street because that is a good and moral thing to do, they say they helped an old lady across the street because that's a sensible way to prevent traffic accidents. Is this the way your father tended to express himself?

BRONSON: I don't think there's anything ethically wrong about interviewing a person in the hospital. It's purely a practical consideration of what you are getting out of it. And the truth is you're not getting anything you can use.

As far as settling claims is concerned, insurance companies are in the business of saving money. And that's also good for the consumer: The less money they pay out, the less the automobile drivers have to pay in premiums. That's the same business we're in as lawyers. We try to negotiate the most reasonable settlement we can.

Legal Heroes

ANNETT: Who were your father's legal heroes?

BRONSON: Who were his legal heroes? I can tell you one thing, he was no great admirer of Earl Warren. They went to high school together. My father knew him at Oakland High School. That's as much as I know about his acquaintanceship. Oh, I'm sure Father would have known Warren while he was the district attorney in Alameda County and while he was the attorney general. But, very frankly, my father was never impressed with Warren's intellectual capacity.

I don't think Father really had any contemporary heroes. He enjoyed reading about the old English barristers and judges, but I never heard him express any great admiration for anybody in particular, not as far as judges were concerned.

There were certain members in the American College that he regarded as top people. One was Bert Jenner in Chicago, who was involved in the Watergate prosecution. Emile Gumpert, who is the chancellor of the American College. He's the elder statesman of that group and I know my father was fond of him. Father had a lot of friends among trial lawyers all over the country, but those two were probably as close to him as anybody.

A Definition of Success

ANNETT: Did your father regard himself as a success?

BRONSON: Did my father regard himself as a success? That's a tough question because of the definition of success. Of course, he was a success, but how he would regard himself—I can only say he was happy at work. That would probably be as much of a definition of success as he would describe.

I'm sure he was aware that he was recognized throughout the country by his peers as a top trial lawyer, although he'd never been involved in any nationally publicized litigation. I know that he would just love, for instance, to have handled a case against somebody like F. Lee Bailey (although I'm sure Bailey's a talented lawyer in some respects).

My father never needed the publicity or wanted it; he never had an ego problem like so many of these guys around this community—such as Belli and Marvin Lewis. My father didn't need that. He knew he had reached the pinnacle of acceptance as a trial lawyer by his peers throughout the country, and he was happy at work, and that I'm sure was complete for him.

That covers all the notes that I have.

ANNETT: I've covered all of my questions. Are there any other topics about your father's or Roy's career with the firm that you would like to record?

BRONSON: No. You've prepared a very thorough outline. I think we've covered all the relevant questions I can think of.

ANNETT: Good. Thank you, and thank you for your time this morning. I know how busy you are, and this has been an unusually long session.



LAWRASON DRISCOLL
at his home in Novato
circa 1965

Regional Oral History Office
The Bancroft Library

University of California
Berkeley, California

Lawrason Driscoll

A Career in Insurance Litigation

An Interview Conducted by
Joan M. Annett

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1

Family Background and Legal Education

Family

DRISCOLL: I was raised on the Peninsula; I was born in San Francisco and raised in Hillsborough.

ANNETT: You mentioned in one of our background conversations that your father, Thomas A. Driscoll, was a lawyer, and that that had affected your career decision.

DRISCOLL: Yes, but he didn't practice, really. He was with the Hibernia Bank for many years as director. Then he was in various other endeavors.

ANNETT: Who were your wife's parents?

DRISCOLL: She was Warren Shannon's daughter, who was supervisor for many years in San Francisco. She had been married and had five children. We finally got married and had another one.

ANNETT: Did you meet her through any client connection or anything like that?

DRISCOLL: No, no, not a bit.

Law School at Stanford

ANNETT: What, besides your father's influence, made you decide to go to law school?

DRISCOLL: I couldn't get a job when I graduated from Stanford. That's why I went to law school, which is not a very romantic reason, but it was practical. It was not that I couldn't think of what to do, but I couldn't *get* anything to do! My dad offered to help me through law school, so I accepted.

I didn't like law school at *all*; in fact, I just hated it!

ANNETT: Law school is a lot more formal, organized proposition now.

DRISCOLL: Oh, no question about it.

ANNETT: Do you think you'd enjoy it more now?

DRISCOLL: I think so, I think so. Stanford Law was too small. I forget what the size of my class was, but it probably wasn't even thirty. The original professors that came with Jordan*, some of them were still at the law school. They didn't prepare you very well for the impending changes that would come in the Roosevelt court.

They still were teaching the constitutional law as they'd always taught it even though it was on the way out. They didn't keep us current. They were very nice, but they'd been there a long time, and I don't think that they were paying enough attention to the practical aspects of what a student faces when he gets out.

ANNETT: Do you think students get more of that now?

DRISCOLL: Oh, yes! I think law schools are much better organized today. The students know what the problems are going to be when they go out to start practice a lot better than in the times I went. I think that they're better on research, they're more mature. They're taught more maturely than we were; they're taught more practically. They understand what the problems are and what they're going to be faced with.

ANNETT: Did you have the case method at Stanford?

DRISCOLL: Yes, it was the case method. That's about all I can think of saying.

* David Starr Jordan, the first president of Stanford University.

Job Hunting During the Depression

ANNETT: Young people who graduate from law school today have strong feelings about how difficult it is to get a law job. Do you have any sense of how the job market for lawyers today compares with the market during the Depression?

DRISCOLL: Oh, yes, it's relatively easy now, I think, except recently maybe they've graduated so many new lawyers that it may be tightening up a little. It's more an employer's market recently.

ANNETT: How did you get your job at the Bronson firm?

DRISCOLL: My family knew Harold McKinnon quite well. My mother met him when he was in a sanatorium down on the Peninsula. He was recovering from tuberculosis which he had caught during World War I. My mother was doing some volunteer nursing; that's how she met him. I remember her saying that from the moment she saw Harold, she knew he was such an outstanding guy—so totally different from everyone else—that she immediately took a shine to him. He used to come up and spend weekends at our home in Hillsborough when he got a little better.

Really, that's the association under which I got into Bronson's—was the fact that Harold was then a partner. Roy didn't really need anybody, but I think with the help of Harold he said he'd hire me. He also said he couldn't pay me the going wage, which was \$75 per month, but he would pay me \$37.50. Well, that to me was wonderful—just to get a place at the library table so I could get started!

Job hunting during the Depression was extremely difficult. Very few of my classmates in law school got placed immediately. I was just lucky to be able to get a job for a meager salary of \$37.50 a month [laughs].

ANNETT: San Francisco had a reputation of being a particularly bad place to find a job unless one had family connections.

DRISCOLL: I think that was somewhat true, I really do. As I say, I think it was Harold McKinnon that got me my job.

ANNETT: Your parents were pretty active in the Peninsula community. Was that a source of any contacts?

DRISCOLL: Yes, we'd lived there all our lives. But there really weren't any jobs down there, if you're speaking of the Peninsula itself. The firms, if any, were terribly small, and there just weren't any openings at all. I guess the largest firm in San Francisco was Pillsbury, Madison and Sutro then. They were hiring at the going rate of \$75 a month, and not very many people were hired. So it was hard; it was very hard.

2

The Organization of the Bronson Firm

Driscoll's First Impressions of His Employers

ANNETT: What were your first impressions of your employers?

DRISCOLL: That's pretty hard to say now. When I joined Bronson, Bronson & Slaven in 1933, it was a very small office. Roy was the head man, and Ed senior was confined to the trial department entirely. Naturally, I remember feeling somewhat awed that Roy had been practicing twenty years. I felt he must know everything about the law. I really didn't have much of a concept of how a law office was run, so it was all new. Roy kind of spread himself between both the trial end of the firm and the business end because Tom Slaven, who had done all the trials with Ed senior, had just gotten hurt before I joined the firm. So Roy was pinch-hitting a little in the trial work as well as doing the general business law for the firm.

Harold McKinnon, of course, I already knew. Because of his past illnesses and everything, you couldn't crowd Harold. He worked on one thing and did a beautiful job, but he'd get too nervous if there were two or three irons bouncing around.

ANNETT: Did the firm ever start to move too quickly for him?

DRISCOLL: No, he always had a place. He was a very stabilizing influence, and he was a very sound man. I can't say too many fine things about him, because he deserves them.

ANNETT: If somebody like Harold McKinnon came along today, how would he fit into a firm where you have to juggle so many things?

DRISCOLL: It'd be difficult, if you're speaking of him coming in cold as a young man. But I don't think you can do that, or compare it,

or compare it, because the circumstances were so different with him. Everybody had the highest respect for him. He was a good influence in the partners' meetings when they got a little hot.

An Early Emphasis on Organization

DRISCOLL: The organization of the firm was extremely loose. Rita Convery probably held the place together more than anybody. [Laughs] There was no real organization because you knew everything that was going on, it was that small, and you did a little of everything.

ANNETT: I think you're probably comparing your sense of organization back in the thirties with how they organize the office of seventy lawyers today, which is completely different.

DRISCOLL: That's right.

ANNETT: How do you think your firm's organization in the thirties compared with other law offices at the time?

DRISCOLL: It got organized very, very soon, and Harold McKinnon was very helpful in doing all of that—following through on Roy's ideas and getting them down on paper. I guess during the middle thirties and late thirties that began to be evident, that it was becoming more organized, and that certain ideas were being followed out.

ANNETT: That's the first I've ever heard of Harold McKinnon playing a part in organizing the office.

DRISCOLL: Yes, he did, because he wasn't full-time at work when I first came there. He was still recuperating and he worked part-time. He did a lot of work at the University Club, where he lived; he would take things back there. He was a great one for getting it down on paper, very succinctly and clearly.

ANNETT: Do you mean getting legal ideas down on paper?

DRISCOLL: That's right—or organizational ideas on paper. He wrote all the first manuals, did all that, and he was extremely good at that.

ANNETT: How could he have a good idea of how to run a law office if he had never really been active in one?

DRISCOLL: It would be mostly on Roy's ideas of how it should be run, and then Harold would get them down and organize it. I can't remember when the first manuals came out, but there eventually were secretarial manuals and everybody had a manual.

ANNETT: So Roy must have seen quite a bit of Harold during that time?

DRISCOLL: Oh, he did, yes. They were very close. Ed senior was not particularly interested in that end of the work; he was more interested in his trials as such and getting business and so forth. But everybody was interested in getting business, because that's what you lived on.

When I first came to Bronson's, I really didn't have much of a concept of how a law office was run; it was all new. But I think you are right about us being well-organized compared to other firms at that time. And that was important. I think the law in those days was a lot more technical, so it was important to keep things straight. It sort of eased up a little later on and became a little more liberal. Before, everybody was great for demurrers and constantly running to court.

[Laughs] I remember that when I was a young lawyer, just starting out, and I would go over to court, there would always be a couple of lawyers there working for the Market Street Railway who did nothing but attend law and motion matters. You know the kind of stuff they were doing—"This is the sixth demurrer to the seventh amended complaint"—and this was on just a simple negligence case!

ANNETT: If it was more technical back then, organization of the particular cases or the clients' problems had to be carried on at a pretty detailed level in order to--

DRISCOLL: Yes, and it was longer.

ANNETT: Somebody mentioned that they thought Bronson's picked up a lot of bankruptcy business because--

DRISCOLL: I think they did, but I think that was before my time. I think that's one of the things that arose out of that Louderback case* that was mentioned in your outline.

The Office Staff

ANNETT: Do you have specific memories of the office staff at the time you started to work for the firm?

DRISCOLL: We're talking about the times when the firm was quite small. Helen Frahm—have you interviewed her?

- ANNETT: Yes.
- DRISCOLL: I haven't seen her in years, but she was an awfully nice girl.
- ANNETT: When she described her work to me, it sounded as if she was doing some pretty high-level paralegal work.
- DRISCOLL: Oh, I'm sure she did. She worked for Ed senior. Those gals—it was a small office, and they'd been there, and they even took pay cuts in the Depression time. They were a very loyal bunch and a very competent bunch of girls.
- ANNETT: Was there much jockeying to get a particular secretary because she was so competent, or anything like that?
- DRISCOLL: I had one secretary from the time after I came back from World War II until just a few years before I quit.
- ANNETT: Who was she?
- DRISCOLL: Mary Mathis. She came during the war, like say '44. Ed senior had her. I knew something was wrong because he said, "I'm going to do you the greatest favor in the world and let you have Mary Mathis," he said.
- "Mathis," I thought, "geez, what's wrong with her?" But he was right, because she was a fine girl.
- ANNETT: There's much talk today about paralegal work being a new division in the legal profession.
- DRISCOLL: Yes, it is, except these girls did it and didn't call it anything. In other words, they knew the routines, they knew the whole thing. If Helen had any qualms about some work of ours she was typing, she'd come to Jack or myself and say, "Do you think there was a point here, or anything to do with that?" in a very nice way. But what she was doing is what now they call paralegal.
- And when Rita quit, I think it was \$15,000 or something like that that they gave her in severance pay when she wanted to retire. She left about the time the office began to boil up and really go to town.

Apprenticeship in the Law

- ANNETT: You indicated to me before that you weren't given much training when you first came into the office.

- DRISCOLL: No, not really. I think Jack Painter and myself used to do the best we could, and hang around at night to see if anybody was going to phone up and want our services. It wasn't really big enough to be highly organized about training the way we are now.
- ANNETT: What would the senior lawyers do? Would they just come in and ask you to look up answers to fairly well-defined questions, or would you be asked to do open-ended research, or what?
- DRISCOLL: They'd tell you what they wanted you to find out. I remember doing some research on tax questions very early after my arrival. You did what anybody wanted you to do.
- ANNETT: Rita Convery told me that she had to show you boys the difference between a demurrer and a complaint.
- DRISCOLL: [Laughs] Rita was practically the training we got, you know. She'd been there a long time, relatively speaking.
- ANNETT: Jack Painter mentioned that all the young lawyers would sit in the library and the older lawyers would pass through and just grab one of you.
- DRISCOLL: That's right, that's right. Exactly. The partners' offices were in a circle around the library, and the library was about the only place you could do any research, so that you were open to anybody who passed through.
- ANNETT: You didn't have an office?
- DRISCOLL: For quite a while, I just had the library table to work at. Then Jack and I shared an office at one point. I remember that when one of us had a client, the other had to scramble around for another place to work. [Laughs]

Hours, Salaries, and Finances

- ANNETT: Do you remember what hours you worked?
- DRISCOLL: Very long, and Saturday was a full working day; the office was officially open on Saturdays. You'd work maybe three nights a week, also. You didn't think very much of it—that was just custom and practice.
- ANNETT: Were the senior lawyers working that hard?

DRISCOLL: Oh, yes, they worked just as hard.

ANNETT: Was it because of the Depression that you--?

DRISCOLL: That's exactly right. And naturally the charges were very low.

ANNETT: Do you remember what the charges were?

DRISCOLL: My recollection is that \$15 an hour would be about all that the market would bear. So you'd have to lengthen your hours to really make the office go.

ANNETT: Did you have individual billing rates for each lawyer?

DRISCOLL: Oh, yes, I came much cheaper. If Ed senior worked on it, it'd be a little more expensive. I can't remember the difference in rates. Rita Convery would be the best source of that.

I didn't know too much about the firm's finances, except that they were typical thirties finances.

ANNETT: Did you have any sense that Roy and Ed and Harold were taking home pretty good livings?

DRISCOLL: I think we knew everything. I don't know how it works, but I'm sure that all the young fellows in our office know everything now. It's a grapevine that gets going.

ANNETT: The only financial records I have are back for 1924 through '26.

DRISCOLL: That's pretty early.

ANNETT: Yes. But Roy was taking home \$11,000 to \$14,000 a year at that point.

DRISCOLL: Which was good money, yes.

ANNETT: And Ed was taking home about \$3000 to \$5000. Were they earning less than that during the thirties?

DRISCOLL: Oh, no, no. I think Roy was taking home about \$24,000.

ANNETT: That was a good wage for the Depression!

DRISCOLL: Oh, geez, was it! That's my recollection. Jack Painter, did you go into this with him at all? Did you know Jack left the firm in the late thirties and didn't come back until after the war? That was because he didn't think he was ever going to be made a partner, and he had a family and needed the money. Also, he was more restless and ambitious than I, I guess. I became a partner in January of '41.

- ANNETT: That was when quite a few people were made partners.
- DRISCOLL: That's right—Wes Dickenson, Paul Dana, and Kirke LaShelle and myself. I'm sure that was because Jack Painter left.
- ANNETT: Did that shake people up?
- DRISCOLL: Yes, sure.
- ANNETT: How come they didn't do something before he left?
- DRISCOLL: I don't really know, except those were different times, let's put it that way.
- ANNETT: How so?
- DRISCOLL: They were just coming out of the Depression, but still people were *thinking* Depression. So, the raises were far and few between. And Painter had to eat.
- ANNETT: You were the one that was instrumental in getting him back after the war, weren't you?
- DRISCOLL: Yes. I sure wanted him back, because there wasn't anybody in there at my level. I thought Painter would be excellent on the business side, and that's the way it eventually worked out, although he kept coming back and trying cases for the trial department. [Laughter] But then he finally got entirely over into the business end of the firm.

The Partnership Agreement

- ANNETT: When they made up the partnership arrangement, it actually was a fairly generous one—this system of the senior partners not trying to retain control.
- DRISCOLL: Yes, Roy was very generous. Roy felt that unless you gave something up, you weren't going to build an organization. He was absolutely right. I think that that was very forward-looking of him, because now it's pretty well recognized.
- ANNETT: From talking to other lawyers in San Francisco, the Bronson, Bronson & McKinnon partnership is one of the more generous arrangements in the city.
- DRISCOLL: Yes, it is. I'm sure it is, because I know that I always felt very strongly that unless you—of course, now it's very highly organized and everything's laid out—but unless you really brought the young lawyers into your bosom and gave them responsibility, that

ANNETT: Did it make a big difference to you to be made a partner?

DRISCOLL: Yes, sure it did. You had a sense that you were arriving somewhere; you weren't too sure where [laughing], but you were at least moving.

ANNETT: Why do you think Roy Bronson wouldn't make any of the young lawyers throughout the thirties a partner, then all of a sudden he made you partners on a very generous basis?

DRISCOLL: I think Jack Painter leaving shook him, because he realized Jack had a lot of very splendid qualities. I think that they just redid their thinking, and I'm sure Harold McKinnon had a large say in it.

ANNETT: Is it more McKinnon's style to do this kind of thing?

DRISCOLL: Yes, I think so, and I think that Roy always respected Harold's judgment because of this. And then the clarity with which Harold could say things was often very good.

ANNETT: So McKinnon you think was the one behind that?

DRISCOLL: I do. I've never discussed it with Harold, but I think in a large part he shaped a lot of Roy's thoughts. I've always felt that, because Harold is a very fair-minded person, a very generous person.

Changes in the Management and the Organization of the Firm

ANNETT: How were partnership meetings handled and how were decisions made?

DRISCOLL: Up to the end of the thirties, it was largely the decision of the elders. They hadn't been highly organized yet. They wouldn't do anything arbitrarily without discussing it with you; they would have partners' meetings; but it was a foregone conclusion that that was going to happen. I think that's a fair summary. See, not too much time went by between when they brought our group in as partners and when many of us had to leave for the war. And when I came back we went to a managing partner system for one year. It would be, say, myself for a year, and then it would be some other young partner. That would at least put them in closer touch with the overall aspects of the office. But still, if anything got serious, Roy and Ed and McKinnon would be largely the final arbiters.

- ANNETT: That remained true up until they all retired?
- DRISCOLL: No, no, not a bit.
- ANNETT: At what point did--?
- DRISCOLL: One point, I'd say somewhere in the early fifties, it began to be more organized and people had more say, because some very disturbing things came up. It was broadening out, then, where everybody had quite a say.
- ANNETT: Did that have to do with the problems of getting and retaining clients?
- DRISCOLL: That was always a subject matter, but that was a harmonious discussion because everybody was in favor of getting clients and retaining them.
- ANNETT: Do you get a feeling that Bronson's was more organized on that score than others?
- DRISCOLL: I think so, I think so. We've always been very generous when younger firms are getting organized. If they want to come to us for help, we offer them Dick Dilley [the office manager] and our organization and how we set it up. If they're a smaller firm, obviously we're too elaborate. But if they're planning on increasing, they can at least get some ideas and they can get some basics.
- ANNETT: And that would be paid back in referrals to your firm?
- DRISCOLL: Sure, in good will. Sure, you've all got to get along. And it's done good to have acted that way because they spread the good word. And, what the hell, if you can give them a hand, I believe, give them a hand. There's nothing so secretive about this; it's just a question of a lot of hard work to get there and to get yourself organized that much.

Hiring Policies in the Thirties and Forties

- ANNETT: How were new lawyers hired in the thirties?
- DRISCOLL: There weren't very many new ones. Roy hired Dana and LaShelle, much to Paint's and my annoyance. The business suddenly began to grow a little too much, and I'm sure, although Jack and myself resented it, looking back we could see perfectly well why they did it. We were a little too young to pick up all the new slack.

Then the only other one I remember was when I hired Harold Ropers just before I left to go to the war, because when I decided to go to OPA to stave off the inevitable, we needed somebody extra. Harold was up in Auburn working for Chamberlain and Chamberlain. He came down on a Saturday to be interviewed, and because he took off Saturday work to do the interview, Chamberlain and Chamberlain made him come back and work on Sunday! I used to run into Chamberlain and Chamberlain when I was up in the Auburn area working on a trial. They were an austere pair.

Incidentally, with regards to Roper: you know he left Bronson's and founded his own firm. Later, another guy from this office joined him—Eugene Majeski. I just heard that Jim Browning [the United States Attorney from San Francisco] was going to hand in his resignation and go with the Majeski firm. It might be a shot in the arm for them. Ropers is dead now, but that's his old firm. It's a good firm.

ANNETT: Why did they split off?

DRISCOLL: That's a good question. I think that that was largely a question that Ropers felt that he wanted to try something new. Also, he might have thought that Roy was such a dominant personality that, you know-- That happens often. Paul Dana left, I think, for that reason.

Anyway, during the war the office changed terrifically because George Hartwick had gone, Painter wasn't there, I wasn't there, and a lot of other people I'm sure got swept up, so that Roy had to hire anybody he could to keep the joint going.

After the war, I can remember coming into the office. I don't think I'd gotten back into civilian clothes. I didn't know the receptionist so I explained who I was. Then I heard this terrible noise in the library area, and it was Herb Pothier talking to a German refugee-lawyer that he was helping. (The German lawyer later went to work for the state supreme court as a law clerk.) I said to the girl, "What's going on?" She said, "Oh, they're just having a conversation." And it was in the most guttural tones of German you've ever heard. Roy had hired Arthur Shannon and Ed Rowe during the war to come in and help keep the office going.

ANNETT: At what point did your firm start doing the whole routine of national recruiting from law schools?

DRISCOLL: I think just before we left the Mills Tower, so that would be, say, in the middle or late fifties. It started first with Cal and Stanford. Jack Ward, of course, was there by then, and he was Yale.

ANNETT: Did that matter very much to the Bronson firm?

DRISCOLL: No, schools made not much difference one way or the other.

ANNETT: At what point did you start to scrutinize grade points, law review, that kind of thing?

DRISCOLL: About that time—late fifties, early sixties. Now I'm sure they don't hire anyone that isn't law review, and I think they make a little mistake sometimes doing that too much.

ANNETT: Can you talk about that a little bit?

DRISCOLL: It's just my opinion that you want somebody from the middle of the class and up, but I don't think you necessarily have to put a lot of credence into the law review or this or that. I think the personality means a lot, too.

Outside Activities

ANNETT: How much were you pushed in the firm to belong to professional associations?

DRISCOLL: Everybody was supposed to. I gravitated along with Ed senior because we were in the same line of work. But eventually, let's say in the fifties, lists of organizations were sent out and apportioned and people were told, "I think you'd better get in this one." As we got larger and more organized, then that became a very serious business, and I might say a very heavy expense. But it's worthwhile. You spread yourself out into the areas particularly that you specialize in.

ANNETT: Ed Bronson, Jr., mentioned that it was through activities in the American College of Trial Lawyers that the firm picked up the FDIC [Federal Deposit Insurance Corporation], one of your big clients.

DRISCOLL: That's right. That came out of the Strasburger office in Dallas. Martin of that firm and Ed senior were both very close in the American College. When some little bank up in the country here went under, Martin was asked, "Who do you know in San Francisco?" and he said, "Ed Bronson." So Chuck Legge handled that

and did a bang-up job. Jesus, he just got it all cleaned up in no time at all. And it wasn't a month later that a San Francisco bank failed—which isn't cleaned up yet. So we were established with the FDIC. Then when the San Diego bank went caput, they asked our firm to go down.

ANNETT: That was C. Arnold Smith's bank?

DRISCOLL: Yes. We got the whole schmoo. About ten of our lawyers went down there. But that's how it snowballs. You asked me—there's a concrete example.

As a matter of fact, Eugene Jericho, a member of that firm, came up about a month or two ago and wanted me to come over and talk about an old case that's still going on. I took the time to say thank you so very much for the firm. He says, "Lawrie, you know, we were a little disturbed. We didn't get very many thank you's out of that."

Then, he had a problem with his firm on organization. They're going through growing pains down in the Strasburger firm, and times have changed, and they're not organized. I took him into George Hartwick to talk about it. So he went home with balesfull of ideas and stuff. That's how you have to pay attention to public relations, and it's important. People are sensitive.

ANNETT: It actually seems to have come more from the personalities of the people involved rather than cold calculation.

DRISCOLL: That's right, it isn't just cold calculation. A lot of money and a lot of time has now been spent on getting the name of Bronson, Bronson & McKinnon known throughout the country, and it's got to be kept up. It's the only way you do it. Sometimes it's awful hard for young fellows to get that through their head, that you don't make enemies, you make friends. Even to the guy you hate the most on the other side of the case, you still make a friend out of the bastard. It's more of a challenge than making an enemy.

ANNETT: Do you think the young people have trouble doing that?

DRISCOLL: Yes, they do. They're combative immediately, without any thought to the future.

ANNETT: Why do you think you were less so? Is it just the personalities or the times?

DRISCOLL: It just came naturally, yes. That's just the way I am, and that's the way I'd like to be treated.

ANNETT: How about the rest of the people in the firm?

DRISCOLL: I think most of them follow that. Everyone has a little different personality. Like, Ed junior is a different guy. Ed can turn on the charm if he wants to. But everybody's different. That's what makes life fun.

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Career as a Trial Lawyer

ANNETT: How did you get into the trial end of the firm?

DRISCOLL: I don't really remember, except I guess in helping Ed senior and others I gradually swung into that end of it, and that's where I landed. I can't remember specifically any incidents that nudged me that way.

ANNETT: Do you think it was because you ended up doing very well and liking trial work a lot?

DRISCOLL: Yes, I liked my work a lot.

ANNETT: Was there anything in your background that would have indicated to you that trial law was a natural field for you, such as experience on a debating team?

DRISCOLL: No, I don't think so. There was a great deal of litigation in the firm. I got swung into the research end of it first, and then into handling the preliminary parts of cases, and then eventually getting my own cases.

By '36 or '37, I was trying cases on a regular basis, mostly in municipal court.

ANNETT: Was that a relatively young age to be getting that kind of experience?

DRISCOLL: In those days it was, yes. Today they move young lawyers into independent work much more quickly.

ANNETT: Do you know why?

ANNETT: Do you know why?

DRISCOLL: They're better trained, I think, and the times have changed. Back then you had some pretty sophisticated people on the trial insurance side. You couldn't throw a youngster up against them. It's still a sophisticated area, of course, but the rules inside the courtroom are not so technical and strict. The judges won't let an experienced war horse take so much advantage of a youngster as they used to be able to. But it's still very difficult. These young people are very good now days to be able to go in and do trial work so young.

The War as a Turning Point

DRISCOLL: I was just starting to get into the big cases when the war came. Just before the war started, but when we already knew we were going to get in it, some traveling people from OPAX [later the OPA—the Office of Price Administration] came out and told us they wanted trial lawyers. (I never *could* understand why they wanted trial lawyers.) I knew some of us in the office were going to have to go into government service, and I wasn't married and was available. So, I talked with Roy, and we decided it would be a good idea for me to sign up with OPAX. You see, we thought joining the OPA might at least build contacts for the firm. But I wasn't used to governmental ways of doing things and I hated it.

As the war started to build up, they were drafting more and more people. Pretty soon they got around to George Hartwick, even though he had bad eyes. I wrote and convinced him to come work for me at the OPA. You see, the government would write these big thick briefs [gestures to show a foot thickness]. I wasn't going to read those. I got George Hartwick into the research division to write short summaries. Then I'd give the original brief and George's summary to the judge. The judges always took the summary! [Laughs]

But I couldn't take working for the government. Boy, did I hate it! So I quit and joined the Marine Corps.

After the war, I came back to the firm. You could see the handwriting on the wall that things were going to begin to happen, and I realized that what I wanted more than anything was to have Jack Painter come back on the business side.

I went to Roy and asked him to let me write Jack, who was overseas late, and ask him if he'd come back. Roy immediately said yes. I went over to see Betty [Painter's wife] and asked her how she thought he'd feel about coming back. "He sure would like to!" she said. He had not been happy in the other firm.

ANNETT: Why did you specifically want him to come back on the business side of the firm?

DRISCOLL: I felt Jack administratively was much better than I was, and he certainly belonged on the business side of the firm. I think he enjoyed the trials, but it made him very nervous, I know. It was better that he was over there, but that was just my opinion.

ANNETT: What do you mean by your statement, "You could see the handwriting on the wall?"

DRISCOLL: We were beginning to get more clients and more activity. Harold Ropers did not go into the service, so he stayed and the insurance end was building up quite heavily and he was a very competent guy. You could see there were things in the wind. Or hoped-- Maybe it was just hope [laughs].

ANNETT: Can you give me more specific examples? Was it because you had recently gotten some very big clients? Or was it because it looked as if San Francisco was taking off as a commercial center?

DRISCOLL: I would say that they had started to get some pretty good clients during the war and also that the insurance business was starting to boom. It was only a few years later that the products liability fields began to expand. That was really good stuff. It got us away from simply auto accident cases and got us into much different fields.

The Organization of the Plaintiffs' and Defendants' Bars in the Insurance Litigation Field

ANNETT: Was there a shift in the law which spurred litigation?

DRISCOLL: No, I think just that litigation was becoming more and more popular. Your Melvin Bellis and the likes of him were creating a lot of business— [laughs] which was delightful.

ANNETT: Were you aware at the time that this was a trend?

DRISCOLL: Oh, yes, you could feel it, as soon as you came back from the war. The plaintiff's bar was getting very well-organized and doing a damn good job of it as the years went on.

ANNETT: Why do you think that happened all of a sudden at the end of the war?

DRISCOLL: Good youngsters were coming up, and I think they were beginning to pick up this trend that litigation is the goose that laid the golden egg. I remember I gave a talk (when Ed ran out on it) at the old NACA (National Association of Claimants Attorneys) group when Belli was president. I gave a warning about "don't kill the goose that laid the golden egg," [laughs] but obviously it fell on deaf ears. Now I think you can see the repercussions of all that in the public outcry we've been having on insurance rates and so on. It is a direct result of the good organization of the plaintiff's bar. They did a good job, even if it might be short-sighted.

ANNETT: Was there a strong sense that the plaintiff's and defendant's bars were two completely separate groups in San Francisco?

DRISCOLL: Oh, yes, but we were all friendly—until we got into court.

ANNETT: From what I've read about plaintiffs' lawyers, such as Hallinan and Belli, they seem to have completely different types of personalities than you defense lawyers at Bronson, Bronson & McKinnon.

DRISCOLL: I had never thought of it that way, but I think you are right. Belli—I have a lot of respect for him. I like him personally; So does Jack Painter. Jack and Belli went to law school together. I don't agree with a lot of Belli's thinking as far as assisting the legal profession. But he's an excellent lawyer—if he wants to work. He's amusing; he has a sense of humor that tickles me.

Style and Technique as a Trial Lawyer

ANNETT: Can you tell me something about your special style and technique? Most trial lawyers seem to develop--

DRISCOLL: I didn't really have any. I was just myself. Of course, you play everything by ear, depending on what circumstances arise. But generally, I couldn't, for instance, be like Ed Bronson, Sr.; I mean, he could really put on a show! I just did what came comfortably to me.

ANNETT: There's room for a lot of different styles in trial practice?

DRISCOLL: Yes. No two trial men are alike, I don't think, but generally you can divide them between the flamboyant ones and the ones that aren't so flamboyant. Which has the best success I really don't know. I would think that the flamboyancy of the thirties wouldn't work now.

ANNETT: Was Ed senior pretty flamboyant?

DRISCOLL: He was not flamboyant, but he was—somebody once said, "He's the only man that I've ever known who could strut sitting down." [Laughs] I think that typifies his style somewhat.

ANNETT: Is there anybody in the firm now who has that kind of style?

DRISCOLL: They all have their own individual technique. The terrible part is you never really get to see them try a case because you're either trying one yourself or you're too damn busy to go out. We should spend more time looking at the young fellows when they are out there. But they all adopt their own methods that go with their personalities.

ANNETT: Did you adjust your methods when you'd go from one judge to the next?

DRISCOLL: Oh, you'd adjust according to your judge, yes. In the thirties, the judges were extremely severe; it wasn't today's liberality at all. They'd have you in the pokey if you got toying around with their court. There was no nonsense about it.

ANNETT: Did you ever get threatened with that?

DRISCOLL: No, no. I saw to it that I didn't.

ANNETT: Did Ed ever?

DRISCOLL: I'm sure that he had some run-ins with them from time to time. But he was getting reasonably senior so that some of them were contemporary with him, and he could get away with more than anybody else.

ANNETT: Did he feel the need to tone down at all because he was on the defense side?

DRISCOLL: He'd tone down, but he would have his own little way of doing it. He could be awfully sharp. It was his personality; his style went with him very well. I think that's what one has to do. If you are in the defense, you do have a little heavier climb to convince the jury than the plaintiff's attorney has.

ANNETT: Did you ever, in assigning cases, have any sense of, "This would be a better case for so-and-so"?

DRISCOLL: Oh, very much so.

ANNETT: How was that taken into account?

DRISCOLL: You get to know the styles of the people that are trying them, and you kind of size up the case by four corners, and instinct tells you pretty quickly that so-and-so is the guy for it. It's hard to explain. In the first place, you have to size up the case. Then you find out who is the attorney for the plaintiff, and you can kind of take a look at the content of the damn case, and you pretty soon make up your mind. You can almost try the case just looking at the file for the first time; you know *generally* what's coming on.

Changes in Insurance Law in the 1930s

ANNETT: This might be a good time to talk about the changes in California insurance law that took place in your early years of practice. For example, the Industrial Accident Commission, with its administrative review of workmen's compensation cases, was established in the mid-1920s. Throughout the thirties, people talked about extending this technique of administrative hearings to all personal injury cases. Do you remember very much about that?

DRISCOLL: There was talk about it. I don't really remember too much. See, most of the time the plaintiff's attorney would waive a jury and the defense would pick it up.

ANNETT: The plaintiff's attorney would waive a jury?

DRISCOLL: Oh, sure, quite often.

ANNETT: Why?

DRISCOLL: Maybe the plaintiff's attorney had a judge he liked. Thus, it was routine orders to the defense attorney to, "pick up the jury if you have to."

ANNETT: Isn't it sort of reversed today? Aren't you more afraid of juries?

DRISCOLL: Oh, no, I don't think so. Still the orders are the same: always pick up the jury if the plaintiff waives it, because it's twelve people. Your averages are better with twelve than with one, unless you know a judge very well, and then the plaintiff won't waive if he's got any sense.

ANNETT: Judges tend to be more generous than juries?

DRISCOLL: Sometimes. It depends who it is. But a jury is an average, a media of twelve decisions. You're going to get the goods and the bads, but I think on the average, I feel more comfortable with a

jury. Lawyers were always talking about doing something with the personal injury cases. But I don't think anybody wanted arbitration, or at least that wasn't popular.

ANNETT: Why?

DRISCOLL: I don't know, really, except that there again it's habit. "This is the way we've operated, and we haven't done so badly, and so let's not move," you know.

Lawyers make good money under the adversary system, but if I really felt there was something wrong with the system, whether it would hurt me money-wise or not I wouldn't care, I would change. However, I'm sure that the adversary system is popular with lawyers *because* they're lawyers. [Laughter]

ANNETT: In the late thirties the discovery rules in evidence changed.

DRISCOLL: That came about gradually.

ANNETT: Ed junior mentioned that his father, Ed senior, didn't like that.

DRISCOLL: Oh, Jesus, no! You know, having been raised in the previous era with limited disclosure, he always had a hole card, and he didn't want anybody to look at that. [Laughs] He was outraged at it.

ANNETT: Did you mind so much when they changed?

DRISCOLL: No, no. The change with me came so gradually and so soon after I started to practice that I wasn't bothered by it at all. But most of the older practitioners were just horrified at the thought you could get *hospital* records, even. [Laughs] I remember the first time I took a deposition of a hospital custodian. There was a plaintiff's attorney named Elmer Delaney. Elmer had osteomyelitis and both his legs had been cut off, and he was inclined to be irascible. He put his cane out—he had these two canes—when the clerk was going to hand me the hospital records of this client, and that was the end of that! [Laughs] I had to take him to court and go through the whole rigamarole to get those. That was common with all the old guys.

Then it became so that you wouldn't even have a deposition, you'd just subpoena the custodian and you'd get the records. He'd have instructions to send the defense lawyer copies, and that's that.

ANNETT: Do you think it makes for better law, having it that way?

DRISCOLL: Yes, yes. It makes for settlements.

Another area of change has been in the matter of jury informations. Sam Weeks, an old Market Street Railway lawyer used to collect jury information which was available to other lawyers. It was a pretty crude system that didn't tell you much more than the district the guy lived in. His rating system was one x, watch out; two xs, try to avoid him; three xs, have nothing to do with him! Ed senior was wary of Week's information, so he started a new system of ratings that gave more information. It included party registration, district where the prospective juror lived, and so on. Most important of all, it included a detailed list of cases the guy had ever sat on, with a report of the results and how he may have voted.

Ed's jury information was collected in a little black book, which the defense lawyers used to carry around. Pretty soon the plaintiffs' attorneys got together their own book of jury information, and it had a brown cover. You'd walk into court with both tucked under your arm. The wise jurors knew just what you were up to. [Laughs]

ANNETT: I've never heard anybody comment on that before.

DRISCOLL: Really?

ANNETT: No.

DRISCOLL: You used to be able to get it practically anywhere. You'd always want a little information. We had sources in San Mateo, for instance; we'd get it out there.

ANNETT: Do you mean people you could call up?

DRISCOLL: No. As a matter of fact, we used some lawyers down there that had been there for many, many years and would know the background of most of the people called in for jury duty. It was a small community. You could get the potential jurors' registration as voters, and then if they had any past jury experience, you'd get the results of that. It'd give you *something*. I think more often it confused you, really. [Laughter]

ANNETT: Oh, really?

DRISCOLL: Well, I think so.

ANNETT: Now a lot of lawyers carry the investigation of potential jurors to the elaborate point of having social scientists sitting in the courtroom to give them advice on whom to dismiss and whom to try and keep.

DRISCOLL: Oh, yes, I went through that routine once. The expert made his own independent list and I made mine of who I wanted to throw off and who I wanted to keep, and we came out absolutely even. And he cost me a lot of money sitting in the back of the room, so I quit that.

ANNETT: What case was that, do you remember?

DRISCOLL: Oh, it was some case down in San Jose, an airplane case of some kind. It's funny, we came out absolutely even, and I had no outside information at all!

ANNETT: Just instinct?

DRISCOLL: Yes—just what I felt, that's all. But I would imagine that kind of jury information service could help you. In the criminal field they go for it very heavy now.

ANNETT: Do you think that's overkill?

DRISCOLL: I don't know. They certainly should have a reasonable insight, and then they'd also have the information that you'd pick up on the panel itself.

ANNETT: Did anybody else in your office go in much for any of those psychological or social science--?

DRISCOLL: I think some of them have all tried it. I don't think any of them were too pleased with the thing. The picking of a civil jury goes a little faster than in a criminal trial. You don't have too much time, particularly if you have a judge pushing you on.

ANNETT: Do you remember Ed Bronson, Sr., ever making any comments on this?

DRISCOLL: No, I don't think he ever did that.

ANNETT: How about Paul Dana or Kirke LaShelle?

DRISCOLL: No, that was before their time, both of them. This has been the last six, seven, eight years.

ANNETT: Oh. When you did that case down in San Jose, that was very recently?

DRISCOLL: Yes, that was. I just thought I'd give it a whirl. It didn't happen to be worth it in that case, but that isn't enough to condemn it.

ANNETT: From research I've done in old California law reviews, compulsory insurance, no-fault insurance, comparative versus contributory negligence, and so on, were important topics of discussion among lawyers. I was struck by how familiar these issues seem; they're exactly the issues the legal profession and the public are talking about today.

DRISCOLL: Yes.

ANNETT: Do you remember the parameters of the debate back then?

DRISCOLL: Not really in the thirties so much. Compulsory insurance was mentioned. No-fault insurance was kind of a vague dream. There was a lot of discussion about comparative and contributory negligence, because a lot of the companies that operated in the Midwest as well as here operated under the comparative rule. These were things in the offing but nobody was really too worried about them.

[Referring to other topics mentioned in the interview outline] The guest statute—yes, the guest statute was a very prevalent topic, and the eroding of certain areas of the guest statute created a lot of research and blah-blah.

ANNETT: Do you remember that case [referring to outline]?

DRISCOLL: *McCann v. Hoffman*? Yes, very well.

ANNETT: Was that one of your bigger cases, or was it just more widely publicized?

DRISCOLL: I think it got more publicity because of the importance of the legal issues that arose out of it.

ANNETT: Also the defendant was married to Giannini's daughter.

DRISCOLL: Yes, that was Biff Hoffman.

ANNETT: Do you remember those people very well?

DRISCOLL: Oh, god, yes.

ANNETT: I think that went all the way to the Supreme Court.

DRISCOLL: I'm sure it did; I can't remember. I wouldn't have had anything to do with the appeals.

Appeals Procedure

ANNETT: How did the firm handle the question of appeals?

DRISCOLL: Harold would come in on the appeal end, definitely. Later on the firm created an appeals committee, but that was later than what we're talking about here. The committee supposedly tried to be objective and to say whether it should be appealed or not. But then if the company wanted to appeal anyway, you ran into a problem. The theory behind it was that the trial lawyer loses his objectivity. And that's very true; you get so immersed in those damn things that you're outraged at everything that happens contrary to your interpretation. You're too full of the combat. At first the review of candidates for appeal was done by Harold alone, and then it was broadened to have at least three in there.

ANNETT: Tell me about Mr. McKinnon's judgment in this area.

DRISCOLL: It was excellent. You'd have to get a transcript and let him read the transcript and then have him check the legal points, and if he felt that it just wasn't going to work out, you'd drop it, if the company went along with you.

ANNETT: Was that his idea to do that?

DRISCOLL: Yes, I think it was. I think it was Harold's, because so darn many appeals would be taken on the say-so of an outraged trial lawyer. I handled a lot of those in the thirties, of Paul Dana's, let's say, or Kirke LaShelle's, and you'd get into writing the damn brief and you'd realize that it was pretty weak. So, I think that's how the idea of a review of appeals evolved originally.

The Louderback Impeachment Hearings

ANNETT: Do you remember Roy Bronson ever talking about his involvement in the Judge Louderback impeachment hearings?

DRISCOLL: I can remember hearing about it, but it's awfully vague now. I think Rita would know more about that than anybody.

ANNETT: But you did say that Roy used to talk about that a lot.

DRISCOLL: Yes, he did. It was kind of gossip, you know.

ANNETT: Did he feel at all uncomfortable about his position in it--?

DRISCOLL: I never really fully understood what his position was, to be honest with you. Or if I did, I've forgotten it. But I know that Roy used to just talk about it every now and then, and it obviously stirred up some feelings.

ANNETT: Well, it's very confusing from the newspaper reports.

DRISCOLL: The Louderback trial was when I was an undergraduate or in law school, and I wouldn't have paid much attention to it, I'm sure.

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Conclusion

ANNETT: This Bronson, Bronson & McKinnon set of interviews is part of a larger series of oral history interviews on San Francisco legal history. We have some general questions we are asking all the lawyers we interview in this series in order to get some comparative views. One set of questions involves your attitude towards your career and your profession.

DRISCOLL: Well, I don't know. You come out in the Depression and you haven't got two two-bit pieces to rub together, and you're anxious to get ahead, learn your profession, be competent at it—all the things that are natural to a human being. I don't know whether social issues entered into the frame of my thinking, to be honest with you. I think it was the fun of the combat. I hated law school—just loathed it. I really did. It just wasn't my cup of tea. But the moment I started to practice, I just loved it. I can't really tell you why, except it was the challenge, maybe.

The problems the legal profession faced in the thirties are the same damn ones they face now. [Laughter] That's right, that's right. They're not very good PR [public relations] people, I don't think. But they're getting better, and they're realizing they're not a very popular group. I think they're trying to do a better job to save their skins now, because it's a very nice little union, and if they don't behave themselves it will be taken away from them, I think. Don't you?

ANNETT: I certainly see what you are saying.

DRISCOLL: I'm not very popular about lawyers. I think they're a funny bunch of guys, I really mean it. It's a funny line you have to draw as a lawyer. You obviously can't be too idealistic because then you're not going to make a living, and making a living is one thing you have to do unless you've got some outside resources, which I've never had.

ANNETT: If some young person asked you whether or not he should enter the legal profession today, what would you say?

DRISCOLL: As a practical matter, if somebody asked me, I'd say, "Look around. I understand the law field is very crowded. Why don't you look for something else?"

ANNETT: What are the special rewards of the profession?

DRISCOLL: I really don't know how to answer that.

ANNETT: What are its pitfalls?

DRISCOLL: Don't become stuffy. I don't know why young people think because they've gone through a law school and gotten a degree that they're something above everybody else, and that's the impression a lot of young lawyers give.

ANNETT: One final set of questions: Do you consider Bronson, Bronson & McKinnon to be successful, and if so, by what measure?

DRISCOLL: By what measure? Because it beat out the opposition, I think. The opposition is all the rest that didn't make it. That's about the measure I'd put on it.

ANNETT: Do you consider *yourself* to have been successful, and if so, by what measure?

DRISCOLL: I don't consider myself to be a successful lawyer, but the specialty I practiced I think I knew, and that's about all I can say.

ANNETT: That's a very modest response.

DRISCOLL: No, it's true. But I sure wasn't a lawyer.

ANNETT: You weren't a lawyer?

DRISCOLL: Not a rounded lawyer, no.

ANNETT: Is anybody these days?

DRISCOLL: Very seldom. I guess George Hartwick would be the last one. He's as close to a rounded lawyer as you can get. He came as office boy. He's the smartest guy in the firm, I'll tell you that. Don't let his looks fool you. [Laughter] He's an awfully nice person, and his memory goes back to Rita Convery. He came as office boy right after Wes Dickenson.

If that's your last question, I guess we're done. You be kind to me; I did a lot of talking. [Laughter]



JOHN H. PAINTER
1970

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University of California
Berkeley, California

John H. Painter

A Career in Corporate Law

An Interview Conducted by
Joan M. Annett

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1

Background and Decision to Become a Lawyer

Family

ANNETT: Can we begin by going a bit into your background and your decision to become a lawyer?

PAINTER: My father [Joseph Harold Painter] was a lawyer and a judge in Colorado, so I suppose that I came about the idea naturally. Ever since I was in high school I wanted to be a lawyer, so it wasn't a new thing when I went away to college.

ANNETT: Were you raised in Colorado?

PAINTER: Yes.

ANNETT: What brought you to California?

PAINTER: After my father's death, my mother [Sarah Painter] and I came out here. My sister [Mrs. A.A. Malsbary] and her family were living in California, and that's how we happened to come.

ANNETT: Were you the only son?

PAINTER: Yes, that's right.

College and Law School at the University of California, Berkeley

ANNETT: You went to Berkeley as an undergraduate?

PAINTER: I started out at what was then called the Southern Branch. It's now UCLA. I went to the Southern Branch for one year, and then I came up to Berkeley. I got my A.B. from Berkeley and then went on to Boalt Hall.

- ANNETT: What was your undergraduate major?
- PAINTER: Political science.
- ANNETT: Was that a pretty typical major for someone interested in law?
- PAINTER: It was typical. It wasn't necessarily the best one for law, as it turns out, but it was all right.
- ANNETT: What would have been a better major?
- PAINTER: Oh, I think English and history might have been better than political science. You should have some political science, but I would think that history or English would have been better.
- ANNETT: Did you go to Boalt directly after getting your A.B.?
- PAINTER: Yes.
- ANNETT: Did you specialize in any area of law when you were in law school?
- PAINTER: At that time there wasn't much you could specialize in. Most everything was required; there were a few electives, but not enough to create a specialization. The one way that you could have specialized a little bit at that time was by taking elective taxation courses.
- ANNETT: Taxation didn't interest you?
- PAINTER: No, not at that time, at least.
- ANNETT: When you went to law school, was most everybody anticipating going into some kind of general practice?
- PAINTER: No, I don't think so. Well, I suppose, more so than today.
- ANNETT: Did you like law school very much?
- PAINTER: At first I was worried about it. I wasn't sure that I had picked the right profession, but after I got into it I liked it very much.
- ANNETT: Lawrason Driscoll told me in his interview that he had just hated law school.
- PAINTER: Did he?
- ANNETT: He found it very boring. That wasn't your experience?

PAINTER: No, no. We worked awfully hard, but I really liked it after I got into it. We had some wonderful classes. I thought Boalt had a very high-grade faculty at that time.

ANNETT: You graduated in 1932?

PAINTER: Yes.

Law School Then and Today

ANNETT: Do you have any sense of how law school in your day compares with what you know law school to be like today?

PAINTER: I don't know enough about the curriculum today to say much about it. From what little I've seen of it, today they seem to go more into what I would call sidelights than we did. We pretty much followed a pattern of getting a basic legal training. Now in some law schools they send good students off to clerk for judges for a certain period of time or to do similar things. We didn't have anything of that nature. The only thing that might be similar was our Legal Aide program, where you could take a course which involved giving legal assistance to people who couldn't afford it. Other than that, we just had a good basic legal education; in my opinion, that is probably the best plan.

ANNETT: Did you participate in any special activities when you were in law school, such as the Legal Aide program?

PAINTER: I didn't go into Legal Aide, but I went into moot court. Moot court was required in your freshman year, and from then on it was elective. You could go on in the competition until you were eliminated or until the finals in your senior year. I went to the finals in my senior year, but my partner and I were defeated in the final case.

ANNETT: Do you remember what your case was?

PAINTER: No, I don't. I might, if I thought about it enough.

Job Hunting During the Depression

ANNETT: Did you think you were well prepared to start practice?

PAINTER: No, you're never prepared to start a practice. But as far as knowing the law, I think I had a good basic training.

ANNETT: Do you feel that you were better prepared than the young people that come into your office today?

PAINTER: It's awfully hard to compare. There are a lot of smart young lawyers today, so the law schools must be doing something right. But I think maybe we were a little more roundly prepared than they are. They might have exposure to some of the things that we could have used. We lacked training in some of the practical parts of law practice. But then again, I'm not sure they're getting it any better today.

ANNETT: Can you tell me about the problems you and your classmates had job hunting in the depths of the Depression?

PAINTER: It was very difficult. That was in the middle of the worst depression that's happened in my lifetime. Job hunting was a question of just going out and beating the pavement. Law firms didn't have the elaborate recruiting systems at that time that have since been developed.

ANNETT: Did you have any on-campus interviews at all?

PAINTER: No, I don't think they had any.

ANNETT: How did you find out when and where jobs were available?

PAINTER: It was through word of mouth, or going down the list of names of firms and trying to get in to talk to them, and things of that nature. It was very tough. My class I guess got hit the worst of any of them because that was right in the depth of the Depression.

ANNETT: Do you have any idea about how many in your class found employment?

PAINTER: I couldn't say as a whole. In San Francisco there were probably at most about ten of us who were hired out of the whole class of fifty or sixty members.

It was good fortune but also hard work that got me that job. I just beat the pavement.

ANNETT: With how many firms would you guess you interviewed, or tried to interview?

PAINTER: I suppose I contacted maybe twenty lawyers or firms. You just went at it and systematically covered them. You talked to other people, and they'd refer you places. It wasn't at all a case of just picking the best firms—you were happy to see almost *anybody*.

2

Early Career with the Law Firm of Bronson, Bronson & McKinnon

ANNETT: You say only about ten people in your Boalt Hall class got law jobs in San Francisco, and two of those people got jobs at the Bronson firm?

PAINTER: Yes. It was Bronson, Bronson & Slaven then.

ANNETT: Did it strike you as unusual that two people from your class were hired by the Bronson firm?

PAINTER: It did, and that's one of the things that interested me in the firm—was that in the depth of the Depression they were confident enough to take on two young lawyers. I'm sure there weren't many firms doing that.

ANNETT: And then just six months later they took on Lawrason Driscoll. Did the business of the office really warrant that much expansion?

PAINTER: We all kept busy, very busy, so I guess it did. I don't think that anybody was making a lot of money in those years, but we were all busy.

Joining the Firm—the Interview with Roy Bronson

ANNETT: Tell me the story of how you got the job with the Bronson firm.

PAINTER: One of my classmates, Dudley Sheppard, had gotten a job at Bronson's office. Dudley's brother was in the insurance business in San Francisco and he had directed him there. Dudley got the job fairly early, I remember, and I stopped in to see him on my rounds of talking to various lawyers. He said, "Why don't you talk to Roy Bronson? He might hire you." I asked for an appointment to see Roy Bronson and went over to his house and talked with him, I believe on a Sunday. It resulted in a job.

ANNETT: Do you happen to recall the kinds of questions that Roy Bronson asked you in your interview?

PAINTER: Well, he asked me about myself, of course, as you would any applicant, and about what I did in law school and so forth.

ANNETT: You mean what you did grade-wise?

PAINTER: I'm quite sure he asked me what kind of grades I had.

Also, I remember at that time I had just been selected to go out on a tour for the Republican party to speak at various little affairs. This involved the presidential campaign of 1932, and was going to take a couple of weeks. I told Roy that I had made these arrangements, and that I thought it might be a good idea if I went ahead with the tour and came to work right after that. He said no, he didn't think so. He thought that I could do a lot more by being in the office than I could by doing that. I think he was right. That's the most important thing that I remember about our talk.

ANNETT: I'm surprised. Roy seemed to, in general, always encourage involvement in outside activities.

PAINTER: He did, but apparently he thought that this wasn't very important. Also, they probably needed another hand at the office at that time or they wouldn't have hired me.

ANNETT: Did he ask you in any detail about what aspect of the office's practice you wanted to go into?

PAINTER: He might have. At that time I would have probably told him that I wanted to try to do trial work.

ANNETT: Because of your moot court experiences?

PAINTER: Well, I just thought I wanted to be a trial lawyer at that time.

ANNETT: Do you know if they were specifically looking for a trial lawyer at that time?

PAINTER: I don't think that made too much difference because they would put you at what work they thought they needed to have you do, regardless of your preferences [laughing], and if you turned out to be a trial lawyer, fine; if you didn't, they'd give you something else to do probably.

ANNETT: Was your interview more informal than the kind of interview you might conduct now?

PAINTER: Probably. I don't believe that I had any written data that I submitted, as they do now. It was more just a question of getting acquainted with Roy, and giving him an opportunity to determine whether or not they could use me. I don't think that he asked me anything too important, as such.

ANNETT: Do you know if they interviewed other people for the job that you eventually got?

PAINTER: I don't know. I suppose that they did, but I don't know.

ANNETT: So, you don't have any sense of why they offered you the job?

PAINTER: I think it was more that I came around at the appropriate time. [Laughs]

Starting Salaries in the Depression

ANNETT: You mentioned that you started at the salary of \$75 a month. Did you consider that a low salary even for the Depression?

PAINTER: I thought it was pretty low, yes. [Laughing] I think all salaries were very low for young lawyers at that time, but I think probably some of the firms at or about that time were paying a little bit more than that—a hundred dollars, maybe.

ANNETT: I've talked to people from Pillsbury, Madison, and Sutro, and from one other top San Francisco law firm. Does it surprise you to learn that around that time those firms paid \$70 to \$75 a month to their beginning lawyers?

PAINTER: Did they? Yes, it does surprise me. I thought that they probably were paying a little bit more.

ANNETT: When Mr. Driscoll was hired six months after you, his salary was even lower than yours.

PAINTER: Yes. He probably told you about it. I think that either he had not yet graduated when he started, or he was working part time or something. There was a reason for it. It wasn't that he was any less valuable than Sheppard and I.

ANNETT: Oh, no, I think his feeling was just that he was the third person to be hired, and salaries were getting lower and lower. [Laughing] He had known Mr. McKinnon and was hired into the office on McKinnon's word, not necessarily because there was more work to be done.

PAINTER: Yes, I know Mr. McKinnon was very close to Lawrie's mother. I knew that Lawrie had family connections there.

A Description of the Office in 1932

ANNETT: Can you give me any sense of what the office was like when you joined it?

PAINTER: Yes. You probably already have the physical set-up. It was about half a floor in the Mills Tower, which is a rather small building. There were, I think, seven of us—Roy Bronson, Ed Bronson, Tom Slaven, Harold McKinnon, Archie McDougall, Dud Sheppard, and myself.

We had a small library, and around that library were the offices of Ed Bronson, Roy Bronson, and Archie McDougall. The secretaries' quarters were also off of that. Down the corridor was Harold McKinnon's office; he was only there part-time then, as I remember. Then Dud Sheppard had an office, and then there was the reception room. Across from the reception room they had just taken on an office that was quite substantial, and they let me have that. So, I felt very good. (Well, Dud Sheppard's office was nice too.) As a whole, the office was very nice although small.

ANNETT: That sounds typical of Roy Bronson, that he kept the firm in the best possible quarters you could afford.

PAINTER: Yes, he believed that firmly, that you should have good quarters. They were nice carpeted offices.

ANNETT: The Mills Tower was a lawyers' building. I understand the owners of the building maintained a law library as an inducement to law tenants. Do you remember that?

PAINTER: There was a law library on the top floor. I didn't know that it was kept by the owners. Maybe they participated in it. I thought it was the San Francisco Bar Association.

ANNETT: Did you use it much?

PAINTER: Oh, sure! Our office library was a fair working library for the size of the office, but we had to go up to the upstairs library for out-of-state cases and things like that.

ANNETT: You mentioned to me before something about the layout of the library being such that it was a perilous place for you young lawyers to sit.

PAINTER: [Laughing] Yes, it was, because all the traffic of the senior lawyers coming back from trials or anything came through the library. They would waste your time talking to you, if nothing else. They'd also always have some work they'd delegate to you as they were going through. So, it was a place where you got assignments that you might not otherwise have gotten.

ANNETT: And you'd end up having to work late into the night?

PAINTER: Yes, we did.

Long Days and Long Weeks

PAINTER: We were very hard-working. As a matter of fact, I suppose we worked the majority of evenings. Saturdays we worked usually all day, although the office was theoretically closed at noon.

ANNETT: Oh, it was open officially until noon?!

PAINTER: It was open officially, with secretaries and everything, in the morning.

ANNETT: Were those typical hours for most law offices?

PAINTER: Those were typical hours for most businesses back then.

ANNETT: Did they have enough business to keep themselves open that much?

PAINTER: Yes. Everybody seemed to have more work than he could do. That doesn't mean necessarily there was an awful lot of money being made by all law firms, but they worked on Saturdays. When we first started closing on Saturday mornings, there was serious doubt that it was an economically wise thing to do.

ANNETT: When did they start closing?

PAINTER: I can't remember. We were still in the Mills Tower. I remember we started letting half the girls off on Saturday morning. Then finally we let all the girls go on Saturday morning. Eventually we let all the fellows go if they wanted to, but a lot of them would come in and work anyhow.

ANNETT: Was there much of a sense that, even if it wasn't officially required, you had to be there in the evenings and on Saturdays in order to impress the senior lawyers with your diligence?

PAINTER: There was kind of a feeling that it didn't hurt anything [laughing]. The partners were hard workers too. I remember, when I was there as a kid, that nearly always there'd be some partner or partners working in the evening, Saturdays, and Sundays: you'd find them around all the time. So when the bosses were there, you usually thought it might be a good idea for you to be around.

ANNETT: When you say that even with the long hours there wasn't a lot of money being made, was that because you billed out at a very low rate, or because you wouldn't bill out all your hours, or what?

PAINTER: It was the Depression and the rates for legal services were very low. I think the long hours probably enabled law firms to operate with less personnel than we use now. So, in a sense it was a very economical operation; you got as much out of your personnel as you could, I'm sure. We felt that they got quite a bit out of us.

ANNETT: Didn't your efficiency drop, working those long hours?

PAINTER: I think maybe it might have. I don't want to give the impression we worked every night, but it would be quite customary to be there two or three nights a week. Yes, I think your efficiency goes down if you work too much.

ANNETT: That must have been very hard on your family.

PAINTER: Yes. Of course, I wasn't married when I started the work, but I got married in 1934, and it wasn't the greatest thing for my young wife.

First Impressions of the Senior Lawyers in the Firm

ANNETT: Tell me, what was your first impression of your employers?

PAINTER: I guess you've got to take them one by one.

Roy Bronson:

As I think I told you once before, Roy Bronson was a very dynamic person. He'd impress you very much as a being a much younger man than he was, and as a powerful man. He struck me as very intelligent and as a very good businessman and a very good lawyer—about as good as they came.

ANNETT: What exactly do you mean by your comment that Roy Bronson was a good businessman?

PAINTER: He had good business sense. He understood a business transaction. He could sit down and talk the language of a businessman. I always felt that he could get on top of almost any business transaction. That's what I meant.

ANNETT: Did you know that Roy first started to practice with Dan Ryan?

PAINTER: Yes, I knew that.

ANNETT: Did you also know that that's where Vincent Hallinan got his start?

PAINTER: Yes, I knew that too.

ANNETT: Did Roy ever talk about that?

PAINTER: Yes. Vincent Hallinan wasn't there when he was there.

ANNETT: No, he was there a little earlier.

PAINTER: But Roy always said that if Dan Ryan had had the foresight to keep with him the people he had there, he could have had one of the greatest firms in San Francisco. I never went into the complete history of who went with Dan Ryan, but apparently he had a lot of very talented people who later successfully developed their own firms on the outside.

ANNETT: Did Roy ever mention why he split from Dan Ryan?

PAINTER: He probably did, but I'm not just sure enough to tell you. I think that it was ambition more than anything. Roy got married and figured he could do better by going out by himself.

E.D. Bronson, Sr.:

Ed Bronson was small in stature, but a very good trial lawyer, and he was a man who could handle himself very well. Probably Lawrie Driscoll told you the comment that was made about Ed Bronson—that he was the only man who could strut sitting down. [Laughing] He was smart-cracking, quick in repartee, and was a very excellent trial lawyer.

Tom Slaven:

Tom Slaven was a more placid person, and he was a hard worker. (They were all really hard workers). Slaven did trial work too. But he was a different type of character from Ed Bronson. I think he was quite good, but he would be more even tempered than Ed.

ANNETT: Can you mention something about working with Mr. Slaven?

PAINTER: Yes. Of course, I only worked under him for a brief time; he had his accident soon after I entered the firm. Like all of them, he was doing trial work. It just so happened, by coincidence, that I started working with him a little bit. He had me do research on the legal

problems that he anticipated would arise in the case he was preparing for trial. He also had me work on preparing instructions for the jury, and other things like that. I suppose I also took some depositions for him. Then he let me come over and watch part of the trials. He was a hard worker, like the rest of them.

ANNETT: Was he as effective a lawyer as Ed Bronson?

PAINTER: It's hard for me to say. I suppose that Ed Bronson was more spectacular and more skilled. He probably had more experience than Tom had, but I'm not sure about that.

ANNETT: I guess that would be hard to measure. I think they were about the same age, and they'd been practicing for--

PAINTER: Yes, I suppose it would be hard to say. They had entirely different personalities. Ed was quite suited, I think, to being a trial lawyer, and maybe Tom wasn't as much suited.

ANNETT: Can you tell me the story of Slaven's accident? I don't think I have that on tape.

PAINTER: I don't know too much about it, except what I've been told. He was working late at the office one night, and left to return to his home in Berkeley. At that time there was a ferry that ran from San Francisco to Berkeley. It didn't come clear to Berkeley; it landed at a pier way out--

ANNETT: Yes, the pier is still there.

PAINTER: But it was much longer then; it went really way out there. It was a two lane pier, and I gather that he had a head-on collision on the pier which resulted in very serious injury. Slaven was in a coma for many days, and he didn't ever really practice law again.

ANNETT: Do you remember what the reaction around the office was?

PAINTER: Everybody, of course, was pretty sick about it, and it was quite a disruption of the office because he had many cases that he was handling. I think Roy Bronson had to go in and handle some of them even though he hadn't done trial work in a long time.

ANNETT: Did that pass off quite an extra burden of work onto you younger people?

PAINTER: Yes, it had that effect. And it was very difficult for the office for quite a period of time because everybody was hoping that he would recover. It wasn't one of those things where they could go out and hire someone else or make permanent changes. They didn't feel

like doing that. It was quite some time before they decided that he was not going to be able to practice, and that they had to go ahead and make changes.

Of course, I wasn't in on the financial arrangements or anything of that sort at that time, so I don't know just what was done. I believe the change was made to take Harold McKinnon in as a partner when they took Slaven's name out of the firm. Wasn't it about then?

ANNETT: Yes.

I know that Roy Bronson did a lot of work in trying to get a good insurance settlement for Tom Slaven. Apparently there was some quarrel about whether Slaven should be given full disability.

PAINTER: Yes. I don't know the details of it, but they even had him come back and do some work in the office to see whether he was capable of doing it. He worked with me so that I could watch what he was doing. I found that it was perfectly evident that he had lost what knowledge he had had of the law, except in just certain limited fields, and it would have been very difficult for him to try to practice.

ANNETT: Mr. Driscoll tells a story of you and he taking on the project, on the side, of indexing the California Motor Vehicles Code.

PAINTER: Yes, we were going to annotate the Vehicle Code. That was before there was an annotation. We did quite a bit of work on it, but we strayed off on that one.

ANNETT: Apparently Mr. Bronson suggested you let Tom Slaven do some work on that, and that didn't work out very well.

PAINTER: I don't remember Tom working on that, but it didn't work out.

It was amazing: his recollection of law only dealt with certain areas where he had first practiced. It was pretty apparent that he wasn't himself.

Harold McKinnon:

Harold McKinnon was more of a student type of lawyer. He was very much a gentleman. He was a great reader and liked to write. He wrote quite a few extracurricular things, not necessarily about law. He was quite active in the Catholic church.

Archie McDougall:

Archie McDougall was very serious; he didn't have much of a sense of humor. He was highly technical in his approach to law. He would like to get little trick points that he could use. We used to call him Trick Point McDougall. He was a good, serious-minded fellow. I remember one incident that illustrates this. One day McDougall was out helping Paul Dana, one of the trial men. Dana was making the closing argument, and McDougall is said to have

pulled his sleeve and whispered, "Paul, I don't think that his complaint states a cause of action." Well, of course, that's the last thing [laughing] you'd be thinking about in the closing argument to a jury! That kind of illustrates McDougall's approach. He was always digging in on anything.

ANNETT: Was he effective?

PAINTER: I don't think he did an awful lot of trial work. But he was a good, hard-working, productive man. Yes, he was effective in what he did.

A Varied and Informal Atmosphere

ANNETT: I am struck by your descriptions of these people. They all seemed to have such sharply different personalities.

PAINTER: Yes, they were quite a varied group.

ANNETT: Was that an asset to the firm, or a detraction?

PAINTER: I think it was an asset. And I think it carried through to the time I stopped active practice. There's no mold. To give you an example of what I mean, you might have an office that went for all Ivy League types. Some offices do that. But that was never the case at our office. We have not only people from various types of law schools but from various types of backgrounds. I think it adds to the strength of the firm.

ANNETT: Was it just luck that the firm got that special combination of people?

PAINTER: I don't know how you could say one way or another. I think probably a lot of it was luck. Roy Bronson brought Ed Bronson in, and Harold McKinnon was a classmate of Roy's; they were very close to each other. I think Tom Slaven was brought in for a very calculated purpose: they thought that he would bring certain types of insurance work into the firm. I suppose it was luck, if you want to call it that, that they got varied types.

ANNETT: Later on did it become a kind of policy?

PAINTER: I don't know whether we ever consciously thought of it as that, but we weren't married to any particular type or any particular law school. So the firm didn't get classified that way.

ANNETT: Was the atmosphere in the office when you started generally formal or informal by the standards of that time?

PAINTER: It was always informal. We called the girls by their first names. The girls called the fellows by "Mr. So-and-so." The younger lawyers didn't call the partners by their first names; we called them Mr.

ANNETT: Do you have any sense of how the atmosphere at Bronson and Bronson compared to your well known and established firms of the time, such as Pillsbury, Madison or Heller, Ehrman?

PAINTER: Pillsbury's would have been much more formal than Bronson's. I've forgotten the size of it then; we thought of it as quite a large firm, although it really wasn't so large in today's numbers.

ANNETT: It was about fifty lawyers.

PAINTER: Was it? I knew that it was much larger than Bronson's, and that they were more formal.

ANNETT: Was there ever any discussion about how you should dress?

PAINTER: I don't remember that anybody ever said anything about it. It was certainly expected that you wore suits, and that they be reasonably decent looking.

ANNETT: [Laughing] I've had somebody else speak to me, from one of the larger firms, about how they were pulled aside and told exactly the style that they were expected to wear.

PAINTER: No, nobody ever said that to me or to anybody else whom I know of.

ANNETT: Did you have any friends working in other firms who gave you a sense of how your life as a lawyer compared to theirs?

PAINTER: Yes, of course I did. Eric Sutcliffe, a classmate of mine, was over in Orrick's* office. The main difference was that he didn't ever get in court. I kind of felt sorry for him. It was a very good firm, but I thought it was a shame that, as a young kid, he didn't get into court as we did. At Bronson's, we youngsters got into court quite often.

ANNETT: Is that because you were a small firm?

* It was then Orrick, Palmer & Dahlquist. It is now Orrick, Herrington, Rowley & Sutcliffe.

PAINTER: Yes, because we were small, and also because of the type of business that we were doing. We had a lot of trial work.

Training in Trial Work

ANNETT: When did you start doing trial work?

PAINTER: Oh, I suppose we got little cases assigned to us very shortly after we were admitted to practice. I'm speaking of Sheppard and me. And within a reasonable time—I suppose within a year—we were trying jury cases in the municipal court. It was very good experience.

ANNETT: Did you get any training for that?

PAINTER: Just by going along with the older men to watch them from time to time. If you worked on a case for one of the partners, he would probably take you to court for parts of it to help him or to carry his briefcase, and so you'd learn by watching. That's the main training we got.

ANNETT: So, you really had to pick it up on your own.

PAINTER: Pretty much so, yes.

ANNETT: Rita Convery claims most of the training you got came from her.

PAINTER: [Laughing] Rita was quite a character, all right. I can see what she means. I don't think you could say she *trained* anybody, but as far as office routines, she did.

ANNETT: She claims she had to show you the difference between a complaint and a demurrer.

PAINTER: [Laughing] Well, she, as a secretary, had a lot more practical knowledge than we young lawyers did at the time we started.

That relates back to a question you asked earlier about whether we were prepared for practice in law school. We weren't. We didn't know a lot of these things, and a lot of law students today don't know too much about it either. I don't think that I prepared more than one complaint in law school. I knew legally what a demurrer did, but I'd never seen one when I came out of law school. Those are the things they may have improved in law school now, I don't know.

ANNETT: At what point did you start specializing in corporation work?

PAINTER: Dud Sheppard and Lawrie Driscoll and I, when we came in, did everything, really. Each of us did a certain amount of probate work, wills, contracts, and general things that would come up. There was no feeling that we were being groomed for just trial work, although each of us got a fair amount of trial experience. At the time I left there, I had a list of cases that I would handle and so did Lawrie Driscoll. Dud Sheppard had left by that time.

When I left the office, I had tried quite a list of cases. I remember when I got my job in this other firm, I had presented to them a list of cases I had tried, and it was quite an imposing list of cases. The cases weren't so imposing [laughing], but the list was, together with the results on them.

An Interlude with the Law Firm of Rogers and Clark

ANNETT: One story that I wanted to record is an explanation of why you left the Bronson firm and how you happened to come back.

PAINTER: I left because I didn't think I was making enough money. [Laughs] I had a family, and I saw an opportunity that I thought was good. It was good. I became a partner in the firm I went with.

ANNETT: You went in as a partner?

PAINTER: No, I didn't, but I became one later. The firm was Rogers and Clark. (It no longer exists.) It was a good deal, but then I went into the navy between 1943 and 1946, and when I got out of the navy, I decided to go back with Bronson's office.

Getting out of the navy gave me time to reflect on Rogers and Clark, and I felt that it wasn't where I wanted to stay. There were also certain personal reasons. I thought I would rather make a change, and that would be a good time to make it. I was making arrangements—I was exploring arrangements with another fellow who's a friend of mine when Lawrie Driscoll got in touch with my wife. He'd found out a little bit about the situation, and he promptly got in touch with me when I got back and said they'd like to have me back with them if I wanted to. So, I went back.

ANNETT: Had you seen that things had changed in the interim?

PAINTER: In the firm?

ANNETT: Yes, and how they treated the younger members?

PAINTER: The firm had grown quite a bit while I was away. I went back as a partner there, so I thought it was a good relationship for me. Of course, as I think I mentioned earlier, the changes were largely in size; some of the clients, like Schenley and First California Company, had become important clients.

ANNETT: Mr. Driscoll seemed to think that your leaving the firm caused quite a jolt and led to some reorganization. Did you get that impression?

PAINTER: I wouldn't really know. The only thing that I did know was that before too long the firm took in four partners, which they had never done. That was one of my complaints; I don't know that I affected it one way or another, but I didn't see that they had any partnership policy when I was there. I had been very ambitious and wanted to become a partner, and nobody had ever mentioned whether I ever would, or when, or anything about it. I think it was probably just thoughtlessness on their parts. They were busy and probably didn't pay enough attention to what the young people were thinking. That's why I left.

Then they promptly—six or seven months afterwards—brought in these four, which included Lawrie Driscoll, Wes Dickenson, Kirke LaShelle, and Paul Dana. At the time, that gave me a laugh because I thought, "They're sure changing their partnership policy now!"

ANNETT: That wasn't the kind of problem you could go over to either of the Bronsons or Harold McKinnon and discuss?

PAINTER: I suppose I could have. It seemed to me, though, that it was sort of up to them to inaugurate a policy rather than for me to go and complain about it. Maybe I was mistaken; maybe it would have been better. But I decided that I probably should go elsewhere.

ANNETT: How did you go about changing firms? Would a friend just sort of send out feelers—"Are you interested in leaving?"—or would you actually formally contact other groups?

PAINTER: In this instance, I think I asked around a little bit and was told this firm was a good prospect for a job by a friend of mine. I then went over to see them.

ANNETT: That must have been a very sensitive issue to handle.

PAINTER: I don't know. It's not too uncommon for a young lawyer who feels that, for some reason or other he isn't getting just what he wants, to go out and see what else is available.

ANNETT: Did anybody else in the firm, like Mr. Driscoll or any of your younger friends, know that you were thinking of this?

PAINTER: Not until I'd made up my mind to do it, no. I didn't try and stir up anything.

ANNETT: Do you remember what Roy Bronson's reaction was when you went in and said you were leaving?

PAINTER: No, I don't. Well, I do in a vague sort of way. I think he probably said he was sorry I was leaving and that was about it. I didn't put it in a way that could possibly be interpreted as a bid to bludgeon him for money or anything. I just told him I'd decided to leave, where I was going, and so forth.

3

The Organization of Bronson, Bronson & McKinnon, and Changes Over Time

The Partnership Agreement

ANNETT: Do you have any sense of why, when the Bronson firm finally established a partnership policy and wrote their partnership agreement, that they wrote quite a liberal one? Do you know what was behind that?

PAINTER: More liberal in what way?

ANNETT: It did not make any attempt to keep majority control in the hands of the founders of the firm.

PAINTER: I think, when I came back into the firm from the navy, the control was still in the hands of the two Bronson brothers.

ANNETT: Wasn't that because the other partners were still quite young? As they put in more years of service their shares of the partnership grew and Roy and Ed lost an absolute percentage control.

PAINTER: I don't know what was the mental process. I felt that when I came back and got into it that particularly Roy Bronson was very fair. He felt that the younger partners should progress.

The way it was operated then was on a percentage basis, so that if they gave me an additional percent, they had to take it away from somebody else. Later on we made it in points, which was a little easier. (We have more than a hundred points so that you take it away from everybody in the same portion.)

Roy, I felt, was very fair in his attempts to see that the younger ones of us got a fair deal. I remember the first annual partners' meeting that I went to, where he said that the younger group—that would be Lawrie Driscoll, Harold Ropers, maybe somebody else, and I—weren't getting enough, and our drawing accounts should be increased. I thought that was a very fair thing

I don't know why this trait didn't come out earlier. Maybe they just hadn't thought that it was a good idea to talk to the young people; it never occurred to them. But after I came back in the firm, it was our policy that even if you weren't going to give a person a raise or a promotion at a given time you still ought to talk to him. We did that; I hope they still do.

ANNETT: Were you behind that?

PAINTER: I was for it, but I'm not sure who originated the idea.

Harold McKinnon's Influence on the Retirement Policy

ANNETT: Lawrie Driscoll intimated that he thought Harold McKinnon had a lot of influence on Roy Bronson in terms of his policies of fairness towards people.

PAINTER: Oh, he did! No doubt about it. Harold McKinnon was a very fair man. He was fundamentally, completely fair. He undoubtedly influenced Roy, Ed, and the rest of them.

ANNETT: But you don't remember any particular incidents where he was a mitigating factor?

PAINTER: Well, I suppose I remember many of them, but it's hard to pinpoint them. For instance, in setting up our retirement program, which affected the older members of the firm because they were all over retirement age, I remember that Harold was a very great influence in that, in that he thought it should be applicable to everybody.

At the time that we started on the retirement policy, the senior partners, Roy, Ed, McKinnon, and Edgar Rowe were over the retirement age. You can't retire people retroactively, obviously. So you have to make special arrangements with each man to fit his needs. Nobody retired as such when we adopted the plan. It was just set up so that eventually they would retire, like the rest of us. Harold McKinnon was very helpful in his analysis of that, and very unselfish in supporting the plan that we worked out.

I think he was a good Christian gentleman. He tried to apply his Christian principles to his business. I don't mean to imply the others were selfish, either. [Laughs] It's just that he thinks a little bit more that way.

ANNETT: What brought up the need for a retirement policy?

PAINTER: Lawrie Driscoll and I discussed the need for a retirement plan. We realized that unless we had such a plan, the firm would be controlled by over-age partners who might be unable to do their share of the work. Eventually we discussed our idea with Roy Bronson and he agreed that the adoption of a retirement plan should be considered.

A Well-Run Office—the Role of the Clerical Staff

ANNETT: Do you have any comments on the role of the office clerical staff—how that was organized or handled?

PAINTER: Of course, those things grow. Back in the days of Rita Convery, she was the High and Mighty so far as the nonlawyers were concerned. After Rita Convery left, we had secretarial managers. Some of them were good and some of them were not.

ANNETT: I've been given the impression that Rita Convery did a lot of the detailed organization of the secretarial staff.

PAINTER: She probably did. She was a very important person in that office before I left. She was really too important; she handled the books and did a certain amount of secretarial work for Roy Bronson, and managed all the secretaries. She was quite a powerful person. Other than that, I wouldn't know what part she played, because it probably took place before I came there.

ANNETT: Miss Convery mentioned one thing—about having drawn up a bankruptcy schedule form that told you lawyers when to do certain things and all.

PAINTER: She very likely did. The office was fairly well-organized when I first was employed there; I thought it was pretty well-run for an office that size. Rita probably had quite a bit to do with it. We had what we called an office manual. I've forgotten whether that existed before I left or not. It was in book form, covering a lot of the organizational problems of the office. Rita may very well have contributed greatly to that.

ANNETT: The office seems to have had an unusual amount of formal organization for such a small office. Do you think that had anything to do with the success of the firm?

PAINTER: I think it's quite important, yes. That was one of the things that I noticed, without throwing rocks, that my other firm's organization wasn't anything to compare with what I'd been used to at Bronson's.

- ANNETT: How did lack of organization hurt your other firm?
- PAINTER: It caused a certain amount of fumbling when you tried to get information you wanted. It's pretty hard to point to a specific thing. It's just easier to operate if an office is well-run, that's all.
- ANNETT: Who was the main impetus behind organizing the office to such a high degree?
- PAINTER: I think originally it was Roy Bronson. That doesn't diminish the role that other people played in it. But I think Roy was an organizer at heart, and he probably stimulated it. Other people did things to carry out his ideas.
- ANNETT: Rita Convery mentioned that Mr. Bronson had Hood and Strong as outside accountants to audit the books every year back in the early twenties. She laughed and said that it didn't take long to audit the books back in those days. That seems an unusual measure—to have the books for such a small firm audited.
- PAINTER: Probably it was partially due to the fact that Roy was a very close friend of Walter Hood of Hood and Strong. Walter Hood was a great sponsor of Roy Bronson, and Roy Bronson was a great sponsor of Walter Hood. Walter Hood referred many clients to Roy Bronson and was a great, great booster of Roy's.

Dick Dilley

- PAINTER: When I came back after the war, I found they'd gotten an accountant to take charge of the books. This was a fellow who used to be with J.C. Penney. But he wasn't a manager of the office as such. They brought in as his helper a fellow from one of the local banks who was Dick Dilley. Eventually the older accountant quit and Dick Dilley took over. Then Dick Dilley gradually grew into being the office manager. He was in charge of the nonlegal personnel, and the secretarial manager was sort of—it's hard to fit her into the picture, but I guess she would be almost a coordinator.

Dick Dilley is a good, conscientious fellow, and we brought him into the partners' meetings so that he knew what was happening. He prepared the minutes of the partners' meetings, and then he'd carry out what we decided to do insofar as it related to the staff. It became a little more defined over the years. That continued on up to the time I quit practice.

Assisting Other Firms

ANNETT: Mr. Driscoll mentioned that your firm has given a lot of organizational assistance to other firms. He mentioned loaning out George Hartwick.

PAINTER: I don't know specifically about George Hartwick. But over the years we have advised various law firms in, among other things, partnership agreements and organization. During my last year there I can recall working with two firms in San Francisco on internal organization problems.

ANNETT: Why would they come to the Bronson firm?

PAINTER: Of course, not a lot of firms did, but those that did came because they thought we were pretty well-organized.

ANNETT: So, your good organization is evident to outsiders?

PAINTER: When they come in contact with it, yes. Also, they saw good growth and not a lot of partners leaving and going elsewhere, and from things like that they knew that probably it was pretty well-handled.

ANNETT: Do you know of firms that have had the clients to grow but have stumbled over their organizational problems?

PAINTER: No, I don't. That's hard for an outsider to see. I think there are disorganized firms who have fine clientele. [Laughs] And probably there are very well-organized firms who have poor clienteles. I just think it makes it easier if you have both good organization and good clients.

ANNETT: So it's a factor, but in the end it's getting the clients that's important?

PAINTER: Yes, and doing the legal work well.

Management of the Firm

ANNETT: How about management of the firm? You went into that area, didn't you?

PAINTER: I became head of the management committee. I guess I went in there about the time we left the Mills Tower building, and I stayed in that position until the time I retired.

ANNETT: How did you get into that?

PAINTER: We went through a progression of plans. When I was first there, Roy Bronson was just the boss, that was all, and among the partners there wasn't much doubt about it. When I came back as a partner, we had regular partners' meetings once a week, and the partners ran the show. It was fairly democratic, but Roy was definitely the dominant one.

Then we started having what we called a managing partner. We'd pick a partner, and he was supposed to supervise the management of the firm for a year. The position would rotate. The rotation idea didn't work because a man might be an excellent lawyer but a very poor administrator.

Then we formed a management committee consisting of three partners. I believe that I was probably on the first management committee.

ANNETT: Do you remember who else was on it?

PAINTER: I think Lawrie Driscoll and Edgar Rowe were on the first one with me. Roy Bronson sat in as sort of an ex-officio member up until he got too sick to do it. So, he always was there to give his ideas. He didn't consider himself a voting member or anything, but he was there to give his opinion.

I'm not sure if we even had a chairman of the committee at first. If there was, he was an unofficial chairman. Then we put it into our partnership agreement and set up the provision for there to be a chairman. I think we specified three-year terms, or something like that.

Well, Lawrie Driscoll and Edgar Rowe went off the committee, but I think Roy pretty well insisted that I stay on. Then new members came on. We eventually brought some younger men in for a short term just to acquaint them with how the thing ran. We just sort of progressed from there. I was chairman, and they'd make changes, but for some reason I wasn't changed.

I stayed on, probably far too long in retrospect. I shouldn't have been on there that long. But Roy was a great believer in continuity, and I think it was largely Roy who felt it was a mistake to keep changing all the time. So, that's how I happened to be left on the committee for so many years.

Changes in Recruiting and Hiring Practices

ANNETT: Can you tell me something about how policies in the firm on hiring new lawyers have changed over the years?

PAINTER: At first, we didn't have any recruiting plan, in that we didn't go to law schools to interview. In those days we didn't even go over to Boalt Hall or Hastings or Stanford, which were within range, because we felt that there were so many well-qualified applicants coming around, that we didn't need to spend the money and time going out and searching for them.

People, of course, would come around; they always come around the law firms and ask to see someone about possible employment. In those days that was a particularly common thing—people coming in without any prior introduction. We always felt that if a young attorney came in and asked to be interviewed, we'd have somebody interview him because we'd all gone through it ourselves and felt that it was such a terrible thing to be turned away without having anyone talk to you. If he turned out to be a likely person and we had a spot to fill, we'd get him around. (At that time we felt that a prospective employee should meet every partner. That wasn't so tough because we didn't have too many partners then.) He might not meet everyone, but he'd meet almost every partner. Then we'd decide whether we wanted to make an offer to employ him.

When I came back in the late forties, we were hiring but not on as regular a basis as we did later. I think we had a hiring committee.

ANNETT: When did yearly hiring start?

PAINTER: It's hard to say. When I first came back we were hiring as we needed lawyers. We might pass a year without hiring anyone if we didn't feel we needed anyone. If we felt we needed a couple of fellows, then we'd be looking for them.

Later on it became apparent that the only wise way to do it was to hire every year a certain number of people because you could always count on some people leaving, and things like that. It became a more organized situation, where we knew we were going to hire four or five people. Then someplace along the line we started sending somebody over to Boalt Hall to interview over there. We usually sent a Boalt Hall graduate.

ANNETT: When I talked to the dean of the Boalt Hall law school, he said the Bronson firm has for years been one of the sponsors of the moot court competition. He said that in general the Bronson firm has produced very active alumni.

PAINTER: Yes.

Now, of course, it's a major thing; members of our hiring committee go to the principal eastern schools and Stanford, Boalt, and Hastings in California, and interview there and pick out the ones they think are good material. We ask them to come and see us in San Francisco, and sometimes we pay their expenses. Then

they come to San Francisco and they're interviewed to a large extent by the associates, because you want to be sure that a new lawyer is liked by his contemporaries or those a little bit above him; otherwise he'll never get anywhere anyway. He doesn't meet every partner, but he meets a few partners. That's pretty much the way it's run now. But it takes a lot of time and a lot of expense.

ANNETT: It sounds like it.

PAINTER: It's a better system, no doubt, because you're going out, and of course you're looking for the top people wherever you're going.

ANNETT: Have you noticed any sort of changes in the process of recruiting?

PAINTER: I guess it is kind of a buyer's market now, isn't it? For a while there was quite a demand for law graduates. The higher-qualified persons were hard to get. There's always competition for the top people, though, no matter what happens.

ANNETT: Did you ever set some kind of policy that if you couldn't really get what you thought were top people, you'd just not hire as many people that year as you had anticipated, and then, vice-versa, when you thought you had an unusually good group, you'd hire more?

PAINTER: No. If we needed people, we probably would hire them, but we'd work harder at finding them, that's all. You'd find them eventually. I don't think we ever consciously pulled down our qualifications at all, but it's kind of a vague thing. Grades are very important, but they aren't the only thing; there are a lot of qualities you want in addition to grades.

ANNETT: Do you have any sense of having found a pattern in the background of young recruits who turn out to be successful? Is there a pattern of grades or activities or background?

PAINTER: I haven't done recruiting for years, so I may be outdated in this—but in general, I think that you want somebody who is intelligent, and that's probably shown quite a bit by the grades. You might have someone who worked eight hours a day in some outside employment and went to law school and came out with a B+ average (or however the grades would be set up), and you might figure that he's probably better than somebody who had an A- average who didn't work. You have to take into consideration a few things like that. But your first prerequisite is to try to find somebody intelligent.

Then I feel that their outside activities, the jobs they've held in summers, and things like that, have a great deal to do with the

type of person they are. We were always very interested in what they did in addition to going to school, and whether they participated in activities as undergraduates and so on.

ANNETT: Like what?

PAINTER: Well, athletics or the student newspaper would count—it wouldn't make too much difference. But somebody who did nothing, you figure he was too much of a recluse or too much of a student.

Recruiting at Eastern Law Schools

ANNETT: When you first started trying to recruit at eastern schools, did you have much success?

PAINTER: Yes. We've always had people from eastern schools that we've employed, but they were the ones that came to us rather than our going to them. We found some wonderful people who just came in or who were sent to us by somebody.

It takes a few years to get known back there at some of these eastern schools by the deans so that they will say, "That's a good firm," to their students. I remember talking to a young fellow from Harvard (this was quite a number of years ago), who said, "We aren't acquainted with your firm." [Laughs] And that's true. The only way they could be acquainted would be through graduates, but the graduates wouldn't be back there telling them about it. So it is a good idea to recruit.

Training Policies for Young Lawyers

ANNETT: How about training lawyers? You mentioned when you came into the office you hadn't received much training. When did that start to change?

PAINTER: We were trained only by getting into an awful lot of things and by working with the older men.

I told you that we tried the system of putting all the young men in the trial department for a year or two and then moving them, if they were to be moved, to something else. But that didn't work out so well.

Now we assign one or two associates to work with each partner. I guess now they have them work with several partners to gain more varied exposure. The partners who have associates assigned to them are pretty well responsible for them, for keeping them busy and criticizing their work and so forth.

ANNETT: Are they the major determinants of how new lawyers progress in the firm?

PAINTER: They're very important in that, and for that reason every effort is made to transfer these assignments from time to time so that you don't get someone working with a partner who's down on him, but who might be good if he worked for someone else.

PAINTER: Our plan of training grew over the years, but I don't think it's too uncommon among law firms—having partners looking after certain groups of people.

The Importance of Outside Activities in Building a Law Practice

ANNETT: Can you tell me anything about the attitude of the firm towards involvement in outside activities?

PAINTER: Yes. We've always tried to encourage the young fellows to get into bar activities of various types and other outside activities, providing they can do them without unnecessarily jeopardizing their work. I don't know of any great concentrated effort that's made in that, except just to talk to them. We didn't have any requirement that they had to do this or that. But I think most young fellows are aware of the fact that they should be doing something like that.

Clubs, and bar associations to a certain extent, get you known to other attorneys who refer things to you. Civic organizations—all these things are ways that your personnel get to become known in as broad a way as they legitimately can. And the more you're known and liked, the more business you're probably going to get.

ANNETT: Did the firm encourage you to get involved in these outside activities?

PAINTER: Oh, yes, yes. At least since I came back as a partner. It's a little bit harder for me to speak for the management before that time, but since I've known something about it, we've always encouraged our young people to get into activities other than just plain practicing law. Things like the American Bar Association can be very productive because you're dealing with lawyers in other cities. If they like you and think you're capable, obviously they're more inclined to refer some client of theirs to you for some San Francisco matter.

ANNETT: Is the American Bar Association more important in that regard than the California State Bar?

PAINTER: I think they're both good. The American Bar, though, is more widespread. In the California Bar Association, the opportunities to meet people who could later offer you business referrals is not as great because a Los Angeles lawyer can so easily commute to San Francisco to handle his own business. But a New York lawyer isn't so likely to come to San Francisco to try to handle something.

ANNETT: Were you encouraged when you were a young lawyer, or is this a more recent emphasis?

PAINTER: I didn't get the feeling, when I first came to work at Bronson's, that we were especially encouraged along those lines. We probably were; I just don't remember any particular efforts along that line. They never suggested that we join a club or anything of that sort.

I remember Dud Sheppard and I were elected to the board of directors of the Barristers Club when we were just out of law school. Nobody persuaded us to do it; we had that idea in mind that it was a good thing to do. Well, it didn't create a great amount of business for us, but it made us a lot of friends. That's the kind of thing that I think the average, alert young lawyer is thinking about himself, too.

ANNETT: How did that fit into the fact that you were supposed to work for the firm two or three nights a week?

PAINTER: I don't think we allowed outside activities to interfere too much with our law work. We'd probably work a little later at night.

ANNETT: I know that now many law firms allow their lawyers certain amounts of time off for outside activities. That is, they're encouraged to participate even during the working day in some of these outside activities.

PAINTER: Yes, there's more of that done now. But as young kids, I don't think that anybody said to us, "You ought to become active in the state bar," or something like that. I suppose most of that kind of encouragement comes between partners.

Also, I imagine you could kill an awful lot of very valuable time if you get everybody going too far in extracurricular work. There are other things, like free cases, pro bono matters, that the firm almost has to do as a part of their civic obligation, and we spend a fair amount of our costly time doing that now. That has grown a lot in recent years, of course.

ANNETT: How did Roy Bronson feel about doing that kind of thing back in the thirties and forties?

PAINTER: I don't remember any real expression of interest one way or another. You always found yourself doing things for people that you couldn't bill. [Laughs] It wasn't called pro bono or anything of the sort, but there would be some poor relation of somebody you'd do something for and decide not to try to bill it. That's always been done, but not on an organized basis like it is now.

ANNETT: How about community activities as opposed to professional activities.

PAINTER: Well, they kind of take care of themselves. I guess when you live in a town like this [Ross], it's sort of a necessity to get in it. I didn't get any particular encouragement from the firm, or discouragement. I was on the town council and was mayor of Ross at one time. I've forgotten what year it was.*

Tom Schwartz was on the school board of Piedmont. These things sort of happen. Chuck Legge was very active in various civic activities out in the Orinda, Lafayette area. But as to the young lawyers, I don't know that there's any great effort to shove them into these things.

* 1952

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A Career in Corporate Law

The Shift to Corporate Legal Work

ANNETT: Let me pull us back to some more historical questions. At what point did you start specializing in corporation work?

PAINTER: At Rogers and Clark (which was also a firm that handled a little bit of everything), I did quite a bit of trial work. But when I was in that firm, I just fortuitously developed some business clients. I don't know just exactly how it happened, but I had, by the time I left that firm to go into the navy, quite an imposing list of business clients that I was handling along with my trial work.

When I came back after the war and decided to go back with Bronson's, some of those clients came back with me. A fellow by the name of Doc Weyland had just left the Bronson firm. I don't know whether he was fired or terminated in some way. He had been a full-blown trial lawyer there, and they needed somebody to take over his list of cases. I took them on because there was nobody else really to do it. For a few years there, I was going pretty hot and heavy with a big list of cases and trying to handle the business work at the same time. That was just killing me, because the two don't fit together. If you're called out to trial, they don't care whether you have a business meeting of ten people set for the same day—you go to trial. It wasn't working out, in my opinion, and I discussed it with the other partners. (I came back as a partner.) I said that I felt I had to get out of trial work or get out of business, one or the other. So, they finally decided to try and work me out of the trial work. It was a good idea, and over a period of years I gradually got rid of cases and became almost entirely a corporate and business lawyer.

The Advantages of a Rounded Background

PAINTER: Up until the last years, I always did do some trial work of a business or labor nature; I handled quite a bit of labor work.

ANNETT: That strikes me as somewhat unusual. Most of the people I've talked to either seem to have an affinity for trial work or for corporate-type practice, but not for doing both.

PAINTER: Well, I suppose that's true. It probably wouldn't be considered unusual for people who grow up in the type of firm where you do everything. But nowadays many firms are larger, and they tend to put young lawyers immediately into a given category. They work either in trials or they work in securities, probate, taxes, or whatever it might be. At Bronson's in those early years, we were trained in whatever came along. Lawrie Driscoll, although he may never have mentioned it to you, at one time did quite a bit of tax work as a young lawyer. And I think he was quite interested in it. We were all doing whatever happened to fall into our laps.

ANNETT: Was the old system a better system?

PAINTER: Oh, it's far better, *if* you can do it. We tried in our office for years to put everybody into the trial department for a year or two, and then if they were more interested in business, to transfer them back to the business department. But it didn't work very well because you'd get them started doing work in connection with trials, and the trial department would keep hanging on to them; we never could break them loose. You'd spend years trying to get them out of the trial department. So, it isn't very practical to do it the way we originally did it. But it's far better to round them out, yes.

I think it was more convenient than it was anything else. It was a small firm and wasn't departmentalized the way larger firms are.

ANNETT: Were any San Francisco firms very departmentalized at that time?

PAINTER: Oh, yes. Firms like Pillsbury's were undoubtedly departmentalized at that time. As I say, we used to feel sorry for some of these fellows. Although they were in excellent firms, they were just doing one type of work, and that's all they learned.

ANNETT: Are you a better lawyer for having--?

PAINTER: I think you tend to be a more rounded lawyer. You can become very specialized and be great in your specialty, but I think you're a more rounded lawyer if you're trained the way we were.

ANNETT: Does the advantage of being a rounded lawyer accrue primarily to you personally or to your client?

PAINTER: Well, to a client. Roy Bronson was that way, for instance; he could try a case or he could handle corporate matters.

ANNETT: Can you name what some of the advantages are to your client in your having had a broad training in the law?

PAINTER: You're familiar with litigation: you understand it, you're not afraid of it. If you have a person who's never handled any litigation, it's kind of strange. Litigation experience gives you a knowledge of more things. It enables you to look at a problem a little bit more intelligently, I think, than somebody who is trained in just a narrow field and if it's not in that field he's lost.

ANNETT: But the Bronson firm is departmentalized now?

PAINTER: It is, yes, pretty much of necessity.

ANNETT: So, some of this has been lost?

PAINTER: Yes.

What I'm trying to say is that the situation is like it is with an internist. An internist is a doctor who can spot what's wrong with you and then call in the specialist. Well, I think a person who is a rounded lawyer is like an internist. He might not be so good in a given narrow field, but he can call in those people who are. That's why I made my comment.

ANNETT: Lawrie Driscoll mentioned that he thinks George Hartwick is the last person in the firm now to have that quality.

PAINTER: Yes, although George has never done much in the way of trial work—because he didn't want to. But he's worked with trial men and understands litigation from all but the viewpoint of having done it himself.

Style and Techniques of Practice

ANNETT: Do you think of yourself as having had a special style or technique for handling your clients or cases in corporate law?

PAINTER: It's pretty hard to characterize yourself and your way of doing things. I don't know that I could do that.

ANNETT: You could compare yourself to somebody else. Compare yourself to Roy Bronson.

PAINTER: I just don't think I could even do that. What happens in practicing law is that you obviously face a problem and have to analyze it, and I think any lawyer with any capability does it pretty much the same way, with the same approach to the subject.

ANNETT: As I have talked to other lawyers at any length about this question of style, I have gotten comments on particular philosophies—about how to write a contract, how to handle your client as opposed to the other party—those kinds of things.

PAINTER: One of the things that I've always been insistent on is that contracts be easily read. I think that anybody who knows me and knows my work would feel that that was probably one of the things I did: in preparing legal documents, I tried to make them intelligible to a nonlawyer. More people are trying to do that now, and that's very important. I always thought the greatest compliment, which I have received from time to time, is to have the client say, "The contract says just what it means!"

I think I was always very thorough; I worked hard at the law. But I think that what I'm saying is true of many, many lawyers handling the same type of work.

ANNETT: Do you think corporate lawyers, as a group, tend to have a different style than, say, trial lawyers?

PAINTER: I suppose so. Business work is a combination of, first, common sense and then, second, having a knowledge of what legal principles to apply.

Ethical Problems in Law Practice

ANNETT: Did you ever come up against any ethical problems involving your clients?

PAINTER: Sure, you always come up with ethical problems. However, most clients are not out to cheat people, any more than other kinds of individuals. If you found one that was trying to take advantage of someone in an unethical way, you just wouldn't do it; you'd try and talk him out of it. But I think that's by and large true of the experience of all lawyers.

ANNETT: I asked Ed Bronson, Jr., how his father handled ethical problems with your insurance company clients back in the thirties. At that time, the insurance companies were just beginning to feel their way around the questions of litigation and making settlements and

claims. There were a lot of complaints about the insurance adjusters not acting ethically. I asked how Ed senior handled matters like that, and Ed junior seemed to say that his father didn't concern himself with those kinds of questions.

PAINTER: I don't know whether Ed junior is right on that.* Of course, then the whole business was handled differently than it is today. Some of the legal principles which are well recognized today didn't exist then, so the ethics perhaps were different. The insurance business has grown, the companies have matured, and—whether it's good, bad, or indifferent—there are things you have to be more careful about today in handling insurance matters than you did in the thirties.

ANNETT: That was somewhat true in corporate practice, too, wasn't it?

PAINTER: Oh, I suppose at one time it might have been. Beginning with the time that I started to practice, though, I don't think there has been much of a change. There have been changes in the requirements of disclosures. But as far as ethics are concerned, I don't think things have changed much.

Changes in the California Corporations Code

ANNETT: I originally had planned to ask you about your career as a corporate lawyer and focus a lot on some changes in corporation law in the early thirties. I didn't realize that you had actually not gone heavily into that specialty until quite a bit later.

PAINTER: Yes, I didn't start practicing in that field until quite a bit later. The change in the corporation law had occurred while I was in law school.** I took a course on corporations from Professor Ballantine, who was largely responsible for the changes in the California code. So, we were pretty well trained in the new corporate law before we ever got out of law school.

ANNETT: Was that a special boost to Boalt students when they went to look for jobs—to have had a preview of the changes in that area of law?

PAINTER: I think it was a help, yes. Ballantine was not only a very good professor, but he was in on the know.

* See Tinney interview, pp. 81-82.

** These changes were passed by the California legislature in 1930-31.

ANNETT: Do you remember the subject coming up in any of your job interviews—that it would be quite an advantage to hire a young lawyer who'd been trained in the new law?

PAINTER: No. [Laughter] No, I don't remember anybody saying that.

ANNETT: That was too fine a point on which to base a hiring decision?

PAINTER: Yes, I don't suppose anybody thought of it as being that important.

ANNETT: Did you ever have the impression that the laws in California were such as to put the state at a disadvantage in competing for new business?

PAINTER: I didn't ever feel that way, no.

ANNETT: Professor Ballantine complained about that a lot, and wrote as if that was behind a lot of his efforts to reform the California law. He kept up his reform efforts throughout the thirties, even after the corporation law was passed.

PAINTER: Yes, he did. He was a reformer at heart, I think, and I think a very practical one, too.

Other State Tax Reforms

ANNETT: There were several other state law reforms that were widely discussed as to their impact on business. Do you remember anything about the Bank Franchise Tax Act? It came in in the early thirties.

PAINTER: Yes, but I don't have any real comments to make about it.

ANNETT: Do you have any sense of what was the impact of Earl Warren as attorney general, particularly with regards to his efforts at tax reform?

PAINTER: In just a general way. I don't think I could contribute anything much about it. Roger Traynor was a professor at Boalt Hall when I was there, and he was active in that. I took trusts from Traynor. He is a very fine man. I've known him all my professional life. I think he did a lot of good work. But I have no real comment to make about what was the impact of his or Warren's work on tax reform.

ANNETT: You don't have any sense of how it affected your practice, or that it was much of a milestone?

PAINTER: I didn't look at Warren's tax measures as an obstacle or anything of the sort.

The Securities and Exchange Act

ANNETT: There also were a number of very important pieces of federal legislation affecting corporations that came out in the thirties as a part of the New Deal. What kind of an impact did the Securities Exchange Act have?

PAINTER: That happened pretty early in my career. Of course, it changed, and is *still* changing, the things that can or can't be done. I think maybe the Securities Exchange Commission is trying to assume too much authority now. But the theory of it was good.

ANNETT: Do you remember how you felt about the SEA back then?

PAINTER: I suppose we all resented having new requirements placed on us and on our clients. But in general, the idea of the Securities and Exchange Commission was good. I don't think anybody disputed that too much.

ANNETT: I get mixed accounts of where the state of California stood on the question of securities issuances. On one hand, when I look at the law, it seems that California law was a bit in advance of the federal regulations concerning securities issuance requirements. On the other hand, there were a lot of complaints in California law journals and that kind of thing saying that marginal businesses had an easier time issuing stocks here than in other states. Do you have any sense of where California stood with respect to that issue?

PAINTER: Bear in mind the Corporation Commission was pretty active when I first was admitted to practice law. The days of the loose formation of corporations and of selling stock like mad were over before I really started practicing. I'm sure there were, during certain periods, lots of high-flying stocks, and there have probably been many of them since, but the corporation commissioners have been pretty diligent in trying to avoid that. It has been, over the years, a pretty well-run office.

Of course, I probably wasn't thinking much about it in the first few years of my practice. But when I did start dealing with corporations, it was a well-run office. We respected it and thought it was run in a good, businesslike way, and that they were trying to protect the public from frauds.

The General Impact of Reform

PAINTER: Remember, there are so many changes being made constantly in the law. You keep aware of what the changes are and try to comply with them. But unless they're particularly terrible, you just consider it part of the day's work and don't pay any special attention to them.

ANNETT: Do you consider the changes in corporation law that have occurred over your lifetime to have been more of the incremental type rather than having occurred in large stepping stone form?

PAINTER: There are a few things that always stand out. If I had practiced before 1931 to any extent, I suppose I would have thought that the new corporation act would be seen as quite a drastic step. There are changes like that that are substantial. But really they aren't that bad or good. Usually you get in and study and become aware of them, and soon you're doing whatever you're supposed to do. So, I don't look at them as milestones so much.

I suppose in labor matters something like the Wagner Act would be considered a milestone. It really changed fundamentally the labor law concept.

ANNETT: I know that in the field of trial work, Lawrie Driscoll and Ed junior both commented on procedural rules of trial work as the most important change they have seen in the course of their lifetimes. They referred to things like changes in the discovery rules. Do you think there have been more changes in that area than in corporation law?

PAINTER: No, I wouldn't say so when looking at the total *amount* of change. However, usually changes in the business end of the law are more piece-by-piece. Once in a while you get a thing like the Wagner Act* or the adoption of a whole new code. The adoption of the commercial code was something like that which changed lots of things at one time and required a lot of work for a lawyer to try and fit it into his prior knowledge.**

* The Wagner Act was passed by Congress in 1935. It established the legal right of employees to belong to labor unions and the right of unions to organize employees. It also enumerated various obligations of employers.

** Adopted in California in 1963.

The Expanding Role of Law in the Business World

ANNETT: The amount of legal business in the corporate world has greatly expanded over your lifetime.

PAINTER: It has, yes, and it seems to be going to expand much more in the future.

ANNETT: What are the causes of that, as you see it?

PAINTER: Well, the main causes have been increased governmental controls and governmental regulations that have put so many compliance requirements on corporations. It's made it a heyday for lawyers.

ANNETT: Was it your experience, in the course of your career, that lawyers have moved more into central decision-making positions in corporations?

PAINTER: There have always been lawyers who would get started doing legal work for a corporation and eventually end up as an executive for the corporation. The same has been true of accountants—of CPA's— as well. I think it's always been that way; I have not noticed any particular increase in this, although I think you'll find quite a bit of that going on today.

ANNETT: Were in-house counsel very common when you started to practice?

PAINTER: Probably not as common as they are today. There were certain companies that had counsel at that time. Some insurance companies had in-house counsel. Southern Pacific Company, as long as I can remember, had a legal department. PG&E, as long as I was aware of it, had inside legal people. And the Bank of America has had a legal department for quite some time. I think there are probably more in-house counsel now than there were when I first started practice because of the fact that there are so many more legal problems of a routine nature and companies need somebody that they can keep right on hand to do it. I think it's probably cheaper for them to have in-house counsel for that kind of work.

ANNETT: Kenneth Johnson, who was with the Bank of America legal department for years, remarked that when he started in the thirties it was fairly rare for companies to have in-house counsel.

PAINTER: That may be. I wouldn't say that it was rare, but he should know better than I because he would know other in-house counsel. The ones that I mentioned are the ones that I knew had legal departments of their own. Now there are probably many.

The Schenley Account

- ANNETT: You were gone from the Bronson firm during the years the Schenley account first came into the office, weren't you?
- PAINTER: No, the Schenley account had started. I left in 1939, and I remember that at that time, through Kirke LaShelle, we represented Schenley in certain things. My recollection is that it was a very small, rather sporadic representation, though. I don't think I had done any work for Schenley at that time. The business really came in during the time I was away. It had developed into quite a substantial account.
- ANNETT: I've written to Mr. Seasonwein, a vice president of Schenley, at their headquarters in New York. He replied that as he remembers the story, Schenley was getting interested in expanding in the San Francisco area and decided that they needed local counsel. They told their representative out here, Milton J. Nauheim, to check around for somebody. Apparently he came up with Bronson, Bronson & McKinnon. Do you know exactly how that connection between--?
- PAINTER: Yes, I can just about figure it out. Kirke LaShelle's wife, Anne, was a very close friend of Mrs. Nauheim, and through that friendship, Kirke and Milton Nauheim got to be quite good friends. That undoubtedly brought Nauheim in contact with our office. That would be the source of the thing, I'm sure.
- ANNETT: I asked Seasonwein why they went with a firm like Bronson, Bronson & McKinnon instead of picking one of the larger San Francisco firms that would have had a national reputation. He didn't seem to know. Do you think the friendship between Nauheim and LaShelle accounts for that?
- PAINTER: Yes, I'm sure that's how it started. But there probably were other things that contributed to it.
- ANNETT: Once your firm got the account, Lew Rosenstiel, the president of Schenley, and Roy Bronson hit it off quite nicely.
- PAINTER: Yes, I think they liked each other. There was a fellow whom LaShelle knew by the name of Jim Woolsey, who was quite prominent in the local operations here too, and Woolsey seemed to be very happy at our office. I don't know just who made the decisions; Nauheim probably had a lot to do with it, and Seasonwein, too. But just who called the shots on it I really wouldn't know, not having been there.

ANNETT: When I spoke to Roy Bronson, he spoke of gaining the Schenley account as having been a milestone in his career. Also, Mrs. Lola Bronson has said that the Schenley account dominated Roy's time throughout most of the forties.

PAINTER: I think it probably did, particularly in the time that I was away. When I left, the office had eight lawyers. I remember that during the time I was away from the firm, when I came back from time to time to visit people, I was amazed at the growth that was taking place. When I came back to work for Bronson's after the war, it was quite a bit larger firm. The Schenley account was one of the big causes—that and the First California account.

ANNETT: It sounds like the Schenley account only gradually grew in importance to the firm. It's more in retrospect that it turned out to be a turning point.

PAINTER: The account grew largely with Schenley's acquisitions of wineries in California. The Roma Wine was one of the first, and then they were just buying wineries and vineyards like mad. Even after I came back in 1947, there was still quite a bit of work being done for Schenley on acquisitions, and I know that Roy Bronson worked very hard on that.

A Change in the Client Mix Over the Years

ANNETT: I gave you a partial list of the firm's clients [see appendix].

PAINTER: Unfortunately, it isn't a very complete list.

ANNETT: It came from the list that the firm submitted to *Martindale Hubbel*.

PAINTER: Those entries were done just for illustrative purposes. From time to time we used to type up a list of clients. That, too, was probably far from complete.

ANNETT: The firm librarians tell me that all of those old record were destroyed when the firm decided to move to the Bank of America building.

PAINTER: Well, this list is of some help, but unfortunately it's like the scrap-book; it isn't very complete. I know I never looked at the scrap-book, and I never put anything in it. So, it's a very sporadic record. What did you want to ask about the clients? Did you have something in mind?

ANNETT: How would you characterize the kinds of clients you had at the beginning of the thirties, and how did your mix of clients change after that?

PAINTER: At the time when I first started at Bronson's, the majority of the work was insurance and trial work. There was, however, a certain amount of business representation—probate and things like that. I can remember that there were some old clients from Roy's first years of practice, such as Fageol Motors and Walkup Drayage, that lasted quite a while. In the early years I remember doing some work on them. But the volume of the work was insurance.

Then, while I was away and up through the war, the firm developed more business in the corporate field—largely by getting clients like Schenley and First California Company. There was quite a bit of war-related work, like wage and hour control matters. It had the effect of broadening the scope on the firm, I think.

Then, when I came back to the firm in 1947, my interest was in business law, and I think the firm consciously made an effort to round out its representation and to build up its general business work. I know that was what I was trying to do practically all the time from then on.

Building the Corporate Department of the Firm.

ANNETT: How would you try and build up corporate clients?

PAINTER: Well, generally one client leads to another. When I came back, after I'd managed to shake off the trial work, I became general counsel of the Pacific Coast Company. It was a big, old company on the New York Stock Exchange, and it was one of the big clients of our office for quite a number of years.

ANNETT: Is that a client you brought from your other practice?

PAINTER: No, I developed it after I had come back to the Bronson firm.

ANNETT: Tell me what you mean by "developed it."

PAINTER: The head of the Pacific Coast Company was a good friend of mine, a fellow I'd known for years. I started doing a little work for him, and it just led into representation of the whole company.

ANNETT: Did you make a deliberate attempt to get this account? Did you consciously cultivate your friend, take him out to lunch a lot, ask him questions--?

PAINTER: Well, it didn't happen exactly that way. No, not in that instance. As I said, it was a New York Stock Exchange company, and it had the firm of Sherman, Sterling and Wright, a tremendous firm in New York, doing its work. It was a New Jersey corporation, and it's annual meetings were held in the East. So, a great deal of the work was done in the East when I first saw it.

I remember the first work that I ever did for them was the acquisition of a lumber mill up in Willits. It so happened, because I was in California, this friend of mine asked me if I'd help them on it. Their general counsel at that time was in Seattle.

So I prepared the preliminary papers on it. I remember consulting with the general counsel on it and eventually carrying it on through. It wasn't a question of wining and dining; apparently they were satisfied with what we did.

It gradually grew so that I was going East more and more on it. Finally they moved their office to San Francisco, and I became a director and was quite active from then on.

ANNETT: Can you give me some sense of the play back and forth between how much of the growth of Bronson, Bronson & McKinnon was due to internal factors (such as you lawyers doing a good job and winning clients away from other firms), or how much it was due to external factors (such as the growth of San Francisco as a commercial center which allowed your firm to prosper along with its environment)?

PAINTER: It's pretty hard to separate internal and external causes. Of course, San Francisco was growing. More companies were establishing either branch offices or actually moving to San Francisco. For a law firm that wants to grow, it's easier to do so with new enterprise—with all the people coming to your territory—than it is with old enterprise.

I'm sure that both of those things you've mentioned contributed. Obviously the firm was trying to encourage business to come our way. We'd do that in many different ways. You don't go out and advertise--

ANNETT: You do now! [Laughter]

PAINTER: Yes, you do now if you want to. But, in general, you make yourself available, and you become active in other things where you meet people.

ANNETT: Can you give me some examples?

PAINTER: It's pretty hard to pick one over another, but things like clubs are helpful not so much because you're going to get business out of the club but because you get to know people who either recommend you or facilitate your doing business.

Clients that Don't Pay—Involuntary Pro Bono

ANNETT: I have heard some vague references to disagreements in the firm about how some people were hanging onto clients that others were sure weren't going to pay. Can you explain that to me?

PAINTER: Yes, I can. I didn't know there was any real disagreement, but there have been discussions from time to time on it. Certain people have just a native ability to attract clients more than other people. If they attract quite a few clients, they're going to attract some who are a little tight on the dollar—or who maybe haven't many dollars. In retrospect, it is apparent these are not going to be profitable. But I think it is a little bit shortsighted for someone who only handles clients that are given to him, to complain about the fellow who actually brings in clients when a few of them don't turn out to be profitable. Because along with the ones that don't turn out to be profitable, there are a lot that turn out to be very profitable.

ANNETT: Was Roy the one who would bring in--?

PAINTER: Well, Roy was a person who was very loyal to a client, to the extent that he would harm himself and the firm sometimes in continuing to work at great length on credit when it didn't look as though we were ever going to get paid for it. Roy was a little prone to do that. But a lot of those clients that were thought to be that way turned out to be good clients who paid everything and a lot more.

ANNETT: Can you mention any names there?

PAINTER: Oh, I'd hate to do that because it would be unfair to the clients. But I have some in mind, yes.

ANNETT: Okay, that's good enough. Was this a special problem during the Depression, or is this always a problem?

PAINTER: Sometimes the client would be going through growing pains and would be very shy of money. I can remember one like that who, for a while, was very unprofitable. There was a lot of argument as to why we should continue to work for this outfit. And yet it turned out to be a very profitable client after it got through the growing pains.

ANNETT: Do you think, on balance, that policy helped or hindered the Bronson firm?

PAINTER: It probably helped, but it has to be tempered; you can go too far. I know of one or two other clients that I have extreme doubts about whether they'll ever pay the amount that they owe us. (These are not clients of Roy Bronson's; these are clients of the other

partners.)

There are always discussions of this type, and you usually find that the fellows who have the clients handed to them (which are usually all profitable clients) complain about the partner who is bringing in new blood! [Laughs] You'll always have that kind of discussion. I don't think it ever got very heated.

ANNETT: Would Roy Bronson, and the other people who pursued the more liberal policy of sticking with clients, do it based on the argument that this is a way to make the firm grow, or would they do it just on a pure loyalty basis?

PAINTER: I suppose both, but I think it would be mainly the thought, "These guys are good for it. They'll pay. They're just in a tight squeeze right now, and it would be foolish to kick them out." So, it was sort of an analysis that sometimes was right and sometimes wasn't.

ANNETT: Mrs. Bronson, Lola Bronson, mentioned something about Roy's extreme loyalty to his clients. She cited Schenley as an example and mentioned that when Schenley first became a client Roy would stock his whole bar with Schenley liquors. And he *really* thought it was the best.

PAINTER: He probably did. They made a good product, though. I don't know whether he bought it, but you can't fault I.W. Harper; you couldn't then and you can't now.

ANNETT: [Laughs] How would you rank yourself on this question of loyalty to slow-paying clients?

PAINTER: Maybe I was more objective on my own clients. Nevertheless, I tried to support them as much as I could, not so much in buying their products—I don't think I would have done that [laughs]. But some of my clients got in difficulties in paying and worried me tremendously, yet I would have been very hesitant to advocate that we throw them out. That's a hard decision. So I don't fault Roy on that, except that it's a matter of coming to a point where you just don't feel you can do it any more.

The Pacific Coast Company and the Development of Clients in the Lumber Business

PAINTER: I think there are some clients that should be gone into more, that are not indicated here [referring to list], and perhaps nobody else can tell you about them.

I started to tell you about the Pacific Coast Company. That was quite a jump for our firm there, because it was one of our major clients and was listed on the New York Stock Exchange.

It was an old company that had very wide interests. It had a shipping company, a railroad company, a lumber company, and a cement company. It was a big outfit. But it was pretty well in liquidation. This friend of mine bought stock in it. He went on the board of directors and gradually became the head of it and started to activate it. We came into it when it was becoming active again.

It had a plywood mill in Sonoma, a lumber mill at Willits, a veneer mill at Leggett, and a lumber mill over on the coast. It also had a chain of lumber yards down in the southern part of the state. It formed a subsidiary, the Pacific Coast Transport Company, which operated a fleet of tankers. Among other things, it operated the whole Union Oil fleet on a contract. It got into many, many diverse activities.

Eventually it sold out some of its timber to Union Lumber Company and had a lot of money in the bank. That attracted a raider who bought a substantial block of stock in it and created a proxy fight. Although the proxy fight was not lost, it still resulted in the major interests in the company changing hands. Our firm was phased out as head legal counsel because the company moved to the East, merged with another company, and so really no longer existed as such any more. However, in the process, the Pacific Coast Transport Company, the shipping company, was spun off. Our clients remained the owners of that and we continued to represent them for years.

That got me into the lumber business field. I got to know people up in the Willits area and became the attorney for and formed a firm called Firco Inc. Earl Maize, Jr., was one of the principal owners. Firco became quite big in Northern California in timber and mill operations. It's no longer in existence either; it's liquidated.

ANNETT: What do you mean by "formed the firm?" Were you a financial backer?

PAINTER: No.

ANNETT: Did the Bronson firm have any policies about investing the firm's money in outside businesses?

PAINTER: We did not invest firm money in outside businesses.*

* Ed. note: Both Miss Convery and Mrs. Tinney had mentioned something about the firm's investments. I wrote to Mrs. Tinney to inquire further about this matter and she replied, "Investing the firm's money was an early practice and stopped by Painter's time. In the early thirties, there were few businesses making money and I think the firm lost money on these ventures. The office was expanding in the later thirties, the overhead expanding too, and the firm concentrated on keeping ahead of its expenses at that time."

ANNETT: Did the Bronson firm have any policies about investing the firm's money in outside businesses?

PAINTER: We did not invest firm money in outside businesses.*

Another group we became involved in through this was F. M. Crawford Lumber, Inc., which had a big operation up there. They were just going great. Frank Crawford, Earl Maize, and others formed what is now Remco, Inc., which I guess is the biggest cylinder producing company west of Chicago. It's located at Wil-lits. It has one of the biggest payrolls in Mendocino County.

Earl Maize and Frank Crawford and Mrs. Crawford went up to Canada on a fishing trip in Frank Crawford's plane, and they never were seen again. The remnants of the plane were found a couple of years later.

Remco was eventually taken over by another good client of ours by the name of Robert Harrah. Remco was sold by Harrah to a New York Stock Exchange company, Stanray Company, which in turn now has merged into the I.C. Company (that's the Illinois Central), and they still operate Remco.

About Harrah, during the time I was representing him, he acquired control of a little corporation we had represented by the name of Microphor. Its claim to fame is sewage treatment plants which use redwood bark in the filter system. It probably does the sewage treatment for all the railroads now. Sewage systems for boats are also important products of the company.

I don't mean to get into a lot of things that you don't want, but these are clients that built up the business end of our office; they furnished a terrific amount of business.

ANNETT: You've described almost a classic example of the merging and dividing that has characterized American business since World War II.

PAINTER: Yes, that's right. That's correct.

Representing Clients in the Agricultural Industry

PAINTER: In addition to these I've just mentioned, you have some other important clients on this list [refers to client list] such as the Council of California Growers, which is an agricultural organization. Most of our clients in the agricultural field developed out of

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work I started when I was with this other firm. It began when I represented the Associated Farmers in the La Follette Committee investigation by the U.S. Senate, way back around 1940.

The committee was investigating farm labor practices. They came out to California and held hearings for at least a month down in Los Angeles and for two or three weeks in San Francisco. During these hearings they were questioning farmers and labor organizers all over the state. As a matter of history, it's interesting, but I don't think the committee proved anything very much one way or another.

ANNETT: What was the reaction of the farmers to being investigated in this manner?

PAINTER: They thought the investigation was entirely uncalled for.

ANNETT: Do you know what had provoked it?

PAINTER: There had been a certain amount of violence during some of the attempts by various labor organizers to organize the farms. There were instances of violence that were uncalled for on anybody's part.

Just who caused them, I don't know. But I can see how some of them arose. You have a farm isolated from an industrial area, and all of a sudden a group of labor organizers come out and try to interfere with its operation. In certain instances the labor organizers were forcibly driven off and people were injured in the process.

This was the inception of attempts to organize agriculture. The farmers—some of them—claimed that the labor organizers—some of them—were extremists, which they may well have been. That, just as an historical note, was what the investigation was about.

ANNETT: There were other attempts to organize farm labor in other parts of the country about this time that also resulted in violence. Was this investigation part of a national one?

PAINTER: I'm quite sure it was. I just participated in the California end of it. But they undoubtedly investigated elsewhere, such as in Arizona.

ANNETT: Was there a sense among the farmers that the federal government was focusing an unfair amount of attention on California?

PAINTER: It seemed to be directed quite a bit towards California, yes. Perhaps that was because California has big farming operations. Its agricultural areas are more susceptible to large operations than other parts of the country. I don't know when the move toward large farms started, but it came about largely because the equipment used to farm in California is very expensive. That of

necessity required farms to be larger in certain types of farming in California than in other areas.

ANNETT: What is the connection between the size of California farms and labor problems? Is it the fact that there are larger labor crews on larger farms and therefore the problem is more visible?

PAINTER: Labor unions were more interested in organizing large farms because the number of potential union members and the dues which could be collected from them were greater than in the small operations. Also, it is often much easier to organize one large operation than several smaller operations.

ANNETT: Do you know if the trend to large farms had anything to do with the way water was brought into the Central Valley?

PAINTER: I wouldn't think it would be that; I think it would be the reverse. I would think the economic unit determines the size of the farm. I don't think it's the way the water is parceled out or anything of that nature. It's the fact that in order to support the expenses of an operation in certain areas you have to have more property to do it.

ANNETT: The water issue and the growth of the size of the farms were issues in California agriculture in the thirties. Did these issues come up in the La Follette hearings?

PAINTER: No, I don't think water had anything to do with the La Follette hearings. They were concerned with these early attempts to bring unions into farms.

I can talk all day on whether farming is susceptible to unionization. It isn't the same type of operation as an industry. Farmers didn't like the idea of unions at all.

ANNETT: I know it must seem that we're going a bit far from the history of Bronson, Bronson & McKinnon. But you are talking about the role of your law firm and its lawyers in one of the most controversial chapters in California history. The Bancroft Library has recorded views of the growers and also of union people such as Cesar Chavez. It is hard to get a straight story. I thought that you as a lawyer and as somewhat of an objective party, might have some interesting observations to make.

PAINTER: Yes. Well, just let me make clear that I wasn't at Bronson's during the time of the La Follette hearings. This was while I was with the other firm.

ANNETT: What were your duties as counsel in the hearings?

PAINTER: There wasn't a great deal of preparation. There wasn't any legal preparation except to the extent that subpoenas were issued. Like all governmental investigating groups, the La Follette Committee tended to ask for everything, although they were entitled to certain things and they were not entitled to others. There was a lot of preparation work in going through documents and deciding what came within in the subpoena and what didn't. But other than that, there wasn't a great deal of law involved.

The main thing was to try and help people who probably had never appeared before an investigating body and who didn't know what they were up against. You can't protect them as you can in a court. You can't cross-examine or raise objections; you can't protect them against improper and ridiculous questions. You have to explain to them that if some impossible question is asked them, they should say, "I couldn't possibly answer that question until you straighten it out," and things like that.

ANNETT: Did you have to learn a lot about the agricultural industry?

PAINTER: Yes, sure. I had to talk to the farmers all the time and get to know what their problems were.

ANNETT: In trying to assess your client's problems, did you ever have a problem with getting a viewpoint that was so emotional and one-sided that it couldn't help you?

PAINTER: There was certainly a lot of emotion involved. But by talking to lots of farmers, you could get some sense of what the issues were that you as a lawyer could work with.

I don't think it called for any extensive research into economics. It wasn't really that kind of a question. It was essentially, I suppose, a civil rights investigation. The La Follette Committee—some of them at least—thought that the civil rights of union organizers were being violated by the farmers.

ANNETT: What kind of bombshells would the investigation committee try to set off?

PAINTER: Anything! Anything that would make a headline. Certain papers had deadlines at three o'clock in the afternoon, and you just knew that at 2:45 something would be thrown in that would make a good headline. That was their stock in trade; their investigators planned it that way. It's not anything uncommon; I'm sure that it's done today.

ANNETT: Did this hearing have any impact?

PAINTER: As far as I know, there wasn't any. A report was issued and that was about the end of it.

But as a result of this work, I represented the Associated Farmers of California and many other agricultural groups when I returned to Bronson's in the forties. There was a Sonoma-Marin Dairymen's Association which later became the Dairy Employers Association. This covered all the dairymen in the San Joaquin Valley, Marin, and Sonoma Counties. Later, we at Bronson's represented the Council of California Growers, which is a statewide organization. Then I worked for nurserymen's groups and the California Flower Growers Association.

ANNETT: All these clients came in through your same contact?

PAINTER: Yes. Once you get doing agricultural work, they kind of follow one another.

ANNETT: Did that work take up a major part of your time?

PAINTER: It did for a time, yes.

ANNETT: You mentioned that you tried to get out of that area—out of the labor relations area.

PAINTER: Yes, I did, later on. It was the kind of a thing that prevented me from doing much of anything else, and I tried to get out of it. My representation of farmer's groups was largely labor-oriented. Of course, they had other problems that related to their associations and the things they could or should do. I represented some of them up to the time I quit working.

ANNETT: And they're still the Bronson firm's clients?

PAINTER: Some of them, some of them probably not. I haven't checked.

ANNETT: Do you have any sense of the development of these kinds of groups? Earlier, you gave me such a clear picture of the development of some of your corporate clients and gave almost a classic picture of what's happened to American industry since World War II. Can you give a similar kind of overview of these agricultural associations?

PAINTER: The associations start for some common cause. The Associated Farmers started very early, back, I suppose, in the thirties. Lots of people thought it was a violence-sponsoring organization. My contact with it didn't indicate that, but people had to have something to throw rocks at, and that was a good organization to do it to. The Associated Farmers started largely in reaction to the attempts

by various wildcat union organizers to organize them. They had an Associated Farmer unit in almost every county in the state. They were coordinated at the top by the state organization. It's main rationale was that farmers felt it was to their interest to watch the legislation that was being considered in the state legislature that might affect them. If a bill was being introduced which they felt would jeopardize agriculture in any way, they would take a stand on it and would advise their members throughout the state. That's one of the big functions of any trade association.

Labor organizing and labor legislation was the crisis that brought the Associated Farmers together, and that was their principal interest—things that would affect their labor force.

ANNETT: Who were the leaders of the Associated Farmers that you worked with?

PAINTER: Charles Gibbs was the executive secretary of the organization for many years until shortly before his death. The names of their members would make quite a *Who's Who* of agriculture. They were a big group of very intelligent farmers, but like any organization, they had some people who were a little wild and other people who were calm.

ANNETT: Did the Associated Farmers become a target because there weren't very many farmers' organizations to attack?

PAINTER: I think the Associated Farmers was a target because it was an active organization in this area and was, as you say, one of the few at that time.

ANNETT: You said you got the Associated Farmers as a client through the work you had done with lumber companies?

PAINTER: No, no. This particular representation came through Webster Clark, whose firm I was working with at the time. How he happened to get them, I don't know.

ANNETT: Do you have any sense of why the agricultural clients followed you back to Bronson's?

PAINTER: I don't know just why some of the farmers followed me; I couldn't tell you. But I was happy that they did. I don't know just how to answer your question.

ANNETT: It's not just modesty that's preventing you?

PAINTER: No, no. I suppose clients stay with you if they think you're doing a reasonably good job and like you. I don't know any other reason.

ANNETT: Do clients tend to follow individual lawyers rather than be loyal to a particular firm?

PAINTER: It's usually half and half. You can't be too sure what will happen. There was probably something that caused them to leave that firm—the amount they were being charged, or something like that. You never know unless they tell you.

Labor Negotiations for the Sebastopol Apple Growers

ANNETT: As you continued to represent these groups in the forties, you played an active role in the negotiations between the labor organizers and the farmers?

PAINTER: Well, much later, yes, in the apple industry. I negotiated there. That was in 1961.

ANNETT: Will you tell me that story?

PAINTER: Yes. Up in Sebastopol, which is a Gravenstein apple area, there are many growers and apple packers and canners—processors of various types. The Teamsters started to try to organize the workers' group, and it got to be a fairly hot issue.

The Teamsters were picketing the stores down in the Bay Area, for example, that handled any of the apples from Sebastopol. It got to be one of these things where the labor organizers were fighting with *all* the people in Sebastopol, not just specific growers or processors. They were making a crusade of it, somewhat like Chavez did with the California grapes. There were a lot of hard feelings, and finally some of the saner heads in the area decided they should try and iron it out somewhat.

The growers thought the organizers were a little bit on the wild side, so they persuaded the Teamsters to get a responsible representative. The Teamsters picked Matt [Mathew] Tobriner, who is now on the state supreme court, and the growers for some reason picked me to represent the employers' side.

We sat down in Santa Rosa and had quite a few sessions, and finally ended up with contracts that both sides felt they could live with. The contracts covered some of the growers, practically all of the apple packers, and practically all of the canners and processors.

As those contracts expired I was called in to negotiate succeeding contracts for a while. Then they gradually did what they should have done—that is, take over the negotiations themselves and just consult me if they had legal problems. I haven't had any active participation in their affairs for quite some time.

ANNETT: What was the outcome of the apple growers' contracts? Did they remain in force? Did that turn out to be a long-term relationship?

PAINTER: I think that most of them are still under the successor contracts, yes.

ANNETT: And that actually covered field workers as well as--

PAINTER: It covered some. The union at that time didn't want to cover the field workers, strange as it may seem. I remember talking to their representative, Grami, who later became quite an important figure in the Teamsters, and he said that they really didn't want to represent the field workers.

ANNETT: Do you know why?

PAINTER: The reason he expressed was that it was just too much of a headache and not enough benefit to the union; there weren't enough field-worker employees of a steady nature. But they did, in this first contract, have a contract with packers who were also growers and thus had their field hands covered.

ANNETT: Did you feel, looking back on it, that that turned out to be a pretty respectable settlement for both parties?

PAINTER: Yes, I think it was a fairly reasonable deal. I think they were able to live with it.

I want to make sure I don't mislead you. I can't remember whether there was any classification for just plain field workers in our contract. I doubt they were covered. I think they covered only field workers who *also* worked in the packing plants.

I believe that at the time of the first contract, there was a group of growers that entered into a separate contract. We did the negotiating, but when they finally signed up, they signed up as a separate group. I doubt that that lasted long because the growers complained bitterly that the union was making them pay certain benefits and pension charges while their competitors were *not* required to pay. They said to the union, "Either you go out and organize our competitors or let us off the hook. We can't live with this."

I think that's when the union said, "We don't particularly want to go out and organize all the growers," so that died. I doubt if any of them have contracts covering field workers now.

The Schenley Vineyards and Ceasar Chavez's Union

ANNETT: You mentioned to me before we started recording that you had had contact with some of Chavez's people. Was it through this work?

PAINTER: No, I didn't have any direct contact with Chavez's people, so I couldn't give you anything on that. But our firm represented Schenley Industries, and Schenley Industries owned and operated three or four large vineyards down in the San Joaquin Valley. Schenley's vineyard operation was one of the first contracts with Chavez and his group. (I didn't have anything to do with the negotiation of it; the contract was negotiated in the East.) But Schenley soon found that they still couldn't operate because while *they* thought they had a contract, Chavez's representatives would still call strikes on every little issue they could think of. So Schenley was getting no benefit from the contract. I think that probably ultimately led them to sell the ranches.

In connection with some of these wildcat strikes, our firm had to go down on the ranches and advise the Schenley people regarding what they *could* do to operate under these adverse conditions.

A Lawyer's Perspective on the Agricultural Union Controversies of the 1940's and 50's

ANNETT: Can you remember much about the attitudes of the employers towards this question of unionization? I know they opposed unions, but how did they handle it?

PAINTER: They opposed unions at first very vigorously, but of course in any group of employers you'll find certain ones who are very difficult to deal with on any labor matter and certain ones who are more reasonable. It's pretty hard to generalize.

ANNETT: We certainly have generalizations from the labor people. For example, they have raised racism as the issue that lay behind much of the owners' resistance to unions. They see the growers as coming from a world where they'd always held the upper hand so they couldn't really cope with sharing their power at all. Can you add a different perspective about the growers' attitudes?

PAINTER: By and large, I think they tried hard to live up to their contracts and accept them as a fact of life. Some of them complained bitterly when they felt that they had gotten into a deal where it was hard on them economically, especially when they had to compete with areas which were not being organized. For example, the Watsonville and Oregon apple areas compete with the Sebastopol area, but they weren't being organized. It's always tough if one area is organized and another one isn't. You'd get those kind of

complaints.

But I think that they genuinely tried to live up to their commitments, and I'm quite sure that most of the processors have union contracts today.

ANNETT: Do you feel that they went into this like businessmen, resisting increased costs but--

PAINTER: I think the packers and processors did, yes.

ANNETT: Did you ever get a sense that there was an overlay of cultural issues?

PAINTER: I don't know whether I know just what you mean. I didn't get that, in the sense that I would describe it that way because we weren't involved in disturbing the lifestyle of a given farmer. As a matter of fact, the processors were really not growers. So, I don't think it quite fits what you're asking there. If you organize a big ranch out in the San Joaquin Valley, it might.

ANNETT: So, I gather you see agriculture is a multi-dimensional industry that reacted in many different ways.

PAINTER: There's no doubt about farmers being independent types, if that's what you have in mind. But the Sebastopol people weren't that type of a group. They were semi-industrial, you see.

ANNETT: It doesn't sound like the Schenley people can be easily stereotyped as anti-union, either.

PAINTER: No. Of course, the Schenley vineyards were engaged primarily in producing grapes for their wineries. Schenley was a multi-level corporation and had many, many union contracts in their non-agricultural divisions; it was an everyday issue for them.

But it was difficult, when you'd have a spray rig and have so many nozzles on it to spray the trees, and the unions would say, "We don't want you to have that many nozzles," and then call a strike because you have four nozzles instead of three, or something like that, which is a very large economic factor.

ANNETT: They raised the mechanization issue back then?

PAINTER: Oh, yes! They were always fighting anything that would in any way reduce the amount of labor or speed up the operation.

ANNETT: When Schenley bought these wineries, did they bring in their own people to run them, or did they leave the local operation intact?

PAINTER: I think they might have brought in a manager or someone of the sort, from time to time. I suppose they had to do that because the farmer they bought from wouldn't necessarily want to work for them. But they handled their labor crews just like the crews of any large firm.

5

Personal Views of the Law as a Profession

Ethics

ANNETT: I want to ask you a few questions about your personal attitudes towards your profession. Do you have any comments on social issues involved in practicing law, especially in your field of corporate law?

PAINTER: I don't know just what you mean by that really.

ANNETT: What about the problem of ethics in dealing with your clients?

PAINTER: I think ethical problems cut through almost everything. Of course your integrity, your reputation is everything. You can't do anything to jeopardize it, even if your client wants you to. I think it's not at all unusual for attorneys to think that way. I found that among attorneys, by and large the great bulk of them are absolutely straight. I don't know what to say other than that. I never have had any instance that I know of where a client has insisted that I do something that I thought was disreputable.

ANNETT: Lawyers, and other professionals like accountants, are being held more and more responsible for clients' actions, especially in the field of corporate law--

PAINTER: Do you mean for disclosure of various things?

ANNETT: Yes.

PAINTER: That's true. Government and the courts are placing a great burden on professionals, perhaps too big a burden. I think it's creating an almost impossible situation. A lawyer's function, obviously, is to try to advise his client to comply with whatever he should comply

with. It is doubtful whether you should go beyond that and say, "I don't think you should do this because it isn't fair." That's kind of setting yourself up as God, and probably your client isn't hiring an attorney as a moral advisor.

The Public's Attitude Towards the Profession

ANNETT: What about some of the other problems the legal profession--?

PAINTER: I think lawyers are being beaten around pretty badly at the moment. It is probably pretty much to be expected when you have things like the Watergate situation with so many lawyers—or I should say, law school graduates—involved. But I don't think all that is justified.

As I said before, I feel that the great bulk of attorneys are honest, so I hate to see the whole profession maligned. I think the idea of criticizing the way the Bar Association is run, for example, and doing things like insisting on legislation to put nonlawyers on the board of governors is ridiculous. I notice that many on the board of governors say that it's working out all right. But why in the world should that ever be? It *wouldn't* be if they weren't just being extremely critical of the lawyers. I guess I have no other comments right at the moment.

The Advertising Issue

ANNETT: How do you feel about trends like advertising and--

PAINTER: I think that's ridiculous, too, and I don't think the approach of the courts to the issue, on the basis of antitrust charges, is well-taken at all. I would take issue with the Supreme Court in their most recent decision. It isn't the advertising per se; but that it takes away from the dignity and the professional nature of the profession. I'm afraid it's going to happen to all professions, like doctors and everyone else. It has *nothing* to do with fees—nothing at all. You aren't going to go to a lawyer because he puts a little ad in the newspaper. You're going to ask your friends or somebody to advise you on what attorney to see. I hate to see things like that happen. It may seem stuffy, but I feel lawyers are not supposed to solicit business. Of course, you solicit business in effect by becoming known and displaying yourself in what you do. But I hate to make legal services like selling toothpaste, running television ads and whatnot. [Laughs] We haven't gotten to that yet, but I suppose that's next.

ANNETT: How about some of the issues that lie behind these new regulations—issues like the need for legal services for middle-class and poor people?

PAINTER: In what respect?

ANNETT: From what I read in the papers and bar journals, much of the argument *for* advertising is based on the argument that it will help find lawyers for people who aren't in business or other circles where they come in contact with lawyers and so know how to find one.

PAINTER: I think efforts to do what you're talking about—to help isolated individuals find legal help—would be good. I certainly would not oppose any idea to get lawyers who are equipped to handle smaller legal problems known in some way. But it wouldn't be by advertising. I would think that maybe you'd keep a list of people who are willing to put their names in and agree to certain maximum fees, or something like that, that would help people get legal advice even though they feel that they can't afford to go to the best known attorneys.

ANNETT: You say these issues have always been around. Is there some reason why they're being pushed right now to legislative and court-ordered resolution?

PAINTER: There have been people from the year one who would have been very happy to advertise and to look at the law as a commercial venture and not strictly as a profession. But the thing that is happening now is that we have more activists using the courts to accomplish things. Maybe they're conscientious people; I just happen to disagree with what they're trying to do in relation to the legal profession.

The Cost of Legal Services

PAINTER: I think lawyers are, for many reasons, getting into trouble because their costs are going so high and their fees are also going so high that they may price themselves out of existence if they aren't careful. It is very difficult for any individual lawyer or firm to reverse this trend because in order to be competitive the lawyer or firm must pay going wages to legal and nonlegal employees. A possible solution would be to simplify various governmental regulations and court procedures so that less legal services would be required.

On Becoming a Lawyer Today

ANNETT: If some young person came to you today and asked if he or she should go into the legal profession, what would you say?

PAINTER: I would be quite practical about it. If you don't like it, it's the worst place in the world to be. It's hard work, it's grueling work—long hours. It's nothing like going into an average corporation, where you may work long hours at times but by and large your work is during the business day. A lawyer has to work many, many nights and weekends all his life. So, number one, a person should love it or think they're going to love it, or they'd better not go near it. If they find they don't like it, they should get out of it—quick.

Secondly, I would always advise the young person to look at the place where competition is too great, and try to avoid it. If there are too many people going to law school, maybe they should look at some other profession, or vice-versa.

I'm afraid they're getting so many lawyers that a lot of them are going to starve to death. That means good ones will suffer too. I think it might be time not to encourage young people to move in right now. At least they should look around at other professions a while before they jump into the law because the figures that I've read are just stupendous. It means that a lot of law school graduates will have to go into other areas anyhow.

On the Success of Bronson, Bronson & McKinnon

ANNETT: Do you consider Bronson, Bronson & McKinnon to have been a successful firm?

PAINTER: Sure, I think it's a successful firm.

ANNETT: By what measure?

PAINTER: It's grown; it's become more profitable to the partners; its clientele has grown and it renders good legal services. I don't know how to compare it with other firms because you never know the internal workings of other firms unless you've been in them. Some firms perhaps have grown more spectacularly, but, in general, I think the Bronson firm is a quite successful firm. If you ask any of the partners now, they don't feel put upon.

ANNETT: [Laughs] Can you recall at all, over the years, of your feelings back and forth on that question of how successful you thought the firm would be? Were there high points and low points?

PAINTER: Yes. That again probably is one thing that had something to do with my leaving it. I thought at that time that it was a little too concentrated in insurance work. That wasn't putting the insurance work down, but I thought if it was going to be a successful firm, it ought to be more rounded. And during the time I was away—my being away had nothing to do with it, I'm sure!—they did become more rounded. They got more business-oriented. They still have good insurance representation but are more business-oriented.

We worked hard on that after I came back. It's paying off, in that there's a large insurance representation, there's a large business litigation representation, and a substantial corporate representation.

ANNETT: I am struck by the extent to which all of you from Bronson's whom I've met are such different individuals and have led such different lives outside of your work at the office.

PAINTER: Yes. I don't know whether that's unusual or not. I think maybe it is a little unusual. As I told you before, we didn't hire to a pattern particularly. I think that part of our firm's strength is derived from the varying types of people in it. I don't know that that was thought out; it just happened.

ANNETT: How would you compare the history of Bronson, Bronson & McKinnon with that of other bay area law firms?

PAINTER: Like whom?

ANNETT: How about Brobeck, Phleger & Harrison? We've been working on an oral history of Herman Phleger and so know about his firm. Phleger started that firm with Brobeck and Harrison in 1926—a little after Roy and Ed started yours.

PAINTER: I think Herman Phleger started in a more established firm than Roy Bronson. Roy started his own firm from just nothing. My understanding of Brobeck, Phleger—I don't know their history that well, but I think that they started off with a pretty good jump on Roy Bronson.

ANNETT: Herman Phleger started off with the firm that's now Morrison and Foerster. He broke off in the mid-twenties and started a firm with Harrison, who had been dean of Hastings, and Brobeck, who was quite a bit older. I know they had an impressive list of clients when they started their firm.

PAINTER: Yes, that's what I mean. As the years have gone on, more new business has come to San Francisco. It isn't so tough now to develop new clients from new people coming in. But as long as I can remember, the telephone company has been represented by Pillsbury, Madison, and Sutro; Standard Oil has been represented

by Pillsbury's; certain other clients have been there as long as I've practiced. So you see, clients aren't flitting around. It's quite a struggle to get the continuity going.

ANNETT: One pattern to successful firms that started in the twenties is that they started with people who had very good social connections. Roy Bronson didn't have any of that.

PAINTER: No, he didn't. He didn't play that game very well, I guess. Some people play social connections to the hilt. Of course, Roy didn't do any of that. Why, I don't know. [Laughs]

I think you have to look at it in perspective. I suppose that the ideal thing would have been for him to have gone in with somebody who had an established law practice at the time, rather than to start his own firm. I think it probably would have been better for him, because Roy would have moved ahead no matter where he was; he was that kind of a man. But he picked the hard way to do it.

The Hierarchy of Law Firms in San Francisco

ANNETT: Is there a hierarchy of types of legal practice?

PAINTER: Certainly some types of clients are more lucrative. Obviously the bigger your clients are, the more they can afford attorneys. That's what I said about pricing yourself out of existence—that your costs get to a point where a small businessman really worries whether he can go to a lawyer. That's something that worries me. But there's always been certain types of clients who could afford lawyers, and if it's necessary to employ attorneys, they can do it. As one of my employers once told me, you could be busy twenty-four hours a day and starve to death as a lawyer. It depends on having the right kind of clients who can afford to pay what's necessary to support you.

ANNETT: How about the prestige of different kinds of law practice?

PAINTER: I think there is something in that. Naturally, every firm would like to represent all the choice big companies. Securities work carries a good reputation with it, things of that nature—which may or may not be justified.

ANNETT: Why would that carry--?

PAINTER: They are dealing in big figures. For instance, if you're advising the underwriters of a big stock issuance, obviously there's a lot of money involved, and that is bound to be looked on with a certain amount of envy by those who don't do that work.

ANNETT: Were there any problems with insurance defense work not being a particularly prestigious field?

PAINTER: Well, I suppose you could say that originally when the insurance business was dealing with small injuries or traffic accidents. But over the years it has changed. For instance, now a great many cases will involve multi-million dollar amounts, whereas when I first started practice, we were talking in terms of the typical accident. So, it's changed over the years.

Also, insurance now involves very complicated transactions. It may involve securities, it may involve the other more prestigious areas of law that I was talking about. So, whereas thirty years ago you might look at it as kind of a cat and dog fight over who hit whom [laughs], now it might be the most sophisticated transaction in the world. It's a very sophisticated business now.

ANNETT: Bronson has ridden the crest of that change?

PAINTER: Yes, and to give you an example, our business litigation group would be handling a certain matter, for an individual corporate client involving lots of money, and another case might come in through an insurance company that would be almost identical with it. Bronson's is now equipped to handle almost any type of litigation that comes along, and handle it well.

I don't think you could say now that there's anything lacking in prestige in the insurance business as such. I think you might get tired of it if it were just automobile accidents.

ANNETT: [Laughter] I guess so. Do you think anybody had any sense of that—that the area was going to develop like that?

PAINTER: I certainly didn't. I don't know. You should ask George Hartwick about it; he's in the heart of that and very intelligent on that score.

Vincent Hallinan's Comments on the Firm

ANNETT: For background information on your firm, I spoke to Vincent Hallinan. I was trying to get the plaintiff's attorney point of view. Hallinan really took out after the Market Street Railway Corporation--

PAINTER: Yes, he probably could on that.

ANNETT: --which was one of Ed Bronson's early clients.

- PAINTER: Ed did some work for them, yes. But he wasn't the regular counsel for them. They had a lot of cases in the courts. I don't know anything intimate about it, except that I know Hallinan's view would be that they did everything in the books they could to deprive him of his cases, and they probably did. They had a very active investigating staff. As a young lawyer, I used to go out to court, and the Market Street Railway would have more cases on the calendar than anybody else.
- ANNETT: Trial lawyers in the thirties seemed to have been a bit more flamboyant--
- PAINTER: I think all trial lawyers were more flamboyant in earlier years.
- ANNETT: Do different areas of the law attract different personality-types of practitioners? For example, do trial lawyers tend to have different types of personalities than probate lawyers?
- PAINTER: People like Hallinan and Belli *do* seem to be attracted to plaintiff's trial work.
- ANNETT: I earlier asked you some questions about ethics and morality in the law. You didn't seem really comfortable answering them. Now, when I talked to Vincent Hallinan, he wanted to explain every one of his actions in moral terms—of having taken such and such a case because it was morally a good thing to do.
- PAINTER: He said that?
- ANNETT: Yes. You, on the other hand, didn't seem to like to explain your actions that way. I find that an interesting difference.
- PAINTER: I'm surprised that Hallinan would speak that way, because the law was a "no holds barred" deal with him in everything I saw. He was older than I was, and I didn't come into too much professional contact with him.
- ANNETT: Hallinan mentioned that he thought Ed Bronson was a pretty interesting person but that the other lawyers in the Bronson firm were a little dull--
- PAINTER: [Laughs] Did he?
- ANNETT: I'm not sure that should be taken as an insult.
- PAINTER: I don't know who he might have had in mind. He might have had everybody in mind. I imagine that to Hallinan a good, interesting antagonist was one that handed it back as fast as he could dish it out. Ed would do that. As I told you, Ed was a very feisty person. Paul Dana was like that too. I'd be surprised if Hallinan found Paul Dana dull.

ANNETT: Ed Bronson, Jr., thought that the first six-figure insurance verdict in San Francisco was a case Ed senior tried and lost to Vincent Hallinan.

PAINTER: Is that so?! You don't remember what that was?

ANNETT: I have not been able to find out the name.

PAINTER: I think Hallinan is probably a very brilliant man. I disagree with him on many things, but I think he's quite intelligent.

However, the Hallinans and the Bellis are the ones who do harm to the reputation of the legal profession, because they get so much publicity for the things they've done, some of which aren't the greatest. And, of course, they're always pot-shotting the lawyers who are against them. Even so, I can't help liking like Belli.

On Personal Success in the Law

ANNETT: Let me finish with a personal question for you. Do you think you've been a successful lawyer?

PAINTER: That's pretty hard for anyone to judge for himself. I don't know. In that I have gone through what I've gone through, I guess that I consider myself reasonably successful. But it's pretty hard to say for yourself, I think.

ANNETT: Well, when I have asked this question of other lawyers, I've gotten quite varied responses to how people measure their own success.

PAINTER: Do you? I wouldn't have wanted to do anything else. I suppose that I'd have been a pretty good farmer [laughs], but I'm glad that I was a lawyer.

I always enjoyed practicing law because it's not a boring profession; you never completely repeat what you've done before. I suppose if I lived my life over again I'd do certain things differently—I'd be sort of a fool if I wouldn't—but I don't know just what they'd be right offhand.

ANNETT: You can't think of any?

PAINTER: None that I would talk about, I guess. [Laughs]

ANNETT: I'm really just interested in the professional aspect. [Laughs]

PAINTER: When you say, are you a success or not, financially I'm not suffering. I'm not a rich man, but I'm all right. I think I was a good, conscientious lawyer. That's about it.

ANNETT: I understand that after you retired from the firm, you stayed active in business, on boards of director and so on. Did you, being on the corporate side of the firm, get involved in more outside business activities than the people on the insurance litigation side?

PAINTER: I think that varies with the individual. You'll find some of the partners in the insurance litigation area who are quite active in extracurricular matters, and some who are not. I wouldn't want to generalize on that. I think it is fair to say that the fellows in the insurance litigation end are sometimes unavailable to do things—that is, they get called out of town for a two months' trial which makes it hard for them to carry on activities in their own bailiwick. But there's nothing that necessarily prevents them from being as active in civic and other matters as someone else, other than the time.

You'll find that San Francisco has a very close-knit legal community. That was more true in the past than perhaps now. It just wasn't a hotbed of new enterprise. The good clients, say up to the twenties, were pretty concentrated in a few firms. They had chosen their legal representatives, and, believe me, they stayed with it. Since there wasn't much growth of new enterprise in San Francisco, it was like hitting a stone wall to try and start a firm. That's why I say Herman Phleger had an edge on Roy Bronson in having things handed to him, because he went with people who already had some of the choice clients, while Roy started from absolutely nothing. So, with all deference to Herman Phleger—he's a very capable lawyer, of course—Roy had a much tougher row to hoe.

Appendices

- Appendix One* Roy Bronson's essay on the early history of Bronson, Bronson & McKinnon
- Appendix Two* Harold McKinnon's essay on the founding spirit of Bronson, Bronson & McKinnon
- Appendix Three* The Secret of Mr. Justice Holmes
 by Harold McKinnon
- Appendix Four* A list of the firm's associates and partners: 1930-1964
 A selected list of the firm's insurance clients: 1930-1964
 A selected list of the firm's corporate clients: 1930-1964
 as compiled from *Martindale Hubbell* by Vernon Goodin

Appendix One

Roy Bronson's Essay on the Early History
of Bronson, Bronson & McKinnon

*(The hand-marked margin notes
are those of John H. Painter)*

I had been working for Dan Ryan for 4-1/2 years. I started in February, 1914 at \$30 a month, and after three months struck for a raise to \$50, which was the going rate for young lawyers in those days, and ended up by getting \$40. A few months later I was raised to \$50, but by the end of the year I was satisfied that I was getting noplac and began looking elsewhere.

About that time my father was having difficulty with a tenant who had run the grocery store in Brookdale the previous year, and having gotten his back up in the negotiations, he decided that I should run the store for the summer of 1915. It gave me an easy out to sever my relations with Dan.

During the summer, Dan Ryan, whose sister owned a home in Brookdale, was down to visit her, and he told me that the Islais Creek condemnation cases were coming up soon and that he could get me a job with the Harbor Board at \$150 a month. I decided to take the job, and got married on it.

In the summer of 1918 after the trial of the Islais Creek cases, I contracted a bad case of typhoid fever and spent some time in the hospital. While there, I decided to leave Dan Ryan, and on my return I did some canvassing with private offices around town. Jobs were mighty scarce and I was not making any progress.

I confided my plight to a former classmate of mine (by this time I had a young daughter), and he said that he

was giving up a job he had at \$75 a month with a real estate firm, Joseph H. Ricker & Co., and he would be glad to give me an introduction to his boss. In the meantime, I had canvassed the situation so far as office space and stenographic help was concerned, and found that I would have to have a minimum of \$100 a month to pay the overhead.

I told Mr. Rucker I would have to have \$100 a month, and from what my classmate had told me, I felt I could do the work in a half day rather than a full day. This didn't seem to please Mr. Rucker, and the interview ended without any encouragement.

My classmate advised me to play it easy and let it go until the last minute, and he was sure I would be hired. This turned out to be the fact. So, around June of 1918, I rented two rooms in the Foxcroft Building across the street on Post Street at \$40 a month. It was on the third floor at the bottom of a light well. I paid \$50 a month to a temporary stenographer (she had not completed her course; the going rate for a graduate was \$60 a month), and had \$10 left for telephone, stationery, postage, etc.

By this time I had acquired two clients with recurring business. One was Butler Veitch, an automobile distributing agency which sold Marmon cars and Fageol trucks, and the second was Noiseless Typewriter Distributing Corporation, a new product on the market. I had incorporated both these companies and their fees averaged by now about \$50 and \$25 per month, respectively.

I also had one Chinese client who over the years turned out to be rather lucrative, some immigration matters, and an occasional criminal referral.

The going was really rough, since there were many other expenses, and I remember being called on the carpet by my grocer for failure to pay my bill. The grocer was a younger schoolmate in my grammar school days, and he was the type who would never lend you any of his marbles. I had always felt quite superior to the fellow, and it was really a humiliating encounter. However, the next three or four months cleared the situation.

The first six months was a sink-or-swim deal. Then all of a sudden, one of the salesmen in the real estate office had a big promotion on a gold mine in the Mother Lode. A few months later, a man related by marriage to one of my cousins came to me with a promotion called the National Axle Corporation. He put me on a retainer of \$500 per month, and from then on things began to hum.

One day a young lawyer from Texas came to see me and wanted a job. His name was Bob Carlisle. I told him I had no job available, but he kept coming back and would sit in the reception room and watch the few clients I had come and go, and he insisted that I had enough business to hire a man. He was so desperate that he finally agreed to come in without salary, and take half the fee for whatever he handled as his share. I couldn't refuse this, and Bob was with me for several years. I finally had to let him go because he *did not fit in* ~~_____~~

~~_____~~ Later he went to Los Angeles on a referral I gave him, and became a successful practitioner.

This was roughly in 1920-21. In 1923 we moved from the light well to the street side of the Foxcroft Building and expanded our quarters. I hired a man named E. E. Hull, who had been an attorney for the Southern Pacific Company, as I needed additional help. Mr. Hull turned out to be a great disappointment, and ^{we severed our relationship} ~~I had to let him go the following year.~~

~~Carlisle proved to be right, and soon was making two or three hundred a month for himself.~~ At about this time (1921) my old friend, Harold McKinnon, had a job with the Governor's son, Arch Johnson, and I persuaded him to come with me, where he did excellent work for a year or so. However, Harold had not been feeling too well and was running a low fever every day. It turned out that he had ^{a serious illness,} ~~tuberculosis~~, and he had to leave. He did not return for a period of almost nine years. When he did come back in 1930, it was on a part-time basis.

In 1922 my brother Ed passed the Bar examinations and was admitted, and he came with me at \$50 a month, which was still the going rate for a beginner.

I recall that in 1923-24 I had a very definite feeling of frustration. I felt I was getting no place fast, and that I was capable of handling much heavier problems than I had. In 1925, a client named Frank Reiber, a brilliant

physicist, told he had a friend named Tom Slaven who was getting out of the Accident Commission and going in for himself. He wanted me to meet him, so he arranged a home dinner party. The net result was that I hired Tom, and at the beginning of 1927 I gave him a one-quarter partnership interest without charge. I had already given my brother Ed a one-quarter interest, so the partnership stood at 50-25-25. We sent out announcements of the formation of the partnership of Bronson, Bronson & Slaven on January 1, 1927.

Tom had a wide acquaintance among insurance claims men. I had one insurance company, the Commercial Casualty, and using this as a springboard, Tom went to work. We soon acquired the Metropolitan and then several smaller companies. By the end of 1926, our business had expanded to the point where we figured we could move into the new Hunter Dulin Building (now the 111 Sutter Building), then in the course of construction. I felt we would be in clover if we could gross \$40,000 a year (which was more than we were then making), so we moved into the new building in January, 1927. We were the first tenants in the building. We had a file room, a combination reception and stenographic room, and offices for myself, my brother Ed and Tom Slaven, with room to expand on down the hallway.

Business began to grow, and we hired Gordon Keith from the Accident Commission. [At about the same time, we

didn't finish law school
until a year or so after I came
to the firm in 1932

took on Wesley Dickenson, a student at Hastings, as an office boy.] Also, Archibald McDougall, a graduate of the University of Santa Clara, came with us, and proved to be a great boon in research.

Eventually Wesley Dickenson was admitted to the Bar and went to work for us, so that by 1930 the firm consisted of seven lawyers, Bronson, Bronson & Slaven, Harold McKinnon (who had returned to practice on a part-time basis), Gordon Keith, Archibald McDougall, [and Wesley Dickenson.]

The move to the Hunter Dulin Building proved very beneficial. We grossed over \$50,000 the first year, and things began to hum from then on.

One thing has been distinctly noticeable over the years: every time one refurbishes and expands existing quarters or moves to new and better quarters, it seems to stimulate new and additional business. This has proved true in our case when I moved to the front offices in 68 Post Street, the move to the Hunter Dulin Building, the move to the Mills Tower, again to the John Hancock Building, and finally to the Bank of America Center.

In 1932, Jack Painter applied for a job. He had just gotten his ticket from Boalt Hall. I was playing it safe and said no, but he persisted and came to my home in Piedmont one weekend. I finally relented, and not only took him in but ^{Dad} Doug Sheppard, a classmate, as well. They were two fine looking young men and a great addition to our staff.

He suggested that I see RAB which I did & he gave me a job.

W was not admitted until

Red S was hired shortly before I was. I came to see him. When I was walking the streets in an attempt to get a job. He suggested that I see RAB which I did & he gave me a job.

They were paid \$75 per month, still the going rate, which I, in view of my own experience, figured to be a munificent sum, but the boys regarded it as an insult. Still, jobs were few and far between, so the inevitable law of supply and demand prevailed.

After my experience with Dan Ryan I had made up my mind not to exploit young lawyers. The prevalent practice was to keep a young lawyer at a starvation rate as long as he would put up with it. When he quit, you hired a beginner. I think in a way I have lived up to that resolution as best I could, but the economic pressures at times prevented my advancing young men as fast as they deserved. However, when the pressure was off, there was never any delay in advancement.

We were in the middle of a depression, but it had not affected us much at this time. Our five year lease in the Hunter Dulin Building was coming due, and the manager wanted to raise our rent. The Mills Tower was just being completed. Sullivan, Sullivan & Roche had taken the top floor. We decided to see what kind of deal we could make with the ^{manager} ~~MANAGER~~ of the Mills Estate. We concluded a five year lease for half the 15th floor on the basis of two years below the normal rental, one year at the normal rental, and the final two years making up the deficit. We moved in in January of 1932, and had very plush quarters, carpeting

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throughout, built-in bookcases, separate stenographic quarters, and room for everyone.

Within a year after the arrival of Painter and Sheppard, Lawrie Driscoll's father (an old friend of ours) approached Harold McKinnon and me about having his son (who was graduating from Stanford) come in with us. Fortunately for the firm, Lawrie Driscoll came in in 1933, expanding the firm to nine people.

Appendix Two

Harold McKinnon's Essay on the Founding Spirit
of Bronson, Bronson & McKinnon

4/29/74

George:

Here is the little article. I must either have written a biographical sketch of the firm or chosen some very limited aspect of it. Because I could not do the former as it involved too much research, I did the latter. The limitation of the scope is explained by this fact.

Please look it over before anyone else does, and let me know what you think.

H.R.McK.

BIRTH AND GROWTH OF A LAW FIRM

It is a part of the tragedy of history that a little piece of crumpled yellow paper which originated in the autumn of 1918 was not preserved until the present day. The reason is that the little piece of paper flung a challenge into the face of a man with an idea. And the man and the idea prevailed.

It came about like this.

The man was Roy Bronson. As a young lawyer, after four years of working for others, he took the big leap and opened an office of his own. The office was on a dim light well in the Foxcroft Building at 68 Post Street, San Francisco. It consisted of two small rooms, his own, and a reception room which housed an inexperienced young typist.

Just before the young lady left the office at the end of the second day, her employer heard her briefly touch the keys of her typewriter. When she had gone, he looked to see what she had written. Finding nothing, he was about to leave when he discovered a little piece of crumpled paper in the waste basket. He lifted it up, smoothed it out, and read:

"If I don't get something to do pretty soon,
I thing (sic) I will quit."

Today, 56 years later, the scene has changed. In place of one lawyer, there are now sixty. In place of one non-professional employee, there are sixty-one. In place of the two rooms on the light well, there is a floor of a big metropolitan office building, augmented by an office in San Diego and one in Jakarta, Indonesia. One can state these facts without indulging in self-illusion. There are larger firms. There are richer ones. The point is simply that this is a case of a first generation law firm which has succeeded, and it might be of some interest to ask how this came about.

One Man's Vision

As might be surmised, a growth like this is due primarily to the vision of one man. This conclusion is not altered by the fact that others have contributed their share of the total product. It is a part of the organizing talent of one man that this is so. It is also true that some of the ablest lawyers do not wish to establish a firm. The point is that something happened between the time that the disheartened stenographer tossed the little piece of yellow paper into the waste basket and today, when the man who was thus nearly abandoned by the only other member of his organization sits at the head of the family which has grown up under his tutelage.

When, therefore, we look for the principles which actuated the growth of this family, we look for them primarily in the personality of this man; that is, in those elements of his personality that are related to his professional aspirations.

The Law Firm a Service Organization

A review of 56 years discloses that the underlying principle of the firm has been to treat it as a service organization. This is not as simple as it sounds.

It means that the service of clients is given a priority that has a price, sometimes a painful one. It means, for example, present sacrifice in the hope of future returns. It means patiently waiting for the budding business of a new client to develop before seeking immediate return for current services. The new client has all kinds of expenses, including rent, supplies, payroll, and so on. He needs legal services as well, but, reasonably or not, he often expects the indulgence of the attorney until he has made some progress, and if the attorney is building his practice he had better grant this indulgence if he wishes to retain the client. The legal expense may in some cases be unduly deferred. Some such clients may prove unjust or imprudent. But that may be the price of building a practice, and if so, it must be deferred or that prospect will be choked off.

It means pocketing one's feelings, and that is painful while a man is doing long hours of hard work. And the long range may fail. To wait, or to take that risk, was the policy of the founder of this firm. In applying it, he sometimes had to weather the opposition of his partners, but it succeeded. It represented a deep, persistent sense of the principle of growth. It meant establishing the principle of growth at the beginning and then sticking to it. As far as the merits go, an easy case could be made for insisting on compensation keeping pace with the services rendered from the outset. The client needs legal services as much as he needs an office, light and heat. Why should the attorney wait any more than the landlord? But here is where the practical wisdom of the builder intervenes. There are more attorneys than clients. This is just the way things are. He who wishes to build must see it through.

It pays. The history of this firm proves this. It proves it on the whole, and it proves it in individual cases.

One of the most valuable clients we have had over the years put us through an exasperating novitiate of early exploitation, a period that aroused a storm of opposition by junior partners. They were working hard for the client without visible return. It was not right. It

was intolerable. But all the while the senior partner sat immovable. This was vision. This was the quality of which builders are made. The situation in this case was aggravated by the fact that when the time came to begin billing the client, and the bill reached back and undertook to recapture the elapsed time spent, the client felt surprised and manifested its reluctance. This was the last straw. The client was taking advantage of the very indulgence of its benefactor. The storm of opposition from juniors now reached new heights. But again the senior partner remained unmoved. The client went on to success. And so did the law firm.

Of such is the principle of growth. When one is fully grown, the necessity of such early sacrifices may wane, but in the pursuit of early growth it is as essential as providing good craftsmanship.

The Difficult Client

Another example is the difficult client. In the early days of this firm, I often heard its founder say that he was building his practice largely by bearing with some clients whom other attorneys would not tolerate. The point is that if you are serving other people, you serve them on their terms, not yours. You are not there to teach them a lesson. You are there to serve. You are not there to teach them the etiquette of human relationships. Besides, it

would be futile to try to do so, because they do not recognize that they are unreasonable, much less that you have been authorized to show them that they are.

Modest Beginning

Another example: do not attempt to start at the top; be content to build from modest beginnings. Start with what you have. Thus, this firm in its infancy found itself with cases before the Industrial Accident Commission. It rather quickly outgrew that practice, but out of it grew engagements in the field of negligence where the firm represented casualty insurance companies in defense of damage suits for personal injuries. In this field too it started with small cases, chiefly automobile cases, but within that field itself there occurred a big development, until the amounts involved began to dwarf the ordinary business transaction. Big industrial cases involving drugs and chemicals on a national scale, airplane crashes, collapse of dams, explosions of powder factories, floods, weather control, and similar types, lifted the calibre of these cases into upper brackets and produced a class of experienced trial lawyers for which there was an ever-increasing demand. Had the firm disdained entirely the negligence field, it would have sacrificed much of the momentum of its growth. It provided a training school in trial tactics which was invaluable in the whole realm of courtroom advocacy.

Side by side with this development, the firm was maturing in the field of business law. In the early days this was due primarily to the propensities of the senior partner, because his practical judgment in business transactions attracted successful business clients with growing businesses. While second and third generation firms were enjoying a primacy among banks, utilities, oils, railroads and the like, our firm was steadily progressing in similar fields, until today when it can say that by applying these principles it has grown with its clients.

Competent Personnel. Practical Judgment.

It goes without saying, of course, that normal growth of a law firm pre-supposes competency of personnel. But competency among lawyers is a term which itself needs some interpretation. There are all kinds of lawyers. There are legal theoreticians. There are scholars. There are law review men. There are first men in their class. There are general practising attorneys. There is room for all these in a large law firm. But there is one element which, above all, is essential to the legal practitioner. It is good practical judgment. The work of a law firm is well termed legal practice. Like the world which it serves, the law is practical. It involves the exercise of the virtue of prudence, which is the art of choosing the right means to the desired end. It is not an analytical thing. It is not

drawing an inference from premises. It is a synthetic thing. It is not something discovered; it is something made. Therefore, its judgments cannot be taught. They come from a mind which generates the answers in an undefinable way, much as the inspiration of the artist.

We are all of us acquainted with the type of person who is proficient in this respect. A knotty question arises. A conference is called. Something has to be done. But what? All the available courses of action seem to be impractical. Suddenly someone speaks and everything seems to fall in line. Everyone recognizes that this is the practical solution. This is good judgment. This is the peak achievement of the legal practitioner. Everything else can be commandeered, so to speak. The law can be looked up. The facts can be gathered. The goal can be defined. But this prudential judgment, this practical resourcefulness, this capacity to come up with a workable solution, is the core of competency of the practicing lawyer and the soundest basis of success. The client is relieved. This is the service that he was seeking. This, above all, is the most potent source of growth and success of a law firm.

Every law firm may wish that this quality pervaded its personnel from top to bottom, but of course, like the making of the best things in life, that is an ideal to be

aimed at which is never perfectly realized. But wherever there is sound growth it must have existed in some considerable degree, as it must in the present case.

Service

There are a hundred and one precepts involved in building a law firm, which consists in acquiring and keeping clients. The whole thing is tied together by the concept of service. When that element is present, there is a chance of survival. Without it, there is none. Talent alone is not enough. The talent has to be evoked, motivated and channeled by this overall purpose of providing for clients the legal means of attaining their legitimate objectives. It is not acquisition of wealth. Wealth is ordinarily amassed by buying and selling, not by service. It is not social service. While every law firm owes a duty to society to take its part in rectifying social ills including service of the poor, it must not neglect its clients' legitimate interests because that is the reason for its existence. Lawyers may, and do, play the most prominent part in shaping the law and its related institutions, but the law firm as such is devoted to its clients' interests, and what it does outside that realm is more a matter of individual activities of its members than of the firm itself. Indeed, the firm which would neglect its duty to its clients would end up by benefitting neither its clients nor society. It would end up by disintegrating.

If the purpose of this piece were biographical, it would be gravely deficient for its failure to mention the numerous collaborators of the founding partner in the growth of the firm from its humble beginnings. It is not even a sketch of that partner, except insofar as he was responsible for the principles which activated the birth and growth of the firm. The biographical story is for another time and place, and probably another author.

Ed Bronson

If I may be allowed a single exception in this respect, I should mention the senior partner's brother, Edward D. Bronson, now retired. The history of the firm, if it is ever written, will show him to have been a pioneer in the firm's growth from its early beginning and a distinguished trial lawyer in his own right, a distinction which earned for him the presidency of the American College of Trial Lawyers in 1953. The temptation to go on and list the many others who contributed to the firm's growth is almost irresistible, but as I have said, this must await another time and opportunity when the whole story can be told.

The Future

The theme of this piece is what was done by a man, a stranger in a big city, who had an idea, and who by virtue of that idea, laid the foundation for a law firm which has

grown for half a century. An organism commonly goes through a process of birth, growth, maturity, decay and death. In the case of a human organization, there appears no reason why it should decline and die as long as it adheres to the principles on which it was founded. In the case of a law firm, the basic principle is service. Because Roy Bronson was deeply imbued with that principle, and because he found others who shared it with him, this law firm appears destined to project itself into the future. If that happens, the living organism thus begun will endure long after those who conceived it and labored to create it will have passed from the scene. In these circumstances, this elder member of Bronson, Bronson & McKinnon indulges the hope that future generations will insure this continuity by adhering to this principle in the years to come.

Harold R. McKinnon

April, 1974

Appendix Three

The Secret of Mr. Justice Holmes
by Harold R. McKinnon

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(followed by some examples of the correspondence the article
generated in subsequent issues of the *Bar Journal*)

The Secret of Mr. Justice Holmes: An Analysis

by Harold R. McKinnon • of the California Bar (San Francisco)

With the possible exception of John Marshall, Oliver Wendell Holmes, Jr., probably had greater influence upon American legal thought than any other member of the United States Supreme Court in the 161 years of its existence. Certainly Holmes is the best-known judge in the Court's history. Yet despite the aura of veneration that surrounds his name, the "Great Dissenter's" philosophy rests upon a standard of values cynical enough to lead him to define truth as "the power of the sword to get itself accepted in the competition of the market place." In this sense, Mr. McKinnon puts his finger on the weakness of Justice Holmes' basic premises. He regards acceptance of Holmes' philosophy as a symptom of the spiritual crisis that the world faces today.

Two things about Justice Oliver Wendell Holmes need reconciliation. He had a very laid philosophy. Yet he ranks among the greatest men of our time.

His philosophy was agnostic, materialistic, hopeless of the attainment of any ultimate truth, meaning or standard of value. As a result, it is fundamentally indistinguishable from the amoral realism of those regimes of force and power that are the scandal of the century.

Nevertheless his rank is preeminent. Devotion to him has become a cult. Max Lerner, for example, says of him that "during the last quarter-century of his life he emerged as the most important legal philosopher of America," and that he is "perhaps the most complete personality in the history of American thought." Judge Jerome Frank recommends him for having put away "childish longings for a fatherly, untroubled world," and says that in

ity has made him the hero of a successful play and biography; his letters are read and quoted throughout the country, and his very name has become a symbol of what is implicitly left to be something characteristic of American life.

To the critic, therefore, Mr. Justice Holmes is a riddle for solution: a thinker who in his cosmic appraisals rejected what are the very foundations of our society but who is nevertheless honored as few other men of his time.

What is the secret of the riddle?

Holmes' Philosophy Was Not Consistent

Holmes was not a systematic philosopher. He scanned the universe and he looked for what is ultimate, and in that sense he philosophized. But he made no effort to place conclusions in rational and systematic order. He made intellectual thrusts here and there, like the essayist or poet; but there was no over-all pattern in his thinking. The results are an incompleteness and inconsistency that make it difficult to describe his convictions with accuracy. A mental attitude is clearly discernible, however. It is the attitude of positive science utilized as the only valid method of knowledge. In other words, it is antiscientific, skeptical and disdainful of any constants

or universals beneath the flux of change.

His concept of man is an instance in point. When thinking coldly, he said, he saw "no reason for attributing to man a significance different in kind from that which belongs to a baboon or to a grain of sand." Such a creature, of course, could not be the subject of moral rights or obligations. Thus Holmes said, "Our morality seems to me only a check on the ultimate domination of force, just as our politeness is a check on the impulse of every pig to put his feet in the trough." At another time he called ethics "a body of imperfect social generalizations expressed in terms of emotion." Therefore Holmes says, "I don't believe that it is an absolute principle or even a human ultimate that man always is an end in himself—that his dignity must be respected, etc. We march up a conscript with bayonets behind to die for a cause he doesn't believe in. And I feel no scruples about it."

Human Rights Are Products of Law

From this it follows that man has no rights that are antecedent to the authority of the state. Human rights are inventions to account for the legal rules imposed upon us by society. That is, society decrees that we do certain things and abstain from certain things if we would remain free. Believing this, Holmes said, "I not only accept the rules but come in time to accept them with sympathy and emotional affirmation and begin to talk about duties and rights." But a "right" itself is an "empty substratum" by which we pretend to account for the fact of legal coercion. It is "only the hypothesis of a prophecy—the imagination of a substance supporting the fact that the public force will be brought to bear upon those who do things said to contravene it." Holmes conceded that a man will fight for his rights, but he said, "that does not seem to me the same thing as the supposed *a priori* discernment of a duty or the assertion of a pre-existing right. A dog will fight for his bone."

Commenting upon this, Mr. Lerner says, "We have here the behavioristic definition of law, squeezing it dry of all morality and sentiment. . . . And in describing Holmes' doctrine on rights, Professor Harold Laski says, 'Man may be an end to himself, to society, he is but a means likely enough to be used for purposes he may passionately deny.'"

Ultimate Reality Is Force

In such a regime, the ultimate reality is force. Thus Holmes said, "I believe that force, mitigated so far as may be by good manners, is the *ultima ratio*, and between two groups that want to make inconsistent kinds of world I see no remedy except force."

This leaves no room for moral judgment or indignation, and human contests are like dog fights. Consistently, therefore, Holmes said (of World War I), "When the Germans in the late war disregarded what we called the rules of the game, I don't see there was anything to be said except: we don't like it and shall kill you if we can."

In Holmes' philosophy, truth fares no better than morals. First, it is the child of force. Thus he said, "Truth is the majority vote of that nation that can lick all the others." Next, it is essentially subjective and identifiable with the transient opinion of the crowd. Therefore he said that "the best test of truth is the power of the thought to get itself accepted in the competition of the market." Finally, since our convictions have no objective basis, we must accord the convictions of our opponents the same credit as our own. Accordingly, to Holmes both sides were right in the Civil War; and speaking about the fight for the kind of world we believe in, he said, "Deep-seated preferences can not be argued about—you can not argue a man into liking a glass of beer—and therefore, when differences are sufficiently far reaching, we try to kill the other man rather than let him have his way. But that is perfectly consistent with admitting that, so far as appears, his grounds are just

as good as ours." So with the secrets of philosophy: for he said that a man should ask him whether there was any use trying to unravel the history of civilization that is woven in the tissue of our jurisprudence, or trying to do any great work, either of speculation or of practical affairs, he would have to say, "I cannot answer him, or at least my answer is little worth making for any end that. You must begin by wanting to."

Negations such as these are negative of a thoroughgoing skepticism. And it was true of Holmes. . . . we begin," he said, "with an act of faith, with deciding that we are not God, for if we were dreaming the universe we should be God so far as we knew." Moreover, "You never can prove that you are awed. By an act of faith I assume that you exist in the same sense that I do and by the same act assume that I am the universe and not in me." Then there were some things which he held, which he called "can't help's," but these were but his own preferences because he said, "I regard myself as a comic ganglion—a part of an unimagable and don't venture to assume that my can't help's which I call reason and truth are cosmic can't help's." "To have doubted one's own first principles," he said, "is the mark of a civilized man."

Holmes' Philosophy Made Him Agnostic

With such tenets, it scarcely needs saying that Holmes lacked religious faith. His approach to religion was rationalist, with a deep bias against affirmation. As the dramatist Elmer Lavery puts it in the play, *The Misanthropic Yankee*, Holmes should "Not prove," at the universe, and the universe echoed "not proved." A clue to his antireligious attitude is to be found in his criticism of William James. Holmes said he suspected James' philosophy was a subtle construction and "that the end of the whole business is religious." And on James' death, Holmes wrote of him, "His reason made him

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apical and his wishes led him to turn down the lights so as to give "make a chance."

A touching instance of his lack of faith is retracted in the play *The Magnificent Yankee*. After half a century of marriage, Holmes' wife is approaching death. She shrinks from the idea of eternal separation from her husband, but his frequently expressed agnosticism has disqualified him from comforting her now. Just as Brandeis calls and Holmes leaves the two alone. But the substitute comforter is no better than his colleague. Mrs. Holmes asks him for some assurance of survival, to which Brandeis replies that "the memory of virtue is immortal." But, replies Holmes, "the memory of virtue is not enough." Brandeis acknowledges defeat in a dumb silence, and Holmes reappears, substituting an artificial gaiety for the missing faith.

In respect of religion, the late Moris R. Cohen said that Holmes remained essentially an agnostic; but he added that instead of a personal God, Holmes substituted the "unimaginable whole of reality, which need equally well to teach the great lesson of humility." Apart from the meagerness of applying the term "humility" to the state of being knocked by an overwhelming unit, were brief of personality, the portrait is correct. Holmes felt resigned to fate, not called to surpass it.

The climax of Holmes' agnosticism is revealed in a letter written by him near the end of his life to a Chinese law student, J. C. H. Wu, in which Holmes said, caricaturing the words of Emerson when the infant Jesus was presented to him, in the temple, "I bow my head, I think tremble, and say as I told some one the other day, O Cosmos—Now letest thou thy ganglion dissolve in peace."

Holmes' Philosophy Labeled Courage

The question then remains, what is life worthy for lack of convictions, for lack of truth, for lack of morals and of faith, what supplies the meaning of life, what gives a motive for going on?

In his answer to this question, Holmes touches the neathermost depth of unreality and inconsistency.

In general, his doctrine proposes an iron cage of action for the sake of action, with a romantic exaltation of courage in the pursuit of unknown goals combined with a hedonist enjoyment of such creature comforts as chance affords. In a speech before the Bar Association of Boston, he declared himself: "The joy of life is to put out one's power in some natural and useful or harmless way. There is no other. . . . With all humility, I think 'Whatever thy hand findeth to do, do it with thy might' infinitely more important than the vain attempt to love one's neighbor as one's self. . . . Life is action, the use of one's powers. As to use them to their height is our joy and duty, so it is the one end that justifies itself. . . . When it is said that we are too much occupied with the means of living to live, I answer that the chief worth of civilization is just that it makes the means of living more complex, that it calls for great and combined intellectual efforts, instead of simple, uncoordinated ones, in order that the crowd may be fed and clothed and housed and moved from place to place. Because more complex and intense intellectual efforts mean a fuller and richer life. They mean more life. Life is an end in itself, and the only question as to whether it is worth living is whether you have enough of it."

This speech drew strong criticism from William James, who said that Holmes seemed "unable to make any other than that one set speech which comes out on every occasion," and he added that to make the joy of life systematic and to oppose it to other duties was to pervert it, "especially when one is a Chief Justice."

to rest. It cannot be while you still live. For to live is to function. That is all there is in living.

The Struggle for Life

The "action" theme occurs also in his exaltation of war and the fighting courage of the soldier. He said that moralists and philosophers declare that war is "wicked, foolish and soon to disappear", but that for his own part he believed "that the struggle for life is the order of the world, at which it is vain to repine", that man's "destiny is battle, and he has to take the chance of war", and that "The ideals of the past for men have been drawn from war, as those for women have been drawn from motherhood." Regarding the soldier, he said, "I do not know what is true. I do not know the meaning of the universe. But in the midst of doubt, in the collapse of creeds, there is one thing I do not doubt, that no man who lives in the same world with most of us can doubt, and that is that the faith is true and adorable which leads a soldier to throw away his life in obedience to a blindly accepted duty, in a cause which he little understands, in a plan of campaign of which he has no notion, under tactics of which he does not see the use." While war is horrible, he said, its message is "divine", because it leads us to discipline. Some cause teacher we need, "that we may realize that our comfortable routine is no eternal necessity of things, but merely a little space of calm in the midst of the tempestuous untamed streaming of the world. . . . And so he says, 'Out of heroism grows faith in the worth of heroism.' The proof comes later, and even may never come. Therefore I rejoice at every dangerous sport. . . . The students at Heidelberg, with their sword-sharpened faces, inspire me with sincere respect. I gaze with delight upon our polo-players. If once in a while in our rough riding a cock is broken, I regard it, not as a waste,

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but as a price well paid for the breeding of a race fit for headship and command."

But, as I have said, Holmes was not consistent. In his search for the meaning of life, he could descend, in another mood, from the romantic idealization of the soldier's sacrifice to lower levels of satisfaction. Thus, in a letter to Pollock, he wrote, "I was repining at the thought of my slow progress—how few new ideas I had or picked up—when it occurred to me to think of the total of life and how the greater part was wholly absorbed in living and continuing life—vitality—procreation—rest and eternal terror. And I hid myself except the common lot: an adequate vitality would say daily: 'God—what a good sleep I've had.' My eye, that was thinner." Now for a rattling walk—in short, realize life as an end in itself. Functioning is all there is—only our keenest pleasure is in what we might call the higher sort. I wonder if consistently an idea is any more important than the bowels."

Low is the Product of Irresponsible Will and Force

If we pass from Holmes' philosophy of life to his idea of law, the portrait changes somewhat. Viewing law from the standpoint of its ultimate foundation, he regarded it as a product of irresponsible will and force—a conclusion which necessarily followed from the philosophy above indicated. Yet, on occasion he could talk of "substantial justice" and "fair play" as a judge, when pressed too far, he could place a judicial restraint upon legislation that violated some irreducible minimum of individual right. The difference between the two attitudes appeared to depend mainly on whether he was theorizing about the law in general or whether he was adjudicating a case. In the former instance, his doctrine reflected the raw existentialism of his philosophy of life; in the latter, he reverted to traditional language of antecedent rightfulness and wrongfulness.

In legal theory, his utterances follow the familiar pattern. As above,

Holmes viewed life as a struggle between hostile forces. Since the *within ratio* was forced, the right side was the side which prevailed in the struggle. The same realism applied to law. He defined law as the prediction of the circumstances in which force will be brought to bear upon men through the courts, "the probabilities of what the courts will do in fact, and nothing more pretentious."

"So," he said, "when it comes to the development of a corpus juris the ultimate question is what do the dominant forces of the community want and do they want it hard enough to disregard whatever inhibitions may stand in the way."

In commenting upon this, Professor Harold Laski says that in his recognition of power in the community Holmes was a Spinoza "proclaiming that might gives to right its letters of credit." Accordingly, Mr. Laski describes Holmes' doctrine by saying, "Rights are not the postulates of a pre-existing framework within which law must work. They are the product of law, maintained as the possession of citizens because that part of the community which has the power to maintain them is prepared to fight to that end. Law, therefore, becomes the expression of the will of the stronger part of society; and the state is the organization of the institutions which give form and coherence to the expression so maintained." In another place, Laski says that Holmes states law "in terms of an irresponsible and unlimited will such as Holmes himself would have strongly approved." As a result of his philosophy, Holmes was much more concerned, said Laski, "with the ways of attaining ends than with the ends themselves."

Holmes Denied Existence of Natural Law

To Holmes, natural law was a fiction which arose from the fact that certain habits and institutions, such as marriage, property, respect for contractual obligations and some protection of the person, seemed to be necessary elements in any society

which from one's point of view would appear to be civilized. But these were not the product of any ethical *Ought*. They were merely rules that prescribed how we must behave if we wished to live in society. "I see no *a priori* duty," he said, "to live with others and in this way, I just supply a statement of what I must do if I wish to remain alive." Pollock disapproved of the attack on natural law because it left no ethical background for law.

The legal positivism of Holmes is further illustrated in his doctrine of external standards. In that doctrine he complained of the confusion which resulted from inclusion of the moral element to law. His point was that positive law is not concerned with morals; that law deals with external acts rather than with motives, that it means the same thing to the bad man as to the good one; and that it is an actual expression of what the community wants, not a logical deduction from ideal premises. Therefore, said Holmes, "I often doubt whether it would not be to gain if every word of moral significance could be banished from the law altogether, and other words adopted which should convey legal ideas uncolored by anything coming from the law. We should have the records of a good deal of history and the majesty got from ethical associations, but by ridding ourselves of an unnecessary confusion we should gain very much in the clearness of our thought."

Holmes attempted at clarification is itself tinged with confusion. In the light of his philosophy, his reference to "moral" itself is of questionable meaning. In his philosophy, morals can mean nothing more than what at a given time and place the people think is right (although that of course, might be the Nazi regard). True, Holmes used the language of external standards, but he used it himself against the imputation of cynicism, saying, "The law is the witness and external deposit of our moral life." But in a universe which

(Continued from page 261)

is without meaning or Ought, in which the ultimate reality is force, and which is populated by beings and which is populated by beings essentially indistinguishable from baboons or grains of sand, there can be no morals in the real sense of the term. Another point of confusion lies in Holmes' misunderstanding of the relation between morals and law. Over and again he complains of the error of "deducing" laws from moral principles. The life of the law is not logic, he says, it is experience. One may not deduce a whole set of positive rules from some ideal abstractions. The answer is, of course not. But the answer is also that it was only the grossest caricature of the natural law which gave rise to such a claim and that a real acquaintance with the doctrine would have demonstrated that a positive law is the *determinant* of a particular application of a natural moral principle, not a deduction from such a principle. A positive law is a realization of a principle of justice achieved by maintaining it to the facts and circumstances of a given environment, and it therefore possesses the relative and changeability that are characteristic of the environment. Pollock attempted to correct Holmes on this point. But Holmes stood his ground.

In view of his gross misconception of the moral order, perhaps it was too much to hope that his concept of the relationship between law and morals could be any better.

On the whole, therefore, Holmes' legal theorizing, while containing some language indicative of an ultra-positive norm, remains essentially "realistic" in the modern connotation that law is fact explainable in terms of popular will.

A Difficult Problem of Interpretation

If we turn from his lectures, speeches and articles to his judicial statements and judgments, we are confronted with another difficult problem of interpretation. There were two aspects of his judicial thinking. According to one aspect, his doctrine was a natural reflection of his moral legalism and of his romantic concept of life as

Another Aspect of His Judicial Thinking

But there was another aspect of his judicial thinking, in accordance with which he tested statutes by their reasonableness and justice, and although he usually upheld them he was not

averse to striking them down, as in the case of a statute regulating coal companies (*Pennsylvania Coal Company v. Mahon*, 260 U.S. 393). Indeed, he once complained "that the judges themselves have failed adequately to recognize their duty of weighing considerations of social advantage." More than that, he said, "The result of the often pronounced judicial aversion to deal with such considerations [of social policy] is simply to leave the very ground and foundation of judgments inarticulate, and often unconscious. . . . The question at once arises, how can this be reconciled with the judicial laissez faire so often asserted by him? If law was what the majority wanted, even though shocking or noxious, if social policy was for the legislature and not for the courts, what justification was there for a court passing upon social policy or the validity of a statute?"

His Work as Judge

Reputedly Some of His Theory

Max Lerner struggles with this question, but without any solution that I can discern. I think the reason is that there was a real inconsistency in Holmes' thought on this subject, and that in his work as a judge he actually repudiated some of the nihilism of his legal theory. His theorizing has been depicted above. Let us now look at his judicial work. The typical situation which he faced was a legislative exercise of police power, sometimes by Congress, usually by a state. His doctrine was "that the legislature could do anything which was not expressly prohibited by the Constitution. The usual question was whether the statute under consideration violated the Due Process Clause of the Fifth or the Fourteenth Amendment. It may have been an act regulating wages or hours of labor, or the use of trucks on highways, or the right of parents to choose a school for their children, or some other aspect of our daily life. The question presented to the Court was whether the regulation was a valid exercise of police power or whether it deprived a person of "life, liberty, or property,

without due process of law". And this "due process" included substantive as well as procedural rights. As stated by the Supreme Court, it included those "immutable principles of justice which inhere in the very idea of free government" (*Holmes v. Hardy*, 169 U.S. 366, 389), those "fundamental principles of liberty and justice which lie at the base of all our civil and political institutions" (*Holbert v. Louisiana*, 272 U.S. 312, 316), and those immunities "implicit in the concept of ordered liberty" (*Palko v. Connecticut*, 302 U.S. 319, 325). In other words, it included the whole gamut of natural justice. It was a far cry from the jungle-southern realism of "what the crowd wants". It was that very natural law that was rejected by Holmes' philosophy. It was the doctrine that was refused a place in the law as an implied limitation on legislative power, but that reentered the law in the express garb of due process.

Natural Law Doctrine Projected in His Work

The only solution I can make of the difficulty is that in spite of the rejection of the natural law by Holmes in his philosophy, the doctrine projected itself through his work as a judge. And it did that because it is inherent in human reason. Men may talk the language of the jungle, but they act like human beings. Holmes' action was a judicial *can't-help*. He was bound by his judgments as a reasonable man. Thus in a Massachusetts Supreme Court decision he said, "I assume that . . . speaking as a political economist, I should agree in condemning the law, still I should not be willing or think myself authorized to overturn legislation on that ground, unless I thought that an honest difference of opinion was impossible, or pretty nearly so." (*Commonwealth v. Perry*, 155 Mass. 117, 28 N.E. 1126, 1127.) This does not relieve Holmes of inconsistency. Even his ardent apologists do not attempt to relieve him of that. That Mr. Lerner says that it would take a bold man to say that the strains of legal realism in Holmes "are not balanced by strains of traditionalism" rather than change, of belief rather than skepticism". And Mr. Biddle: "Contradictory? Certainly, [Holmes] would have answered, but so too is life full of contradictions." So, on the issue of a moral basis of law, Holmes was more "practical" than his philosophy, and he had some feel what are perhaps an old man's apprehensions, that competition from new races will cut deeper than working men's disputes and will test whether we can hang together and can fight; if I fear that we are running through the world's resources a pace that we cannot keep; I do not lose my hopes. I do not pin my dreams for the future to my country or even to my race. I think it probable that civilization somehow will last as long as I care to look ahead—perhaps with smaller numbers, but perhaps also bred to greatness and

What Is the Secret of Holmes' Popularity?

I return to the secret. What is the basis for the lavish popularity of Mr. Justice Holmes?

Perhaps it would be fitting to mention first some personal characteristics. He was a child of fortune; born of a distinguished family; tall, handsome, romantic; and a hero of the

Civil War. "His conversation and bearing", says Cohen, "were like rare music that lingers in one's memory." Added to these qualities were his extraordinary health and vigor, which enabled him to remain active on the Court until his ninetieth year and to live until his ninety-fourth.

He was a talented writer. His opinions have a sharp thrust, a sure touch, a mastery, brevity, simplicity, plainness and axiomatic phrasing, an avoidance of verbiage and irrelevant, an originality and freshness that are the despair of his imitators, of whom there have been several. The result is that he continues to live in his phrases, which are standard quotations in legal literature: "clear and present danger"; "The common law is not a brooding omnipresence in the sky"; "The life of the law has not been logic: it has been experience".

His extrajudicial writings, too, have survived, at least until now. In general they reflect the underlying nihilism of his thinking upon fundamental subjects and his leaning toward a Darwinian evolutionism in place of a personal destiny. Some of them cloak an essential tawdriness of content with a lyric style. One of these may bear quoting. It is the conclusion of an address to the Harvard Law School Association of New York in 1913. He says,

"[I]f I am right it will be a slow business for our people to reach rational views, assuming that we are allowed to work peaceably to that end. But as I grow older I grow calmer. If I feel what are perhaps an old man's apprehensions, that competition from new races will cut deeper than working men's disputes and will test whether we can hang together and can fight; if I fear that we are running through the world's resources a pace that we cannot keep; I do not lose my hopes. I do not pin my dreams for the future to my country or even to my race. I think it probable that civilization somehow will last as long as I care to look ahead—perhaps with smaller numbers, but perhaps also bred to greatness and

splendor by science. I think it was improbable that man, like the grub that prepares a chamber for the winged thing it never has seen but is to be—that man may have cosmic desires that he does not understand. And so beyond the vision of battling races and an impoverished earth I catch a dreaming glimpse of peace.

"The other day my dream was pictured to my mind. It was evening. I was walking homeward on Pennsylvania Avenue near the Treasury, and as I looked beyond Sherman's Square to the west the sky was aflame with scarlet and crimson from the setting sun. But, like the note of downfall in Wagner's opera, below the sky law there came from little globes the pallid discord of the electric light. And I thought to myself the Götterdämmerung will end, and from those globes clustered like evil eggs will come the new masters of the sky. It is like the time in which we live; but then I remembered the faith that I partly have expressed, faith in a universe not measured by our fears, a universe that has thought and more than thought inside of it, and as I gazed, after the sunset and above the electric lights there above the stars in the realm of the common law, Holmes had immense learning. His lectures on that subject, which culminate in his only book, are an evidence of his love, as well as of his mastery of it. The only blot on his record as a legal historian is his depreciation of the Roman law, for which Pollock shielded him. In common law, however, few have equalled him.

Holmes' Disenfranchisement by Time

As a Supreme Court judge, his fame rests upon that most popular of all foundations, vindication by time. During his tenure of office, the majority of the Court was engaging in what Roscoe Pound called a "career of unenconsciousness". Utilizing the newly-discovered due process clause, it nullified statute after statute designed to curb the evils of economic laissez faire. Individual rights of property and of contract prevailed

over social interests. Furthermore, the process was not limited to persons; it was held to protect corporations as well. The result was that the great majority of decisions involved the interests of corporations rather than of persons. The West was being built. Big investments were made by great corporations. The states began to regulate these companies in the interest of employees and consumers.

Repugnant by the best legal talent, the companies rushed to the courts for protection against measures which threatened their objectives. The Supreme Court substituted its economic and political theories for those of the legislatures and destroyed the legislation. In protection of property, it nullified utility rates fixed by commissions. In protection of liberty of contract and of calling, it invalidated minimum wage laws and a statute which prohibited employment in a factory more than ten hours a day or very hours a week and statutes prohibiting yellow-dog contracts by which a laborer became ineligible for employment by belonging to a union.

Against such decisions, Holmes wrote his famous dissents. As seen, his action was not due to any tendencies for the personal element, but to his doctrine that social policy was for the legislatures, not the courts. In an age that has gone to the other extreme, that has replaced frontier individualism with a cradling security, it is not surprising that Holmes is popular. Regardless of whether he would have liked the paternal legislation—the probably wouldn't—his dissents have triumphed as fixing the boundaries of judicial action, and therefore he is the logical hero of the day. The irony of it is that it was the reactionary spirit of those against whom he contended, rather than any ingrained liberalism of his own, which provided him with the triumph. But current history is partial and a little judge, it acclaims those who provide the doctrine that facilitates its objectives. In that sense, Holmes above all others cleared the path in the federal courts.

Holmes' Philosophy is Congenial to Our Era

But what of his agnosticism and his philosophy of force and violence? What of his approval of law as will rather than reason? What of his dehumanizing man by his scorn of the essence which separates a person from brutes or clods of earth? What of the ignorance of purpose in life and the romantic, Hegelian exaltation of struggle and headship and command? Surely, such a philosophy would cut out from under us the very basis of the freedom and justice that we hold so dear. And surely lawmakers would seek in vain for any criterion of justice in a philosophy such as that. How, then, can a man be a national hero when his ultimate view of things strikes at the very principles on which our society was founded and rivals the thinking of those who would destroy us?

The answer lies in the simple fact that in the high realm of the intellect we have lost our principles. Holmes' agnosticism does not repel. On the contrary, Holmes is an agnostic prophet to an agnostic age. His bourgeois relativism fails to create a reaction because in an age that denies the validity of any form of knowledge but the tentative findings of the positive sciences that relativism possesses the glamour of a war cry. This relation of Holmes to his age is well summarized by Max Lerner, who says, "The fact is that Holmes' bad man standard, his rejection of natural law, and his definition of law as what the courts will in fact do, were all congenial to the mood and quality of a pragmatic America in whose practical business life the realm of fact had elbowed out the moria of morality."

The question naturally arises, which of the two will have the greater influence upon American life, Holmes the man and his decision, or his philosophy? The answer is not difficult. In the long run, Holmes himself is not important. He is gone, and his personal influence, like that of every other man, will vanish. Even his decisions—whether this stat-

ute is valid, or that—will ultimately be buried in the stream of legal history. But a philosophy survives. In the final analysis, ideas command, for good or ill. As Holmes himself remarked, the abstractions of Decartes became a ruling force a century after they were made, and Kant rather than Bonaparte governs today.

Therefore the significant thing about Mr. Justice Holmes is not Holmes the genial, Holmes the charming, Holmes the romantic, or even Holmes the great and contragious judge. Those things are the stuff of biography and drama. The significant thing is that Holmes had a very bad philosophy, and moreover that that philosophy is congenial to our time. It is the latter fact—that Holmes' philosophy arouses few repercussions amongst us—that is the truly ominous thing and the end result of this study. For if we had not lost our principles, Holmes' voice would have been a negligible dissonance in our day. As it is, his philosophy is a symbol of our intellectual wretchedness, a conspicuous example of our abandonment of those spiritual, philosophical and moral truths that have been the life of the western tradition, the foundation of our law and the strength of our Republic. I mean the recognition that it is a father-controlled world in the sense that infinitely above the struggles of men is the Providence of God; that men are not means to society but spiritual beings whose right to happiness conditions the good of society; that the *ultima ratio* is not force but a truth and goodness that are founded in the Creator and are reflected in the nature of man and society; that law is not a product of irresponsible will but a branch of ethics because its whole purpose lies in being an instrument for the common good.

In harmony with the fashion of the day, Holmes said that traditional thought is childish in looking for answers. Actually, that was the fault of Holmes himself, who made such extravagant demands of proof that he was left with impoverished

convictions. If he had only ceased asking for thunderclaps and been a little quieter and a little humbler he might have found that his famous *can't help* were not merely the indefensible offspring of his own mind but the cosmic first principles of human reason.

The crisis of Holmes is the crisis of modern society. If modern society does not solve it better than Holmes, then his dreadful philosophy may, as he himself said of all ideas, "one day mount a throne, and without armies, or even with them . . . doom across the world the electric despotism of an uncrinised power." If on the other hand, we recapture without delay the perennial insight of the Judeo-Christian tradition, then the electric despotism which is already a fact may yet be stemmed, and we may resume that march of mind and spirit which is the glory of human history. That, if we would only realize it, would be a happy solution of the secret of Mr. Justice Holmes.

Natural Law and Sterilization

■ In the April, 1950, JOURNAL appeared an interesting and well-written article by Harold R. McKinnon of the San Francisco Bar. The title was "The Secret of Mr. Justice Holmes". The article was a sharp attack upon Holmes' philosophy. Mr. McKinnon is an advocate of the natural law philosophy. I was interested in the fact that he failed to mention an opinion by Mr. Justice Holmes in *Buck v. Bell*, 274 U.S. 200. The entire Court, except Mr. Justice Butler, agreed with the opinion. The decision in this case sustained the validity of the Virginia sterilization law.

I wrote to Mr. McKinnon and asked him whether he thought that the decision was contrary to natural law. He courteously replied that he so thought. Then I wrote to him and asked whether he thought that the Virginia sterilization law was inconsistent with the Fourteenth Amendment. Again he courteously replied and stated that he thought that the Virginia statute should have been held unconstitutional "because it violated an inherent, natural right, and therefore infringed due process of law. . . ."

I can only offer this comment, that a legal philosophy that would prevent the states in this Union and the United States from enacting and enforcing a sterilization law does not appeal to me.

KENNETH C. SEARS

University of Chicago
Chicago, Illinois

Mr. McKinnon Answers Professor Sears

■ In the December, 1950, issue of the JOURNAL, Professor Kenneth Sears disagrees with me regarding *Buck v. Bell*, 274 U.S. 200, which upheld a Virginia sterilization law. Professor Sears says that a legal philosophy which would invalidate such a law does not appeal to him.

Space accorded to letters does not permit an adequate discussion of this subject. But I should like to make one point. In his opinion in the *Buck* case, Justice Holmes said, "The principle that sustains compulsory vaccination is broad enough to cover cutting the Fallopian tubes, *Jacobson v. Massachusetts*, 197 U.S. 11." Is it?

Vaccination protects the body against disease, but leaves it intact. Sterilization is a dismemberment, and not only a dismemberment, but one which invades the highest bodily function, the power to produce another human body. Putting the two operations in the same category implies that there is no limit to what

the state can do to a person in the so-called interest of society. That means that if the state can cut the Fallopian tubes, it can cut the aorta.

Justice Holmes says "the public welfare may call upon the best citizens for their lives". We call on them only for danger, not for suicide as the Japanese did.

If a philosophy which opposes sterilization does not appeal to Professor Sears, I must say with still greater emphasis that the philosophy of *Buck v. Bell* does not appeal to me.

HAROLD R. MCKINNON
San Francisco, California

Another Disapproves of Holmes Article

■ The discussion of Mr. Justice Oliver Wendell Holmes' philosophy, although it has taken a personal turn as is manifest from Ben W. Palmer's article in the November, 1951, JOURNAL, does not seem to be a private argument and I would like to enter it with this brief comment. From the notes on Mr. Palmer's article, however, I gather that the JOURNAL is limited primarily to exponents of the "natural law", that is, to Holmes' critics, and I may be barking up the wrong tree. If I am, please let me know promptly so that I may turn to the *Harvard Law Review* where the defenders of Mr. Holmes are holding forth.

Essentially, Mr. Holmes is accused of not believing in "absolute, immutable truth". Mr. McKinnon tries to give the impression that by this expression he means such truth as "that two and two are four"; that is, objective truth which is experimentally determinable. In actual fact of course, Mr. Palmer and the other proponents of "natural law" do not mean anything of the kind. They mean subjective truth, the mystic beliefs of a deeply religious person, which are rarely based on experiment and are sometimes held in spite of experimental results to the contrary. On this basis it would seem, as is actually borne out by the his-

stories of the Nazi and Communist movements, that it is Holmes' critics and not Holmes that lay a philosophical basis for Nazism and like ideologies. That these people are pointing a finger at Holmes should not surprise anyone who has watched the antics of the Nazis and the Communists in recent years.

To believe in "absolute immutable truth" one must know what the "absolute immutable truth" is and anyone who thinks he knows the absolute immutable truth is a dangerous fanatic, so to speak he is Hell bent for Heaven. . . .

It is fundamental in the law that judgment is based on acts and not on mere thoughts. The detractors of Holmes are trying to judge him on his thoughts as gleaned from their interpretation of his writings although except for Pegler who seems to be more frank than the others, they split his personality. One fact stands out strikingly in judging Holmes from his acts; Holmes would never have burned any one at the stake for disagreeing with his theories of the origin of the universe. I wonder if the believers in "natural law" can make the same claim as to the followers of their philosophy.

H. DIAMOND
Pittsburgh, Pennsylvania

Appendix Four

A List of the Firm's Associates and Partners: 1930-1964
A Selected List of the Firm's Insurance Clients: 1930-1964
A Selected List of the Firm's Corporate Clients: 1930-1964

as compiled from *Martindale Hubbell* by Vernon Goodin

1930	1940	1950	1960
Roy A. Bronson	1 2 3 4 5 6 7 8 9	1 2 3 4 5 6 7 8 9	1 2 3 4
Edward D. Bronson	P P P P P P P P	P P P P P P P P P P	P P P P P
Thomas Slavin	P P P P P P		
Gordon Keith	a		
Archibald McDougall	a a a a a		
Harold R. McKinnon	a a a a P P P	P P P P P P P P P P	P P P P P
Willard K. Downey			
Louis W. Bennett	a		
Dudley W. Sheppard	a a a		
John H. Painter	a a a a a a a	P P P P P P P P P P	P P P P P
Kirke La Shelle	a a a a	P P P P P P P P P P	P P P P P
Paul Dana	a a a a	P P P P P P P P P P	
LAWRASON Driscoll	a a a a	P P P P P P P P P P	P P P P P
C. W. Dickenson	a a a a	P P P P P P P P P P	
Louis L. Phelps	a a		
HAROLD ROPERS	a a P P P P P		
Rogers P. Smith	a a a		
Arthur L. Shannon	a a P P P P P	P P P P P P P P	
C. Wesley Davis	a		
George K. Hartwick	a a a a a a a	a a a a a a P P P P P	P P P P P
SAM J. Anderson	a a a		
W. H. Hoogs III	a a	1950	1960
Francis B. Perry	a 6 7 8 9	1 2 3 4 5 6 7 8 9	1 2 3 4
Lloyd G. Howard	a a		
Charles R. Wayland	a a a a a		
Frederick A. Potruch	a a a a a a		
Donald V. Smith	a a a a a a a		
Joseph Gans	a		
Edgar H. Rowe	a a P P P	P P P P P P P P P P	P P P P P
Edwin H. Chapman	a a a a a	a a a a a a a a a a	
H. Ward Dawson, Jr.	a a		
Robert S. Chadwick	a a a a a	a a a a a a a a a a	
John Francis Duff	a a a a		
Frederick Farr	a		
Charles F. Johnson	a		
William H. Powell	a		
Eugene J. Majeski	a a a		
John F. Ward		a a a a a a a a a P P P P	P P P P P
Max Weingarden		a a a a a a a a a a a P	P P P P P
Arthur E. Sugden		a a a a a a a a P P P	P P P P P
Leo Borregard		a a	
Vernon L. Goodin		a a a a a a a a P	P P P P P
Robert F. Kane		a a	
Edward D. Bronson, Jr.		a a a a a a a a	a a a
Donald J. Lawrence		a a a a a	a a a a a
Edward A. Morris		a a a a	a a a a
Charles A. Legge		a a a a a	a a a a
Frank E. Farella		a a a a	
Richard Power		a	
Robert E. Friedrich		a a a	P P P P P
William Guilfoyle			
Miles A. Cobb			a a a a a
Raymond A. Greene, Jr.			a a
Harold C. Nachtrieb			a a
James E. Martin			a a a
Bernard C. Kearns			a a a a
Thomas B. Swartz			a a a a

Key: a = associates
P = Partners
a, P = with armed forces.

Key: a=associates
P=Partners
@, (P) = with armed forces.

	1930									1940									1950									1960			
	1	2	3	4	5	6	7	8	9	1	2	3	4	5	6	7	8	9	1	2	3	4	5	6	7	8	9	1	2	3	4
General Reinsurance				x	x	x	x	x																							
Metro. Cas. Ins. Co.	x												x	x	x		x	x													
Pacific Indemnity Co.	x			x	x	x	x	x	x	x		x		x				x	x												
Ind. Ins. Co. of N.A.	x			x	x	x	x	x																							
Com. Cas. Ins. Co.	x												x	x	x		x	x													
Lumberman's Rec. Ass'n.	x																														
Pac. Employer's Ins.	x			x	x	x	x	x																							
Federal Surety Co.	x																														
Monarch Fire Ins.				x	x	x	x	x																							
Fireman's Fund				x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Occidental Indemnity				x	x	x	x	x	x	x		x		x																	
Loyalty Group				x	x	x	x	x	x	x	x			x			x	x	x	x	x	x									
Glens Falls				x	x	x	x	x	x	x	x	x	x	x	x	x															
Continental Casualty Co.				x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
London Guarantee				x	x	x	x	x																							
Phoenix Indemnity				x	x	x	x	x																							
Hardware Mut. Cas.				x	x	x	x	x	x	x	x	x																			
Zurich Ins. Co.				x	x	x	x	x	x	x	x	x																			
Allstate Ins. Co.								x	x	x	x	x	x	x	x	x	x														
Hartford Acc.&Indem. Co.								x	x	x	x	x	x		x	x	x	x	x	x	x										
National Casualty Ins.								x	x	x	x	x	x		x	x															
Lloyd's								x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Ohio Casualty Ins. Co.								x	x	x																					
State Farm Mutual Ins.								x	x	x	x	x	x																		
St. Paul Mercury Indem.								x	x	x	x	x	x	x	x	x	x	x													
Acc.&Cas. Ins. Co. of Winterhul, Switz.													x	x	x																
Central Surety and Ins. Corp.													x	x	x																
Employer's Casualty Co.													x	x	x																
Federal Life Ins. Co.													x	x	x	x	x		x	x											
Fireman's Ins. Co. of Newark													x	x	x		x	x													
Provident Mutual Life Ins.													x		x																
Gen. Acc. Fire and Life Ins															x	x	x	x	x												
American Casualty															x	x															
American Reinsurance															x	x															
Commercial Casualty															x	x															
Gulf Insurance															x	x															
Western National Indem. Co.															x	x															
National Cannors																			x	x											
Associated Aviation Underwriters																															
California Compensation and Fire																															
Liberty Mutual																															
Continental Insurance Companies																															
Associated Aviation Underwriters																															
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