

Former Judge James Crandall: Notes on the Judiciary



Attorney at Law Magazine sat down with former Judge James Crandall following his transition to Judicate West. Judge Crandall has over 50 years of experience, including a decade on the Orange County Superior Court. Recognized for his integrity and excellence, he has tried 164 cases to verdict and holds the rank of diplomate with the American Board of Trial Advocates.

AALM: What inspired you to pursue a career in law, and how did you get your start in the legal profession?

JC: During high school and college, I watched the civil rights movement on TV and realized that lawyers and the courts ensure equality and fairness to all. I also started to question the arbitrary rules at school and at home, and both my father and my football coach suggested I become a lawyer. During law school, I got a job at a litigation firm. I loved the competitive aspect of litigation and was a trial lawyer until I became a judge, where I found I enjoy bringing closure to people's disputes most of all.

AALM: In your opinion, what qualities are essential for a successful judge, and how do you cultivate those qualities in yourself?

JC: The qualities essential for a successful judge include humility, impartiality and mercy.

Humility because you must realize you cannot make the law or change the law – that is the function of the legislature. Humility is also required so the parties feel respected and comfortable in your court.

A judge must also be impartial in applying the law – a concept symbolized by the blindfold on the Statue of Justice. The largest verdict in my courtroom was against a lawyer who was an associate in my law firm and a friend for 25 years.

Mercy is essential because a judge must recognize that the parties and lawyers are human beings that make mistakes and sometimes need a break. When I was serving on a criminal assignment, I had a case with a young prostitute who violated probation. She was facing six months in jail. I suspended her sentence for six months on the condition that she complete a semester of community college. Each semester, I suspended her sentence if she completed a semester of school. By the time I was transferred to a civil courtroom, she had finished three semesters and had a 3.42 GPA. She also received the most improved student award in her debate class. I used a similar approach with nine other young probation violators during my time in the criminal court. And it's not just the parties to the case that necessitate mercy, lawyers may miss a deadline or need a continuance for a family vacation. Judges must keep the human side of the practice of law in mind when making decisions on procedural issues, as well.

AALM: Can you describe a case you presided over that you found particularly interesting or impactful, and why?

JC: One of my most interesting cases dealt with a dispute between the board of education and the superintendent of public instruction. Per the Education Code, they are supposed to be partners in running the school district. The dispute caused a conflict that prevented them from working together on several important issues affecting the school district. Throughout the lengthy trial, I continued to suggest that the lawyers and the parties work on a settlement rather than have me make a ruling that the losing side would certainly appeal. At the conclusion of the trial, the lawyers expected me to take the matter under submission. When I told them I was ready to announce my decision from the bench, the lawyers asked me to give them one more chance to reach an agreed resolution. I gave them overnight. The next morning, they advised me they had settled the case. This brought finality to a dispute that could have lasted a couple of additional years.

AALM: What advice would you give to young law students or aspiring judges who are just starting out in their careers?

JC: My best advice to the new lawyers who came to practice in my firm was to read Abraham Lincoln's address to the newly admitted members of the Illinois State Bar in 1860. His advice is still all a law student or new lawyer needs 163 years later.

He advised the new lawyers to promptly reply to all correspondence; to research the law before filing the complaint; to encourage your friends and neighbors, not settle their disputes; to be honest in all you do; and to drive dishonest lawyers out of the profession. Just Google, "Notes on the practice of law, Abraham Lincoln." It's how to practice in a nutshell.

AALM: How has the legal profession changed over the course of your career, and what do you see as the biggest challenges facing the judiciary today?

JC: While I can't speak to all areas of the law, I can say that litigation practice has become more document intensive and more reliant on expert witnesses. It is, therefore, more expensive for the client. Lawyers and the legislature should come up with new ideas to streamline the process.

I have been pleased by the continuing insistence on civility and professionalism. When I was a law clerk in 1970, one of the partners I worked for was trying a high visibility product liability case and asked me to deliver a document he needed to a restaurant where he was eating lunch. I was surprised to see him dining with his opposing counsel. I am hopeful that sense of collegiality will continue. The American Board of Trial Advocates actively promotes collegiality between opposing counsel, and our California Bar Association recently added a section to our oath that requires all lawyers to be civil and professional in all dealings with opposing counsel.

In terms of challenges facing the judiciary today, I would say there are two big, separate issues:

First, the California Governor's failure to fill vacant judicial seats has placed a great burden on many of the state's counties that are struggling to get cases to trial in a timely manner. Of course, this hurts both the litigants and their lawyers, but more critically, it clearly presents a serious access to justice issue.

Secondly, a new evidentiary issue facing judges is how to handle the evidence being generated by artificial intelligence (AI). There will be some significant issues to resolve regarding authentication, foundation and admissibility of AI-generated evidence. These new challenges that arise with the ever-evolving law make the legal practice invigorating. There is something new to be learned every day.

AALM: What do you consider to be your biggest achievement or success as a judge so far?

JC: I hope that I had a positive impact on the lives of the young probation violators who I encouraged to go to college, as well as the other young people to whom I gave a second chance to set their lives straight.

Additionally, it has been rewarding to hear that people leave my court knowing that I listened, that they were heard, and that they got their day in court. We can't guarantee a favorable result to any litigant, but they seem to be satisfied if they feel we gave them a fair opportunity to fully state their case. Awards, such as the ABOTA Judicial Civility award and the Orange County Trial Lawyers Association Judicial Excellence award, also speak to the fact that lawyers feel respected in my courtroom.

AALM: Outside of your professional life, what are some of your hobbies or interests that help you unwind and maintain a healthy work-life balance?

JC: I have tried to maintain a healthy work-life balance by competing in track and field, flying, attending our grandchildren's events, and gardening.

For the last 23 years, I have competed in Masters track meets in the 50-, 100-, and 200-meter dash events. The training and competition inspire us to put our best effort into all we do – which spills over into other aspects of life.

Flying is not just fun, it also requires a desire to keep learning. I am instrument rated and have flown more than 2,000 hours in our Beechcraft Bonanza and our Cessna 182. My wife and I recently checked off one of our bucket list items by flying across the country to Bar Harbor, Maine and back. Other adventures are being planned.

We also have enjoyed watching our grandchildren grow. There is always a recital, baseball, soccer or football game, or graduation to attend – in fact, one of our grandsons just graduated from Columbia Law School.

The pressures and stress of my law practice and my judicial duties have always been quickly relieved by some time in the garden. My wife and I are fortunate to have a large variety of roses, geraniums, and fruit trees, as well as an organic vegetable garden, to allow us to quietly enjoy the beauty of nature while exercising the artistic side of our brains. The silence of the garden is a soothing break from the cacophony of the courtroom.