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Walter Gorelick: Mr. Equity

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**PROFILES
IN
PROMINENCE
2010**

EDITED BY

DAN AND PATRICIA ANGEL

*“... you’d be surprised at what you
can accomplish if you just put in a little
more time talking to people.”*

- Walter Gorelick

WALTER GORELICK

MR. EQUITY

When Judge Walter Gorelick was a student at Golden Gate School of Law, he still thought he could help solve problems in society. He has learned, during a lifetime of law practice, that there is no panacea—nothing will solve every problem completely. Nevertheless, Judge Gorelick always wanted to make a difference, and he has done so, serving the community in Tulare County as a public defender and as a judge since 1971.

Walter Gorelick fondly remembers Golden Gate and his education here; although he admits he did not enjoy taking all the required classes (some simply did not interest him). He later recognized that even those classes proved to be important. His law school education helped him understand the notion that the law encourages partnership within the community and that the law should be used to make the community a better place.

Walter L. Gorelick grew up in Los Angeles. In 1967 he earned his bachelor's degree in history at the University of California at Los Angeles. He was close to his parents and attending UCLA allowed him to remain nearby. After college, however, he felt it was time to see more of California. He came to Golden Gate in San Francisco to experience attending a school much smaller than UCLA. His experience was positive. A lot was going on in San Francisco in 1968, a year of national upheaval, near the height of the Vietnam War, and at the beginning of the vocal anti-war protests that marked the 1960s and 1970s. He recalls the law school being shut down during one political demonstration while he was here.

Shortly after obtaining his law degree in 1970, he found a job in the Public Defender's Office of Tulare County, where he thought he would stay for a short time. Forty years later he has become a pillar of his adopted community.

During his years in the Public Defender's Office, from 1971 to 1980, Walter rose to become chief public defender for Tulare County in 1978. He was appointed to the Tulare County Municipal Court by then-Governor Jerry Brown, on May 1, 1980. In 1998 California county courts were unified by law and Judge Gorelick was elevated to the Tulare County Superior Court that same year. It is rare for a judge to be appointed from the ranks of public defenders, or for anyone to serve on the bench for thirty years.

Walter inherited his devotion to public service. Before the Nazis overtook their homeland during World War II, his grandparents emigrated from Belarus to the United States, later settling in California. They came to the United States seeking freedom, but noticed many problems once they had arrived. They were people who sought to make things better wherever they could, he explains.

He describes his father as intelligent and hard-working, and although he never went to college, highly successful in business. During his childhood the family was not particularly well-to-do, but Walter recalls that his parents were later rewarded for their dedication and hard work.

His mother, Dr. Molly C. Gorelick, was his role model and also something of a pioneer in her profession. At a time when relatively few women were doing so, she earned her bachelor's and doctoral degrees from UCLA and went on to gain recognition for her work in the field of child development and for advising parents and schools on how to work with children—gifted, normal or disabled and exceptional. In 1975, she told the *LA Times*, "Every single child is wired differently." She was a

teacher and counselor for the Los Angeles Unified School District from 1948 to 1961. After teaching and conducting research at UCLA and the University of Southern California, she served from 1963 to 1970 as the chief of guidance services for the Los Angeles Exceptional Children's Foundation. Dr. Gorelick was also a professor of home economics, retiring from California State University, Northridge.

In addition to numerous scholarly articles for such publications as the *American Journal of Mental Deficiency*, Dr. Gorelick co-wrote a five-volume series of educational and entertaining books for children: *Fire on Sun Mountain*, *Flood at Dry Creek*, *Storm at Sand Point*, *Fog Over Sun City* and *Snow Storm at Green Valley*. The books, written with Jean Boreman, were published in 1967 and 1968 by specialty book publisher, Ward Ritchie.

Later in life, his mother became an artist. Although she was best known as an authority on educating children with special needs, "she began sculpting in her seventies and quickly discovered she had more than a little talent," he says. There have been other artists in Judge Gorelick's close family. His uncle Boris was a well-known muralist, who worked in the movie industry. An aunt, Frances Heflin, appeared on the television day-time serial, *All My Children*, from 1971 until 1993; her brother was the well-known movie actor, Van Heflin; and her son is the movie director, Jonathan Kaplan.

His parents were active in community affairs and Walter credits them for his belief that serving the public is essential to living life well and that protecting peoples' rights was his calling. Looking back, he remembers a normal childhood that had no particular influence on his ultimate career choice. Although he didn't aspire to become a lawyer as a young man, he was always interested in public issues and realized that the law could help further issues of benefit to the public.

His wife Ellen is also an artist and teacher. She was named the 2006 Woman of the Year in State Assembly District 34 for her contributions to Tulare County, recognizing her dedicated involvement with the arts. A former art teacher, she served more than twenty-five years with the Tulare City Historical Society and as the executive director and chief curator of the Tulare Historical Museum.

Walter's special interest in criminal law led him to his first job in the Public Defender's Office in Tulare County. He was one of the first lawyers to be certified as a criminal-law specialist by the California State Board of Legal Specialization, in 1977.

Always a methodical, disciplined person, if he feels strongly about a matter, he does what it takes to do the job required. Helping others is his chief aspiration in the practice of law. Once, as a public defender, he tried a serious case that ended in his client's conviction. The case was reviewed on appeal, the conviction overturned, and he won it on retrial. In this case, the defendant was innocent—one of the few truly innocent people he defended. He spent thousands of dollars and hundreds of hours defending that client, and his dogged determination spared an innocent individual.

Upon elevation to the bench, Judge Gorelick observed that as a judge one must "try to be fair to all the parties that come before you, listen carefully to the arguments that both sides are presenting, and try to reach an informed and fair decision." By contrast, lawyers advocate for a particular position.

Coming from Los Angeles and from law school in San Francisco, Tulare County was a bit of an adjustment for him. Tulare County, southeast of Fresno, was and remains primarily a rural, agricultural area, although it has become slightly more urbanized during the years he has lived there. His personal views might not always agree with prevailing local political views, but he believes strongly that the office of judge is truly non-partisan.

What Judge Gorelick enjoys most about the law is the interplay. He likes being with people and feels all people should be treated equally. Much of that point of view was gained by the diverse group of people with whom he went to school in Los Angeles and San Francisco.

In his thirty years on the bench, Judge Gorelick has heard a variety of cases, ranging from small claims to cases involving fortunes. "Some may feel that a case involving \$100,000 is certainly more significant than a case involving \$100, but for the person who is suing for \$100, it's a very important matter." For the litigants, there are no small cases.

When the municipal and superior courts were merged in 1998, he became a superior court judge, gaining the authority to send convicted felons to prison. Sentencing someone to prison is not a matter to be taken lightly.

Administering justice requires helping people change their lives. "I can simply give all these court orders to people, but there are so many who come in here that need monitoring and encouragement." He and his colleague, Judge Glade F. Roper, were assigned to handle the large number of substance-and domestic-abuse cases in Tulare County. He is proud to be one of the judges who ran a specialized program to help people with drug-abuse problems.

"By giving every defendant a lecture, he says he's making a difference in the lives of many," says Andy J. Rubinger, a former Tulare County deputy public defender. The judge agrees, acknowledging, "It might be more time-consuming and it may mean my calendar will go a little slower, but you'd be surprised at what you can accomplish if you just put in a little more time talking to people."

Judge Gorelick also puts time into talking to the lawyers who appear in his courtroom. He has learned a lot in his courtroom

and because of that he really knows the law. “He is patient and considerate. That’s what makes him a great teacher,” says Rubinger. Another attorney, Joyce Frazier, who also has practiced in the Tulare County Public Defender’s Office, has appeared in the Gorelick courtroom since 1987. “He’s his own best law clerk in the county,” she says. “He finds all those obscure laws. He may not be the quickest for sentencing, but his analysis covers all the legal aspects of his rulings, and he makes a good record of all the proceedings.”

The judge carries this view into his relations with people outside the courtroom. “I believe in providing information to the media on how the system operates,” he says. “I do think that a lot of people don’t understand how the system works and I think we have the responsibility to help explain. If we do it successfully, people will have more confidence in the system.” Tulare attorney Dennis Mederos has said that the judge “takes great pains to give reasoned decisions with fundamental fairness.”

“Attorneys might not approve of the time it takes, but I’m cognizant of people who are sitting there who are not attorneys,” the judge explains.” Paul Vortmann, former presiding judge of the Tulare Superior Court, adds that other judges frequently turn to Walter Gorelick for advice on criminal law.

Both thorough in his study of the law and methodical in its application, “people don’t realize he is a scholar,” Visalia attorney Antonio Reyes says. “On law and motions, you won’t get anything over on Walter; he knows it backward and forward.” The judge, in return, expects attorneys who appear in his court to be prepared. He has said that his greatest challenge is being patient with new attorneys. Attorneys should have done their homework and being argumentative, raising voices, or demeaning opposing counsel are behaviors that do not impress this judge. He expects attorneys practicing in his courtroom to arrive prepared to be persuasive using solid argument. They should also be ready with specifics and to offer sentencing options for consideration. It is not enough simply to ask the judge

to reduce a defendant's sentence. "The overwhelming majority of attorneys do understand that and try to do a good job," he says, adding that he was once a new lawyer, too, and practitioners have to start somewhere.

In 2007, Judge Gorelick was summoned to jury duty. Judges are not exempt from jury duty and so he appeared at the Visalia Courthouse jury room. He did not exercise his privilege to park where judges park; instead he parked with the rest of the jurors. "People were late getting back after lunch because of parking issues and a number of them complained." He took that issue to the next judges' meeting. Although later excused, his time in the jury pool revealed to him the impact jury service has on those called to duty.

As with many who have amassed a lifetime of knowledge and inherited a mission for teaching, Walter Gorelick is a widely published legal author. His books, all published by Tule Legal Press, include *Summary of California Drug Cases and California Search and Seizure Cases*; *Summary of DUI Cases* seventh edition; *California Preliminary Hearing Courtroom Handbook* fifth edition, and *Summary of California Criminal Evidence and Trial Cases* fifth edition. (Judge Gorelick graciously donated a copy of his two-volume, *Summary of California Criminal Evidence and Trial Cases* fifth edition, to the Golden Gate University Law Library.)

Keeping with his penchant for conveying information about how the criminal justice system works, he has spoken before many bar groups in California on criminal law subjects, including sentencing in driving-under-the-influence cases, legislation in DUI cases, as well as preliminary hearings following the passage of Proposition 115. That proposition, which passed in 1990, made several noteworthy and complicated changes in criminal law as well as in certain judicial procedures that must be followed in criminal cases.

Now that he's been on the bench for three decades, Judge Gorelick offers some thoughts regarding the courts, the financial crisis, and on state-mandated, unpaid furlough days. Furlough days for judges, due to the state's fiscal shortfall, are matters of controversy among the judiciary. They wreak havoc on the court calendar, at the very least.

The judge is also concerned about the building of new courthouses, and that state judicial administrative offices retain highly paid staff, while other court employees have lost their jobs. Before the financial crisis, public agencies in Tulare County were not paying their personnel well enough, he explains, and there was a lot of staff turnover. Now that the job market has constricted—Los Angeles recently laid off three hundred court employees—there is less turnover, and therefore, more experience and stability among the public offices.

Tulare County, like some other counties, is undergoing the consolidation of courthouses and eliminating courthouses in outlying areas. He believes it is important for the public to be served by local judges—those who live and work in their community—and that courts should be close to the people they serve. The judge has been a champion of keeping courts in outlying areas of the county open.

Regarding concerns about job prospects for lawyers, he observes wryly, “criminals are still working.”

In his personal life, Walter thinks it may be time to plan to do some traveling and to give something back, something even beyond his four decades of public service, and to his law school alma mater. As part of his estate planning he has established criminal-law scholarships at GGU Law for students interested in practicing criminal law.

In a 2005 interview, commenting on his twenty-five years as judge, Police Chief Roger Hill said, “We were very fortunate to

get him here in Tulare.” We at GGU are fortunate to count him among our extended family.

This story was written by Michael Daw, Associate Dean and Director of the Law Library at Golden Gate University.

Judge Walter Gorelick was interviewed by Mr. Daw on March 17, 2010.

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