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## Introduction: Reflections From a Time of (Near) Disaster and Renewal

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# INTRODUCTION

## REFLECTIONS FROM A TIME OF (NEAR) DISASTER AND RENEWAL

CATHY CATTERSON\*

**Abstract:** In welcoming the latest edition of the Golden Gate University Law Review's annual Ninth Circuit Survey, the Ninth Circuit's Court and Circuit Executive reflects on the 25th Anniversary of the Loma Prieta earthquake and its impact on the court.

The invitation to write the introduction to this year's edition of the Golden Gate University Law Review's annual *Ninth Circuit Survey* led me to reflect on the twenty-fifth anniversary of the 1989 Loma Prieta earthquake, which had an enormous impact on our court and our historic headquarters building at Seventh and Mission Streets in San Francisco. The Beaux Arts style United States Courthouse and Post Office of 1905 was designed in an earlier, more opulent age,<sup>1</sup> and once held many federal agencies as well as the federal district and circuit courts.<sup>2</sup> The original structure was so well built that it withstood the Great 1906 San Francisco earthquake, when so much of San Francisco was damaged.<sup>3</sup>

On that fateful afternoon in 1989 when the Loma Prieta earthquake struck the Bay Area<sup>4</sup> and our courthouse, my first reaction was how

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\* Court and Circuit Executive, United States Court of Appeals for the Ninth Circuit. The author expresses appreciation to Kathleen Butterfield, Ninth Circuit Staff Attorney, for her help in the preparation of this Article. The views expressed are solely those of the author.

<sup>1</sup> Dyer, Francis J., A Post Office That's a Palace: Details Concerning the Magnificent Structure Uncle Sam has Built in San Francisco., *Sunset Magazine* 15, 339-351, 339 (Aug. 1905).

<sup>2</sup> See Richard Cahan et al., *The Court That Tamed the West: From the Gold Rush to the Tech Boom*, 152 (2013).

<sup>3</sup> See *The Great 1906 San Francisco Earthquake*, U.S. Geological Survey Earthquake Hazards Program, <http://earthquake.usgs.gov/regional/nca/1906/18april/> (last updated May 27, 2011).

<sup>4</sup> See *Historic Earthquakes: Santa Cruz Mountains (Loma Prieta), California*, U.S. Geological Survey Earthquake Hazards Program, [http://earthquake.usgs.gov/earthquakes/states/events/1989\\_10\\_18.php](http://earthquake.usgs.gov/earthquakes/states/events/1989_10_18.php) (last updated Oct. 21, 2009).

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lucky we were because no one in the building was hurt - badly shaken, yes, but physically okay. I was in my office on the first floor, a magnificently paneled room that once belonged to the U. S. Postmaster. Historic chandeliers, 22 feet above my head, swayed as I dove under my desk with the building's granite exterior groaning around me. When the shaking stopped, we thought that the worst was over. While power and phone service was lost, many court staff stood together outside on Mission Street amid rumors that the Bay Bridge had collapsed and the Marina District was on fire. We didn't get much sleep that night after piling into a car to go to a fellow employee's San Francisco home.

The next day, court staff came to work as usual, if they could, and started to clean up the files and books that had fallen to the ground. Soon thereafter, building inspectors informed us that the structure was unsafe, and we later learned that a seismic retrofit of the entire building was necessary.

When the "red tag" for immediate evacuation was placed on the door, no one knew how long it would take to fix the courthouse. We hoped we could return in a few days or months, but we were locked out for the next seven years.

Meanwhile, the court kept going.<sup>5</sup> We found nearby office space for the Ninth Circuit judges based in San Francisco plus our 200 employees, but we also had more specialized needs: courtrooms suitable for three-judge appellate hearings, accessible storage for thousands of heavy books and case files, and room for our specialized computer equipment.

Because of the dedication of our incredible staff, the court never missed an oral argument calendar during 1989 and 1990. Our staff worked night and day to get us running again after the earthquake. One staff attorney hand-carried the court's only answering machine to a temporary office at 10 UN Plaza in San Francisco's Civic Center, directly over the Carl's Jr. fast food restaurant which is still located on the ground floor. That staff attorney today is our Clerk of Court: Molly Dwyer.

Our Circuit Librarians evaded building inspectors to grab the necessary legal research books to set up our judges and staff in temporary space on Market Street. Our Computer Unit employees worked day and night to transport our computers to, among other sites, an office building in South San Francisco, where we had borrowed computer access from the company that printed court opinions. From

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<sup>5</sup> See Stephen L. Wasby, *The Loma Prieta Earthquake and the Ninth Circuit Court of Appeals*, 11 W. Legal History 185, 186 (1998).

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that building on Oyster Point Boulevard, we were able to reconnect the court's email within 3 days of the earthquake. Many of our Opinions and Dispositions staff ended up working down there, too. I don't even want to think of how our Procurement Unit was able to buy, beg, and borrow the equipment we needed to start up again. Our Records Clerks had to pull carts full of case materials from our shuttered building to the district court at 450 Golden Gate Avenue, so that the briefs and records for cases could be shipped to the judges. Docketing staff volunteered to go to our courthouse in Pasadena to docket cases there. Many staff attorneys worked from home, since their access to on-line research materials was better from a home computer than from the space over the Carl's Jr. Within two weeks, we had rescheduled oral arguments from the historic courthouse to courtrooms we borrowed from the District Court, the Tax Court, and Hastings Law School.

Looking back on those hectic days and weeks which followed the earthquake, and then through the months and months of disruption the followed - what I remember most is the staff who worked so hard to keep the court running as it should. Today, 25 years later, I remain proud of the court's past and current employees, who continue to exhibit the same dedication.

By late 1991, all of the court's headquarters staff were reunited in our long-term temporary quarters at Two Rincon Center in San Francisco, and in 1993 Congress agreed to fund the necessary seismic retrofit to our historic building.

Just as we were lucky that no employees were injured by the earthquake, the timing for our retrofit was another stroke of luck. We had the benefit of a recent engineering innovation designed to provide seismic safety in historic buildings such as our courthouse, without ruining its architectural integrity or marble-lined interior. The solution was a friction pendulum base isolation system that contains 256 steel ball bearings inserted under every weight-bearing column in the building.<sup>6</sup> The result was a gorgeous renovation, both safe and beautiful.<sup>7</sup>

Our official return to the historic courthouse was on October 17, 1996, seven years after the Loma Prieta earthquake led to the building's restoration and renewal. A few years later on the Centennial Anniversary, August 29, 2005, it was officially renamed the James R. Browning United States Courthouse, to honor one of the court's longest

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<sup>6</sup> This retrofit won national and international awards. See website for lead architecture firm Skidmore, Owings and Merrill, U.S. Court of Appeal – Structural Engineering (last visited Oct. 20, 2014), available at [www.som.com/projects/us\\_court\\_of\\_appeals\\_structural\\_engineering](http://www.som.com/projects/us_court_of_appeals_structural_engineering). See also Skidmore, Owings and Merrill, U.S. Court of Appeals, [www.som.com/projects/us\\_court\\_of\\_appeals](http://www.som.com/projects/us_court_of_appeals).

<sup>7</sup> Betsky, Aaron, *Isolated Grandeur*, *Architecture Magazine*, p. 146 (Jul. 1997).

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serving jurists who had done so much for the Ninth Circuit and whose strong support helped us return to this building.<sup>8</sup> In 2012, the Browning Courthouse was recognized as a National Historic Landmark.<sup>9</sup> The staff and judges of the Ninth Circuit are honored to have the Browning Courthouse, and other historic courthouses, entrusted to our care.

As readers peruse this issue of GGU's Ninth Circuit Survey, I hope you will consider coming to observe one of the oral arguments held in our courthouses each month. You may see one of the cases that will be the subject of an upcoming Survey. Our hearings are open to the public, and we invite lawyers, law students and anyone interested in the law. In addition, the Browning Courthouse offers monthly public tours of the historic building, where docents provide information about its architecture and its history. The Ninth Circuit public website<sup>10</sup> includes links to our upcoming calendars of oral arguments and the schedule for our public tours. Everyone is welcome to attend.

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<sup>8</sup> See Ninth Circuit United States Courts, 2005 Annual Report, p. 17-19, available at [www.ca9.uscourts.gov/publications/AnnualReport2005.pdf](http://www.ca9.uscourts.gov/publications/AnnualReport2005.pdf).

<sup>9</sup> On October 16, 2012, Kenneth Salazar, U.S. Secretary of the Interior, declared the James R. Browning United States Courthouse a national historic landmark. See <http://home.nps.gov/applications/release/print.cfm?id=1398>, nomination [www.nps.gov/nhl/news/LC/spring2012/USPOCHSanFran.pdf](http://www.nps.gov/nhl/news/LC/spring2012/USPOCHSanFran.pdf).

<sup>10</sup> See United States Courts for the Ninth Circuit, [www.ca9.uscourts.gov](http://www.ca9.uscourts.gov). See also Oral Argument Dates & Locations, United States Courts for the Ninth Circuit, [www.ca9.uscourts.gov/calendar/](http://www.ca9.uscourts.gov/calendar/). See also Tours, United States Courts for the Ninth Circuit, [www.ca9.uscourts.gov/information/tours.php](http://www.ca9.uscourts.gov/information/tours.php).