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In re:

JUDGE BERT M. GOLDWATER

Reno, Nevada
March 24, 2000

VIDEOTAPED CONVERSATION WITH JUDGE BERT M. GOLDWATER
INTERVIEWED BY URSULA STELZNER

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Proceedings recorded by electronic sound recording, transcript produced by transcription service.

1 INTERVIEW BEGAN

2 MS. STELZNER: This is the oral history of --

3 JUDGE GOLDWATER: I should be looking at the camera.

4 MS. STELZNER: No, you can look at me. You can look
5 anywhere you want. Okay?

6 JUDGE GOLDWATER: All right.

7 MS. STELZNER: This is the oral history interview.
8 Today is March 24th, the year 2000, and my name is Ursula
9 Stelzner, I'm am an employee of the U.S. Bankruptcy Court and
10 I am interviewing the Honorable Bert M. Goldwater.

11 Judge Goldwater, can we know what the "M" stands
12 for?

13 JUDGE GOLDWATER: Mortimer.

14 MS. STELZNER: Mortimer.

15 JUDGE GOLDWATER: Yeah.

16 MS. STELZNER: Well, there's a solid name, huh?

17 JUDGE GOLDWATER: But it's kind of interesting
18 though, I was named by my grandfather of the Hebrew names,
19 Orf Mortica and that translated in English to Bertrum
20 Mortimer, and I don't used the Bertrum, I just use the Bert.

21 MS. STELZNER: Bert, mm-hmm.

22 JUDGE GOLDWATER: And I -- and but I -- I use the
23 "M" because when I cross the "T" for Bert, I come right to the
24 M and I write my name.

25 MS. STELZNER: Great. Judge, I understand you were

1 born on January 4th of 1915?

2 JUDGE GOLDWATER: That's right.

3 MS. STELZNER: And in San Francisco, is that
4 Mariposa County up there?

5 JUDGE GOLDWATER: Is that a what?

6 MS. STELZNER: Mariposa County?

7 JUDGE GOLDWATER: No, no, that's San Francisco
8 County.

9 MS. STELZNER: San Francisco County, mm-hmm.

10 JUDGE GOLDWATER: And I was born in Adler Sanitarium
11 on Van Ness Avenue, which no longer exists.

12 MS. STELZNER: Mm-hmm.

13 JUDGE GOLDWATER: It wasn't a hospital, it was
14 called sanitarium.

15 MS. STELZNER: Yeah, mm-hmm.

16 JUDGE GOLDWATER: And I was delivered by a -- what
17 my mother calls a society doctor, Reginald Knight Smith and
18 the coincidence of that was that, my late wife, my last wife
19 and I were going to go to Europe on our honeymoon and we had
20 to produce our respective birth certificates and it showed
21 that Reginald Knight Smith also delivered her, ten years
22 later.

23 MS. STELZNER: Oh, is that right? Did you know
24 that?

25 JUDGE GOLDWATER: No, I didn't know it until we saw

1 the birth certificates.

2 MS. STELZNER: Wow, that's a great coincidence.

3 JUDGE GOLDWATER: The same doctor delivered us both
4 ten years apart.

5 MS. STELZNER: That's a great story. How -- do you
6 have recollections of San Francisco?

7 JUDGE GOLDWATER: Very, very few. I left there when
8 I was four years old in 1919. Because I had caught the flu
9 during World War I and I was developing asthma and I was sent
10 here to Reno to live with my grandmother, my mother's mother,
11 because the doctor felt at that time that I should live in a
12 high dry climate. So, what I remember of San Francisco is
13 that we lived on Palm Avenue and a few fleeting memories of my
14 mother bringing home my little sister once and also I remember
15 that they had a tent on the corner where people voted. And I
16 remember that voting tent --

17 MS. STELZNER: Mm-hmm.

18 JUDGE GOLDWATER: -- on Palm Avenue, but outside of
19 that I don't remember anything about my first four years in
20 San Francisco.

21 MS. STELZNER: Mm-hmm. And there's yourself and
22 your sister? Any other --

23 JUDGE GOLDWATER: Well, I have -- I have two sisters
24 and a brother.

25 MS. STELZNER: And where are you in the chain of

1 all?

2 JUDGE GOLDWATER: I'm the second born.

3 MS. STELZNER: Mm-hmm.

4 JUDGE GOLDWATER: My older sister died a couple
5 years ago and then my brother is a lawyer, David is his name,
6 he lives in Las Vegas and my little sister lives in San
7 Francisco.

8 MS. STELZNER: Mm-hmm. Great. And your parents,
9 your grandparents, where -- where are your people from? What
10 brought you to the United States?

11 JUDGE GOLDWATER: My grandparents on my father's
12 side were Polish from Poland and they -- they were brought
13 over to England by English Charities because of the
14 discrimination against the Jews in Poland. English Charities
15 were removing people of Jewish faith to England and so they
16 were brought over and they landed in a place in London and
17 from there they were sent to the United States by the Charity.
18 The first place they went to was Lincoln, Nebraska because
19 they -- they felt too many Europeans were coming into New
20 York. They tried to disseminate these people, so that was my
21 father's mother and father.

22 And my mother's mother and father were from Odessa,
23 on the Black Sea.

24 MS. STELZNER: Mm-hmm.

25 JUDGE GOLDWATER: And my grandfather came over here

1 because he signed up to work as a track laborer on the
2 Canadian Pacific Railroad, so he -- he was brought over to
3 work and he came into Canada and he worked on the tracks of
4 the railroad all the way across to Vancouver and from there,
5 Vancouver, he came across the line and ended up in Colorado
6 and then finally in Nevada.

7 MS. STELZNER: Mm-hmm. Mm-hmm. So, now, you're
8 four years old, you've moved to Reno to live with your
9 grandmother.

10 JUDGE GOLDWATER: Yes.

11 MS. STELZNER: Was your grandfather still alive then
12 or?

13 JUDGE GOLDWATER: Yes, both my grandmothers and
14 grandfathers were alive by -- by some time then, my
15 grandfather on my mother's side had come from Vancouver to
16 Colorado and because of my grandmother's health and then they
17 were told that Reno, Nevada was a good place, a healthy place.
18 They came here, they stopped here and my grandfather and
19 grandmother lived here. And this is where my -- and my mother
20 was born in Vancouver and she went to high school in Colorado
21 and then when she came here, then she met my father and she
22 moved to San Francisco. But my grandmother and grandfather
23 stayed here.

24 MS. STELZNER: Mm-hmm.

25 JUDGE GOLDWATER: My father's mother and father from

1 Nebraska went to Idaho, and then from Butte -- oh, no,
2 Montana, pardon me. To Butte, Montana and from Butte,
3 Montana, they went to Oakland, California and they were living
4 in Oakland, California when I was a little boy.

5 MS. STELZNER: Mm-hmm. And what was their
6 occupation? Work?

7 JUDGE GOLDWATER: My mother's father had a workman's
8 clothing store. He had boots and all kinds of overalls and
9 blankets and things like that, and he had a store on Lake
10 Street here in Reno and he sold mainly to working men. They
11 bought their clothes there, because there were no big
12 department stores or anything. And working men bought their
13 gloves, hats, and stuff in that kind of store, there were a
14 few of those -- a few stores like that.

15 And my dad's mother and father also were in the
16 clothing business, and so in Butte, Montana they had a store
17 and they sold merchandise mainly, not only working clothes but
18 merchandise. But my grandfather on my father's side was a
19 very pious man and he didn't work in the store very much, it
20 was my grandmother who ran the store; and kept the stacks of
21 clothing straightened out and collected the money and made the
22 sales and so on.

23 MS. STELZNER: Mm-hmm.

24 JUDGE GOLDWATER: But they -- they all had families
25 which helped them. For instance in my mother's family there

1 were a lot of girls and one boy. And in my grandfather's
2 family there were five sons and three daughters.

3 MS. STELZNER: So you come from big families?

4 JUDGE GOLDWATER: From big families. Yes,
5 originally, yes. Yes.

6 MS. STELZNER: Did you work in any of the stores?

7 JUDGE GOLDWATER: Oh, no.

8 MS. STELZNER: No?

9 JUDGE GOLDWATER: See, I was a little boy in 1919
10 and when I came here my grandmother and grandfather were here
11 and we lived in -- they had an -- they had an apartment and
12 later bought and built a house here in Reno.

13 MS. STELZNER: Mm-hmm.

14 JUDGE GOLDWATER: But they lived in an apartment.
15 My grandfather had a store. And one of his daughters lived
16 here and she was married to a man here named Marymont,
17 M-A-R-Y-M-O-N-T. Louis Marymont and he had a very exclusive
18 lady's store on Virginia Street in Reno and so -- and so I had
19 an aunt here. And then one of my grandmother's daughters,
20 Lee, Leah, lived at home, so, and then there was my mother and
21 her sister who lived in San Francisco and they were married to
22 brothers. It was interesting that my dad's brother, Gil,
23 short for Gilel from the Bible --

24 MS. STELZNER: Mm-hmm. And --

25 JUDGE GOLDWATER: -- had come to Reno -- had come to

1 Reno at the end of -- during -- at the end of -- almost
2 entering World War I and he had a store here. And while he
3 was here he met his wife, Ann, one of my mother's sisters and
4 they were married. And the end of the story here, went back
5 to San Francisco and later Ann died from the flu during World
6 War I. But they introduced a sister, my mother Rose to Gil's
7 brother Ruben, we called Rube and they were married. So, it
8 ended up that two brothers were married to two sisters in San
9 Francisco.

10 MS. STELZNER: That's great.

11 JUDGE GOLDWATER: Yeah.

12 MS. STELZNER: How about your father? Did your
13 mother work?

14 JUDGE GOLDWATER: My mother never worked.

15 MS. STELZNER: Yeah. What was your father's
16 business?

17 JUDGE GOLDWATER: My father was in many businesses.
18 He was sort of a jack of all trades. In San Francisco he and
19 his brother had an auction business and when that broke up he
20 opened a store on Market Street called the Iris Optical
21 Company and he sold glasses and he had somebody fit the
22 glasses and he had somebody examine people for glasses. And
23 then he went into a general jewelry store and then he went
24 into the pawn shop business and he had pawn shops. So he was
25 in many businesses.

1 My family -- when my dad's family were in Butte,
2 Montana, my father was only twelve years old. He left there
3 and he went to Seattle and took a ship as a cabin boy to
4 Alaska for the gold rush and he was a cabin boy in the gold
5 rush and that was when he was only twelve years old, 'cause he
6 was born in 1885. And this was 19 -- 1898. And he came back
7 from the gold rush and he was a kid that was very, very
8 adaptive, probably smoked cigars when he was, you know,
9 fifteen years old and smoked cigars all his life. And, well,
10 he was in Butte, Montana and he was just a kid.

11 When they had moved from Nebraska, the family to
12 Butte, Montana they left behind one daughter, the oldest
13 daughter, Sarah, and she was going to have a baby and she did,
14 so they somehow communicated to the family in Butte and said
15 send some help to Sarah to take care of the baby that's
16 coming. So they picked my dad and he was -- he hadn't gone to
17 Alaska yet, he was just a young kid and he got on the train
18 and he went to Nebraska and helped his sister with a new baby.
19 And he was telling me that in those days kids traveled on the
20 train without tickets and they -- he just got on the train and
21 they let him ride all the way from Montana to Nebraska and
22 back again, he never had a ticket.

23 MS. STELZNER: That's great. So, you've named
24 gambit of relatives, which do you think were the most
25 influential to you?

1 JUDGE GOLDWATER: Well, not one more than the other
2 except that, you know, I lived here in Reno with my mother's
3 father and mother and so I became very attached to them and my
4 grandfather and grandmother built a house here, as I told you.
5 And at that time they built the house at 321 Belmont Road,
6 which is now Arlington Avenue in Reno.

7 MS. STELZNER: Mm-hmm.

8 JUDGE GOLDWATER: Even the name of the street has
9 changed.

10 MS. STELZNER: Mm-hmm.

11 JUDGE GOLDWATER: And I started school here, I went
12 to -- I told you my mother had a sister here, Bessie Marymont,
13 and she took me to the Mount Rose School and started me off in
14 the first grade.

15 MS. STELZNER: Mm-hmm.

16 JUDGE GOLDWATER: So, and I went to -- I went to --
17 started school here and then I went to the Reno Junior High
18 School here and I started back to Reno High School, the old
19 Reno High School on West Street, and I went there about a
20 year. But in the meantime my family moved from San Francisco
21 to Stockton, California, because they thought it'd be better
22 for my health and I went down there and I finished high school
23 in Stockton, California.

24 MS. STELZNER: Oh. Mm-hmm. But then you came back
25 and went to UNR, to University of --

1 JUDGE GOLDWATER: Well, that's one long story.

2 MS. STELZNER: Mm-hmm.

3 JUDGE GOLDWATER: After I graduated from Stockton
4 High School, I went to Modesto Junior College for one year,
5 but I wanted to go to Stanford so bad, my mother said I had
6 Stanforditis. So at the end of the one year at Modesto Junior
7 College, I transferred as a sophomore to Stanford University,
8 but when I got down there I had a lot of trouble with my
9 asthma so I had to come back to Reno. By that time, my father
10 left Stockton and moved to Reno so that we could all be
11 together.

12 MS. STELZNER: Mm-hmm.

13 JUDGE GOLDWATER: He came here and he opened a
14 jewelry store here in the old Golden Hotel building. So I
15 joined the family here and I finished college at the
16 University of Nevada. Just my last year at the University of
17 Nevada.

18 MS. STELZNER: Mm-hmm. So the family was reunited?

19 JUDGE GOLDWATER: We were reunited. I had a brother
20 and as I say, who is now in Las Vegas, a lawyer, David. And
21 my older sister and my baby sister. So we were reunited in
22 Reno after jumping all over because of this asthma thing.

23 MS. STELZNER: Mm-hmm.

24 JUDGE GOLDWATER: See, I wasn't with them a long
25 time. I came here in 1919, I didn't rejoin my family 'til

1 about 1927.

2 MS. STELZNER: Wow.

3 JUDGE GOLDWATER: And my father at that time -- no,
4 1929. My father rented a place at Meaks Bay, Lake Tahoe and
5 we were all together at Meaks Bay in 1929 at the time of the
6 crash.

7 MS. STELZNER: Mm-hmm. Mm-hmm.

8 JUDGE GOLDWATER: And --

9 MS. STELZNER: Did that affect his jewelry store
10 though?

11 JUDGE GOLDWATER: Pardon?

12 MS. STELZNER: Did that affect his jewelry store at
13 all?

14 JUDGE GOLDWATER: No. He had a jewelry store in
15 Stockton.

16 MS. STELZNER: Mm-hmm.

17 JUDGE GOLDWATER: And my dad really left Stockton
18 because of the crash.

19 MS. STELZNER: Mm-hmm.

20 JUDGE GOLDWATER: He had, like many people, he'd
21 been in the stock market and he lost all his credit and
22 everything. So, he closed his store and he came to Reno right
23 after the crash of 1929. And then, you see, I left Stanford
24 and came and joined them here and finished at the University
25 and graduated. Let's see, I graduated in 1936 from the

1 University of Nevada.

2 MS. STELZNER: Mm-hmm. So what'd you like to do
3 when you were a kid? What were your hobbies?

4 JUDGE GOLDWATER: Well, you know, I didn't -- I
5 liked -- I liked to do what I did. I --

6 MS. STELZNER: And what was that?

7 JUDGE GOLDWATER: When I lived with my grandmother
8 and they built a house on 321 Belmont, which is now Arlington
9 Avenue. We were only two blocks from Wingfield Park, which
10 had tennis courts and I used to play tennis every single day
11 from the time I was about, oh --

12 MS. STELZNER: That didn't bother your asthma?

13 JUDGE GOLDWATER: No. I didn't have asthma in Reno
14 in those days.

15 MS. STELZNER: Mm-hmm.

16 JUDGE GOLDWATER: I didn't have a really -- really
17 this climate was so good for me.

18 MS. STELZNER: Mm-hmm.

19 JUDGE GOLDWATER: The doctor in San Francisco was
20 right and I was -- and I used to play tennis all the time and
21 I didn't have any particular ambitions of what I wanted,
22 except I think I wanted to be a doctor because there was a
23 doctor here who used to come see me when I was sick, had a
24 cold or something, his name was Dr. Stafford [phonetic] and I
25 admired very much. And, of course, in those days they made

1 house calls.

2 MS. STELZNER: Mm-hmm.

3 JUDGE GOLDWATER: And so I wanted to be a doctor.
4 But my grandmother said that I shouldn't be a doctor because
5 doctors have to go out at night when it's cold and that's not
6 good for your asthma. So, she kind of discouraged me from
7 becoming a doctor. But that was the only ambition I had at
8 the time.

9 MS. STELZNER: Mm-hmm.

10 JUDGE GOLDWATER: And I played tennis a lot when I
11 was a kid. And then I went, as you say, I went to Mount Rose
12 School, then to Reno Junior High. I really didn't have any
13 direction. I really didn't have any. And when I was
14 graduating from the University of Nevada in 1936, I really sat
15 down and said to myself, where am I going to go? One thing I
16 didn't want to do was work in my dad's store. I didn't want
17 to stand behind the counter.

18 MS. STELZNER: Yeah.

19 JUDGE GOLDWATER: And so it happened that there was
20 a lawyer here, had come here from Denver. And this lawyer
21 used to come in my dad's store just to talk. The reason he
22 was here was because there was a bank holiday and when the
23 holiday was over and Roosevelt was elected, some of the banks
24 didn't open up and this man represented Colorado clients who
25 had business in various banks that were closed and he used to

1 tell me about the law and about law school. And I started
2 thinking and I thought, well, maybe I'll go to the University
3 of Arizona where it's dry and I can go to law school there. I
4 started thinking about law school from talking to this lawyer
5 who used to visit in my dad's store here in Reno. And then
6 this man said you don't want to go to Arizona, you want to go
7 to Colorado, they've got a Law Review and so on, and it ended
8 up that I applied for Colorado, the University of Colorado in
9 Boulder and that's where I went.

10 MS. STELZNER: Mm-hmm.

11 JUDGE GOLDWATER: I went to law school there and
12 graduated in 1939.

13 MS. STELZNER: What was the name of this attorney?

14 JUDGE GOLDWATER: Now his name escapes me.

15 MS. STELZNER: Mm-hmm.

16 JUDGE GOLDWATER: I don't know right now, I can't
17 tell you what his name is. But he --

18 MS. STELZNER: Well, he certainly had an impact on
19 your life though.

20 JUDGE GOLDWATER: He influenced me to go to law
21 school and I really was stumbling around, what shall I do? I
22 don't want to work in the store.

23 MS. STELZNER: Mm-hmm.

24 JUDGE GOLDWATER: I don't want to stand behind the
25 counter. I don't want to be a pawn broker. That's one thing

1 I didn't want to do. I hated it.

2 MS. STELZNER: What was your undergraduate diploma?

3 JUDGE GOLDWATER: Economics. Just economics.

4 MS. STELZNER: Mm-hmm.

5 JUDGE GOLDWATER: And I was in economics at Stanford
6 too.

7 MS. STELZNER: Oh.

8 JUDGE GOLDWATER: Yes. I didn't know why -- you
9 know, when I think back I wonder about these processes of the
10 mind. How did I pick this, I don't know.

11 MS. STELZNER: Maybe it was destined to --

12 JUDGE GOLDWATER: And I -- I don't know. It's just
13 sort of happenstance that I did this or did that. So that was
14 my life, you know, from San Francisco to Reno and then
15 sometime I stayed down in Stockton while my folks were there
16 and my health was not good. I tried Stanford, my health was
17 not good and I hated to leave Stanford. For some reason that
18 is one of the things I wanted to do was to graduate from
19 Stanford, but I couldn't do it. I came back to Reno and
20 finished college here.

21 MS. STELZNER: Now you finished in '36 and graduated
22 from law school in '39.

23 JUDGE GOLDWATER: Yes.

24 MS. STELZNER: Was that a three year program?

25 JUDGE GOLDWATER: Three years.

1 MS. STELZNER: Did you --

2 JUDGE GOLDWATER: Three years in law school.

3 MS. STELZNER: -- did you finish earlier?

4 JUDGE GOLDWATER: Yeah. Three.

5 MS. STELZNER: Yeah, so now it's a four year
6 program, right?

7 JUDGE GOLDWATER: No, I don't think so.

8 MS. STELZNER: No? Oh, okay.

9 JUDGE GOLDWATER: No, they may start you off in your
10 senior year and then take three years of law school. Senior
11 year in college, but at that time you had to have a college
12 degree to get into the law schools, so I had a college degree
13 from the University of Nevada and I went over to Boulder,
14 Colorado and went three years there. Very, very -- a very,
15 very wonderful three years I will say.

16 MS. STELZNER: Mm-hmm. And your asthma wasn't
17 affected in Colorado?

18 JUDGE GOLDWATER: No. Never affected. In fact, the
19 strange part of it was that I started to smoke a pipe. And,
20 of course, smoking is not good for asthmatics. But I smoked a
21 pipe from -- and I had the -- and it didn't bother my asthma
22 for years and years. I started smoking a pipe when I was in
23 Reno in the University here. And I smoked in law school and I
24 -- it never bothered me.

25 MS. STELZNER: Mm-hmm.

1 JUDGE GOLDWATER: And later on, when I got to be
2 around, oh, 65, 70 years old, I started getting short of
3 breath and I knew I was getting some kind of trouble with my
4 lungs and I quit smoking and I haven't smoked since. But a
5 strange thing was that I was really a chronic asthmatic and I
6 smoked a pipe for many years. Of course, I didn't inhale, but
7 I smoked for years.

8 MS. STELZNER: Were there any extracurricular
9 activities in law school?

10 JUDGE GOLDWATER: Well, I was on the Law Review.

11 MS. STELZNER: Mm-hmm.

12 JUDGE GOLDWATER: And was a member of Phi Alpha
13 Delta, a honor society in the law school, and -- but that's
14 just law. Law has been my life ever since.

15 MS. STELZNER: Mm-hmm. Mm-hmm.

16 JUDGE GOLDWATER: I've just eaten, slept and drank
17 law.

18 MS. STELZNER: You found your passion, huh?

19 JUDGE GOLDWATER: Now, I -- yeah. Now, probably I'm
20 a bore, I talk about law. I love it. I love it. Here I am,
21 85 years old, and I still am in the law. I've been recalled
22 as a Judge, a former bankruptcy judge and I still love it. I
23 still love it.

24 MS. STELZNER: Tell me something, what makes a law
25 school graduate decide civil, criminal, what avenue they want

1 to take?

2 JUDGE GOLDWATER: Well, I guess sometimes it's just
3 where you can get a job.

4 MS. STELZNER: Yeah.

5 JUDGE GOLDWATER: And of course, while I was in law
6 school there was kind of an undercurrent of, well, what kind
7 of law would he have, you know, he's in Nevada and all they
8 have out there is divorces. And that was true, Nevada was the
9 divorce capital of the world in the '30's. And we had a six
10 weeks law that was passed in 1932, I guess, the legislature
11 passed it, and people were coming here from the east coast and
12 California and all over, and staying six weeks and they could
13 get a power of attorney from the other spouse to have someone
14 appear for them, at the end of six weeks they could get a
15 divorce. So they were always wondering what I would do and I
16 didn't know myself. And, in fact, when I got back here I
17 didn't know what speciality I would go into or whether I would
18 limit my practice. It was sort of happenstance. I had
19 divorce cases, they were the basis of the practice when I
20 first started in 1939. I had divorce cases, but I also was
21 appointed. In those days your District Judges in the State
22 Court appointed you to take cases where the defendant didn't
23 have funds.

24 MS. STELZNER: Mm-hmm.

25 JUDGE GOLDWATER: And I was appointed in a lot of

1 criminal cases so I had a lot of criminal cases that I was
2 appointed and the statute paid you fifty dollars (\$50) or --
3 but not more than three hundred dollars (\$300) for a murder
4 case. And I had a lot. I had about a half a dozen murder
5 cases when I was a young lawyer. And also in the Federal
6 Court, which was then sitting in Carson City and now it sits
7 here in the Federal Building, and there it was upstairs in the
8 post office in Carson City.

9 MS. STELZNER: Mm-hmm.

10 JUDGE GOLDWATER: The federal judge had many
11 defendants in various kinds of crimes and there was no federal
12 defense attorneys paid by the government in those days.

13 MS. STELZNER: Mm-hmm.

14 JUDGE GOLDWATER: So, what he would do was he had
15 the clerk of the court in the Federal Court call the newly
16 admitted lawyers to come down there and you came down there
17 and you sat in court and you were appointed to defend these
18 people and so --

19 MS. STELZNER: Mm-hmm.

20 JUDGE GOLDWATER: -- I had cases down there in
21 Federal Court and I was appointed and that was no pay. They
22 didn't pay you anything.

23 MS. STELZNER: Oh, is that right?

24 JUDGE GOLDWATER: Then you had to get there. You
25 had to get to Carson City on your own, defend these people.

1 And you -- when you're appointed, you'd take the defendant out
2 in the hall and talk to `em and see if you had a defense and
3 tell `em what the law was and get back to `em. And then you
4 went back in and you pleaded guilty or not guilty, so they had
5 the benefit of a lawyer and most of the time you pleaded `em
6 guilty, but sometimes you plead `em not guilty and then you'd
7 have a trial. And that's how I got a lot of jury experience
8 being appointed by the District Judges in Reno, in Washoe
9 County and United States judge in Carson City.

10 MS. STELZNER: I understand your first office was a
11 converted storage closet or something, is that correct?

12 JUDGE GOLDWATER: Yeah. Well, when I first got out
13 of law school, I came back here and I went from office to
14 office asking for a job. And the world has changed, as you
15 know, now there's a demand for lawyers and the introduction
16 salaries are beyond belief. In those days I went to various
17 law firms and offered my services and showed -- I had a list
18 of my grades in law school and that I was on the Law Review
19 and so on and I could never get a job. And I tried Thatcher &
20 Woodburn, particularly Thatcher & Woodburn because Mr.
21 Thatcher was a graduate of the University of Colorado Law
22 School.

23 MS. STELZNER: Mm-hmm.

24 JUDGE GOLDWATER: And he did refer me to Mr. Forman
25 and they did give me a research problem, but that's the only

1 thing, I never got a job, just the one research problem. And
2 I went to Painter, Withers & Edwards [phonetic], that's an old
3 firm, it's not in existence anymore. And I went to all these
4 firms. I finally went up to a firm called Plack & Cyanide
5 [phonetic] and Mr. Cyanide told me that, no, they couldn't use
6 anyone. No one had clerks in those days, everybody did
7 everything themselves.

8 MS. STELZNER: Mm-hmm.

9 JUDGE GOLDWATER: But he said if you want an office,
10 he said next door here in this next building, the title
11 insurance building, he said, I'm paying rent on a room over
12 there to store a big safe and he said if you want it, you can
13 use it, no rent. So, that's what I did. I came back and I
14 talked to my dad and he said that he would sign a note for me
15 to get some furniture. I got a desk and a chair and believe
16 it or not a hat rack and a waste basket. And I didn't -- and
17 I -- and he had some extra chairs in the store, which I could
18 use for client's chairs, they had no padding. And so, I took
19 a couple of those chairs for clients. I had a desk and a
20 chair for myself and a hat rack and a waste basket.

21 MS. STELZNER: Did you have a hat?

22 JUDGE GOLDWATER: And -- I think some days I wore a
23 hat. See in those days, I think there are days when you wore
24 a hat.

25 MS. STELZNER: Okay.

1 JUDGE GOLDWATER: And you know, this is back in 19
2 -- before World War II, '41, '42.

3 MS. STELZNER: Mm-hmm.

4 JUDGE GOLDWATER: So, then -- and so there I was,
5 the big safe was in the corner and there I was hoping, you
6 know, I don't know how to get business, but I had some friends
7 in the bar, especially a man named Loomis. Bud Loomis was his
8 name. And he was nice enough to refer me to some of the
9 insurance companies for subrogation cases. Subrogation cases
10 are where an insurance company has paid out the money and
11 they're subrogated to the person they paid -- they paid the
12 money to and that -- then they sue the person that might have
13 caused the accident --

14 MS. STELZNER: Mm-hmm.

15 JUDGE GOLDWATER: -- and paid for it, the liability.
16 And I got some of those subrogation cases. I settled some of
17 'em and I filed suit on some of 'em and that's how I got
18 started through Bud Loomis.

19 MS. STELZNER: Mm-hmm.

20 JUDGE GOLDWATER: He helped me a lot then. And then
21 these appointments, when I got appointed to defend a murderer
22 I got three hundred dollars (\$300).

23 MS. STELZNER: Mm-hmm.

24 JUDGE GOLDWATER: And then I had friends around town
25 that sent me cases then. I was a new lawyer, they sent me a

1 divorce case and maybe a hundred dollars or a hundred and
2 fifty dollars. I didn't know very much about what I was doing
3 but just got started very slowly that way.

4 MS. STELZNER: But you had a hat rack?

5 JUDGE GOLDWATER: I had a hat rack and I was living
6 at home. And I was living at home and, you know, and so that
7 was cheap and so I didn't have any overhead, I was eating at
8 home and living at home, so and that's how I got started.

9 I had a friend who was a -- he had an auto rental
10 business and he had some kind of legal business that he wanted
11 me to take care of and I don't remember what it was now, his
12 name was Abe Harris. And he said, he had an old car that he
13 would give me for my legal services so I got an old car from
14 Abe. And, so I had a car and had an office, and I was living
15 at home and I thought I was on top of the world.

16 MS. STELZNER: Yeah, I bet. And what did the
17 surrounding area, the community, what was it like in those
18 days?

19 JUDGE GOLDWATER: Well, when I first got here as a
20 little boy, Reno was a had twelve to fifteen thousand people,
21 that's all the people that were here. And we always walked to
22 the movie. As I say, we lived at 321 Belmont, which is now
23 Arlington, so it would be 321 Arlington now and we used to
24 walk to the movies and we didn't have a car. My grandmother
25 and grandfather didn't have a car. And we walked to the

1 grocery store over on -- the California Avenue grocery store
2 and walked to school and there wasn't -- there were
3 automobiles here, but there was no traffic problem. And it
4 seemed to me that Sparks was way down the road and now, you
5 know, there's so much building and business between Sparks and
6 Reno you couldn't tell the difference. But those days there
7 was an actual distance that wasn't built up. And my Auntie
8 Bess had a car and she had cars like Willy's Knight and cars
9 that aren't even made today. And so on Sundays we went for
10 rides in her car.

11 But Reno was a small place and as you know, if
12 you've been here, the grammar schools here were all sort of
13 designed the same way, the McKinley Park and the Mount Rose,
14 they all had the same architectural designs and there was one
15 high school and now I don't know how many there are.

16 MS. STELZNER: Mm-hmm.

17 JUDGE GOLDWATER: There's one high school. And my
18 grandfather was active in the Synagogue here, they didn't have
19 a rabbi or anybody. The leaders of the Synagogue were the
20 older Jewish men who had been trained in the old country as
21 young Jewish boys to read Hebrew and to know the various
22 seasons like Rosh Hashanah, the Jewish New Year and Yom
23 Kippur, that they have atonement and the various Jewish
24 holidays. These old guys who were just young kids, you see,
25 in Europe. And so when they came here they spoke broken

1 English and they got together and they built themselves a
2 Synagogue right across the street from Reno High School in
3 1921. And I was taken over there all the time to sit for
4 services and they would conduct the services themselves or on
5 the holidays they might bring in what they call a cantor, who
6 would sing the Hebrew songs.

7 And the town was tiny, people knew each other and
8 there were people coming here for divorce all the time. There
9 were what they call people that ran houses, sort of boarding
10 houses for what they call divorcees. Now a divorcee, would be
11 the one that's -- you'd divorce. But like a divorcer and a
12 divorcee --

13 MS. STELZNER: Mm-hmm.

14 JUDGE GOLDWATER: -- we used to call the people that
15 were here to get a divorce, divorcees, and there were women
16 from all over that came here, and men too, and they stayed in
17 these divorce boarding houses. Then there were some dude
18 ranches around here, a few. But Reno was tiny and the
19 university was tiny and the people knew each other very well.

20 There were stores, there as a -- there was a grocery
21 store on Virginia Street on the main street called Conan's
22 Grocery Store, right on the main street. Of course you
23 wouldn't find a grocery store on the main street in a busy
24 town like Reno now. You know, you find grocery stores up in
25 the residential districts and so on. People came downtown to

1 buy their grocery's at Conan's.

2 MS. STELZNER: That's great.

3 JUDGE GOLDWATER: Yeah. And then there was -- there
4 was a few very nice stores here. There's one called Tate's,
5 which was a shoe store around here, a very nice store. And my
6 uncle, Louie Marymont, had a dress shop here, right on the
7 main street, only two stores down from Conan's Grocery Store.

8 MS. STELZNER: That's very interesting.

9 JUDGE GOLDWATER: And then, there was a bar where
10 they didn't allow women and it was called the Waldorf and only
11 men went in there. And my uncle, Louis Marymont, he used to
12 take me across the street, I could get in there as a little
13 boy, he'd take me in there, alls he'd ask me, you know, what
14 my grades were, if I made all A's he'd take me over there and
15 they would make a chocolate milkshake without ice cream. How
16 do you make a chocolate milkshake without ice cream? Well,
17 they put in ice and chocolate and milk, with no ice cream, but
18 it was called a chocolate milkshake.

19 So, Reno was tiny. It was very tiny and it was very
20 homey. And there was no manufacturing here or anything. It
21 was mainly people that came here for divorce and there was a
22 lot of ranching and farming around here. A lot of this area
23 now that's subdivisions were old family farms. Particularly
24 the Italians owned all of this land around here. All these --
25 and they did farming and raised hay, which they sold to the

1 California people that, you know, that needed hay for herds of
2 cattle and so on.

3 It was considered a long trip to, you know, run up
4 to Lake Tahoe or someplace. And the railroad ran right
5 through the center of town, but Sparks was the repair place
6 for the railroad so there were a lot of what they call rails,
7 a rail is a guy that works for the railroad. He's called a
8 rail. And there were a lot of people in Sparks that worked
9 for the railroad.

10 MS. STELZNER: Mm-hmm.

11 JUDGE GOLDWATER: Repairing and engineers and
12 firemen and everything, that lived there and went on the route
13 from place to place on the railroad. The railroad was very
14 important here. And there was stores that faced the railroad.
15 I mean who would want to face the railroad now? But then it
16 was considered a good location, facing the railroad, the
17 railroad station. And things were so different then when
18 they, you know, people came by rail.

19 MS. STELZNER: Mm-hmm.

20 JUDGE GOLDWATER: There was an airport and the
21 airport was the fifth hole of the Reno Golf Course now and
22 there were just a few people that flew. And the mail, they
23 started to eventually bring mail in by air, but they had no
24 regular runs where you could get an airplane and go to San
25 Francisco. When you went to San Francisco or Sacramento, you

1 went on the railroad. Every place you went, you went on the
2 railroad. And if you went on a long trip, San Francisco was
3 overnight, you had -- went in a sleeping car.

4 MS. STELZNER: Mm-hmm.

5 JUDGE GOLDWATER: You had a berth.

6 MS. STELZNER: Mm-hmm.

7 JUDGE GOLDWATER: And the trains went through -- up
8 the mountain and they went through what they call snow sheds.
9 These were big wooden covers over the railroad up in the
10 mountains so the snow wouldn't block the trains.

11 MS. STELZNER: Mm-hmm.

12 JUDGE GOLDWATER: And, so all the travel here was by
13 train in those days, in the '20s, early '30s.

14 And the doctors made house calls and we had only one
15 hospital. And later the St. Mary's Hospital opened up for the
16 sisters, but they had the Washoe Hospital and the Sister's
17 Hospital. And then, but the University had just a few
18 buildings, not very many.

19 MS. STELZNER: Mm-hmm.

20 JUDGE GOLDWATER: And it's nothing like it is today,
21 you wouldn't even know the place.

22 MS. STELZNER: Now, you mentioned the Synagogue that
23 the men built. Were you Bar Mitzvah'd there?

24 JUDGE GOLDWATER: No, I was never Bar Mitzvah'd and
25 I'll tell you why. I told you about this pious grandfather I

1 had.

2 MS. STELZNER: Mm-hmm.

3 JUDGE GOLDWATER: Who used to go to the Synagogue
4 where he lived in Oakland every morning at five o'clock. And
5 they had what they call a minyan, m-i-n-i-o-n, I think it is,
6 or m-i-n-g-i-o-n, there had to be -- ten men had to be present
7 for this prayer. And so, they always got a minyan there of
8 older men. And while I was living in Stockton, when my dad
9 moved there from San Francisco and I came from Reno and my
10 grandfather said to me and my brother, that he would like --
11 he would pay for us to learn Hebrew and be Bar Mitzvah. But,
12 he said, you have to be serious about it, you've got to carry
13 it out and so on. Well, he got a hold of a teacher in
14 Stockton, an older man who taught Hebrew, and my brother and I
15 attended, but we really had no interest in it, either of us.
16 So he said, if you're not going to, you know, really love
17 Judaism and follows its precepts and its concepts, if you're
18 going to just go through the motions of being Bar Mitzvah'd
19 and then never come back to the Synagogue and be a devoted
20 Jewish person, he said, it's really ridiculous to go through
21 the Bar Mitzvah. So, it appeared that we sort of dropped out
22 and my brother was not Bar Mitzvah'd and I was not Bar
23 Mitzvah'd. And, well, we started to learn Hebrew, we didn't
24 really study and we weren't interested. We were just kids.
25 And I was getting to be thirteen, I was born in 1915, so this

1 was about 1926, '27, when I was going to be thirteen I would
2 be Bar Mitzvah'd, so. I never got around to it. Just didn't
3 do it.

4 MS. STELZNER: Any regrets about that?

5 JUDGE GOLDWATER: No, but I understand when you're
6 Bar Mitzvah'd you got a lot of gifts. And I miss that.

7 MS. STELZNER: Oh, there's the regret.

8 JUDGE GOLDWATER: No, I -- yes, I do in a way,
9 because I consider myself a Jewish man.

10 MS. STELZNER: Mm-hmm.

11 JUDGE GOLDWATER: And for that reason I should --
12 should have been, gone through and been serious about it and
13 I'm sorry because I could have learned to read and write
14 Hebrew.

15 MS. STELZNER: Mm-hmm.

16 JUDGE GOLDWATER: Which is another accomplishment
17 which you should -- if there's anything you can learn, you
18 should learn it.

19 MS. STELZNER: Yes.

20 JUDGE GOLDWATER: And I was given that opportunity
21 and I didn't take it.

22 MS. STELZNER: Mm-hmm.

23 JUDGE GOLDWATER: And I regret that. I should be
24 able to go to a Synagogue now, here in Reno or anyplace else,
25 and be able to read in Hebrew or to write a letter in Hebrew,

1 which this man was willing to teach me. And for that reason,
2 I just say I dispense with that much education, I would have
3 been a better educated person to that standpoint.

4 MS. STELZNER: How are you doing? Do you need to
5 take a break? Are you doing okay?

6 JUDGE GOLDWATER: I'm doing all right.

7 MS. STELZNER: Cool. Good. Military service?

8 JUDGE GOLDWATER: No, because of the asthma.

9 MS. STELZNER: Mm-hmm.

10 JUDGE GOLDWATER: I went -- I was drafted and I went
11 over to Utah to go through the, you know, the examination. I
12 went to, I guess Ogden or Salt Lake by bus and I was rejected
13 when I told them I had asthma since I was a little boy and
14 they said they don't want anybody in the service that's going
15 to give them problems. They want healthy people so they sent
16 me back and rejected me as not qualified for the service.

17 My brother volunteered in 1941 when the war broke
18 out on December 7th, and he was in the war.

19 MS. STELZNER: Mm-hmm.

20 JUDGE GOLDWATER: But I couldn't get in. They say
21 -- they ask you questions if you had any problems? I told `em
22 about the asthma, oh, no, we don't want any problems with you
23 in the service, we want healthy people. Healthy people. Can
24 you imagine that? They wanted to kill the healthy people.

25 MS. STELZNER: Okay. So let's talk about the

1 evolution of your career. You've hung your shingles out at
2 the side of the store room.

3 JUDGE GOLDWATER: Yes, I had shingles out. Then --

4 MS. STELZNER: And you're on the appointment list.

5 JUDGE GOLDWATER: Yes, I sort of got by. And in
6 1941 or 1940, I was going out with a girl and I got involved
7 with her and I went too far, I wanted to get married, so I got
8 married. I asked my father about that, I said, well, dad, are
9 you happy about this, I'm going to get married. He said,
10 let's put it this way, I'm happy, but I'm not content. And
11 the reason he wasn't content was, I think, this girl was not
12 Jewish and he felt that I hadn't established myself or
13 anything so. But that marriage only lasted six weeks.

14 MS. STELZNER: Oh, is that right?

15 JUDGE GOLDWATER: That was all it lasted, just six
16 weeks. And right after that I met my first wife. I call my
17 first wife, as she was here for a divorce. She was from
18 Brooklyn, she was a Jewish girl and she had just what I
19 wanted, brown eyes, good looks and a nice figure and she was a
20 graduate of Brooklyn College and very bright. And she's the
21 mother of my children.

22 MS. STELZNER: Mm-hmm.

23 JUDGE GOLDWATER: And I had -- and she died in 1961,
24 after twenty years and ten months we were married. So, right
25 after I married her --

1 MS. STELZNER: And her name was?

2 JUDGE GOLDWATER: Pardon? Her name was Esther,
3 Esther Albert. And right after I married Esther, I decided
4 that I wanted to try another office and see if I couldn't move
5 out of that little dingy place I was. I didn't have a
6 secretary or anything, and I was doing my own typing, my dad
7 gave me a secondhand typewriter he took in his pawn shop. He
8 let me use it and I used that and I used to type things for
9 the Justice Court or divorce petitions and so on and so forth,
10 a case. And I had no library. So I started looking around
11 and I ended up, I heard a man named Atkinson, Harry Atkinson,
12 he had been a U.S. Attorney. He had an extra room and so I
13 went to see him and he said, yeah, you can use it. And I
14 don't know, what he was going to charge me, not very much,
15 maybe fifteen or twenty dollars a month, and he had a
16 secretary that I could use and a telephone. Well, it turned
17 out that I was there about six months and Harry Atkinson was
18 an alcoholic and the telephone, he hadn't paid the telephone
19 company and they turned off the telephones and he -- so I
20 didn't have a telephone and so I started looking again and
21 this was in the First National Bank building on the corner of
22 Second and Virginia Street and he was on the third floor. And
23 so I went up and I knew by -- I recognized a lawyer that I
24 knew from seeing him in court and so on, his name was Edward
25 F. Lensford [phonetic] and I knew he had an extra office. So,

1 and he wasn't using it, so I went over and I asked Ed for a
2 job and he was the first person, he said, yes, he'll, you
3 know, he'll hire me and give me a hundred a month and give me
4 that other office. So, here I had a salary now, a hundred
5 dollars a month and I was supposed to help him. But he didn't
6 always pay me the hundred dollars, but once in a while he'd
7 give me a check for two or three months, which was good. But
8 I had an office now and a telephone, because he paid for the
9 telephone. And then as time went on a woman came to my
10 office, she worked down the hall in the trust department, her
11 name was Luella and she was looking for a job. She said the
12 air conditioning in the trust department was giving her colds
13 and she wanted to know -- so, I said, I could use a secretary.
14 So there was just my office, which had a window on the outside
15 and then there was an inner office where a lot of file
16 cabinets, but we could put a typewriter and a desk there. And
17 we did and she became my secretary for all those years that I
18 practiced. Oh even after Esther died, she was still my
19 secretary. Luella Fox was her name.

20 MS. STELZNER: Mm-hmm.

21 JUDGE GOLDWATER: And she was a wonderful person and
22 she worked in this dark place, you know, and -- because I had
23 the office with the window and the only other lights she'd get
24 was when my door was open or the reception room light from --
25 so, but she worked for me and she was a wonderful secretary.

1 And there I was for many, many years and then Ed Lensford died
2 and then I moved into his big office and I was there and
3 Luella took the front office.

4 MS. STELZNER: She moved up in the world?

5 JUDGE GOLDWATER: Yes. Ed Lensford's secretary
6 retired and Luella took the front office in the reception room
7 and I had the big office. And then I was getting active in
8 different things like, I was on the Board of Law Examiners and
9 I was in different committees. I never -- I was asked to join
10 and didn't join some of these luncheon clubs, like the Lions
11 Club, but I never -- I never really stuck with it so I quit.
12 I quit. I was never a luncheon person, like the Rotary Club
13 and so on. I was never was that.

14 MS. STELZNER: Mm-hmm.

15 JUDGE GOLDWATER: And the Masons and so on. So, but
16 I practiced up there for a long time in the -- in that office
17 that Ed Lensford had. And then my practice changed because a
18 friend of mine recommended me to an insurance company as a
19 lawyer in Reno to defend insurance cases. So I was really
20 doing criminal work and defending insurance companies and I
21 needed a partner. So, at that time, they were building a new
22 building on the next -- one block down, it was called the
23 First National Bank Building, it was a new building, and I
24 took in a partner. And my -- I had -- Lensford had made me a
25 partner, you know, it was called Lensford & Goldwater.

1 MS. STELZNER: Mm-hmm.

2 JUDGE GOLDWATER: And then after he died, my brother
3 got out of law school and for a while he practiced there with
4 me, then he went to Las Vegas. So I was alone, but my
5 practice was growing and I decided to take in a partner and
6 had a partner and then pretty soon more partners and I moved
7 over to the other bank building. And my first partner was a
8 former judge of the District Court, Harold Tabor, so it was
9 Goldwater & Tabor. And then I met a young man who was a
10 lawyer -- a lawyer I liked and took him in, his name was Fred
11 Hill, so it was Goldwater, Tabor & Hill. And then -- I took
12 in another partner, who is now the Chief Justice of the
13 Supreme Court in Nevada, Bob Rose, so it was Goldwater, Tabor,
14 Hill & Rose. And then there was another lawyer who had worked
15 for Bill Cashill and now he was out of work and he was looking
16 for a job, so we took him in and so it became Goldwater,
17 Tabor, Hill, Rose & Mortimer.

18 MS. STELZNER: Mm-hmm.

19 JUDGE GOLDWATER: And we had mostly insurance
20 defenses and divorce cases, we had some criminal cases, we had
21 adoptions, guardian and then I was getting so that I was
22 concentrating on taxes and I was learning a lot about taxes on
23 my own. And going back to the American Bar Association Tax
24 Division and so I was doing a lot of wills and trusts and so
25 on. And when people died, I used to do a lot of probate work

1 and so on. And that's the way that this partnership just
2 seemed to grow gradually. And I insisted everybody get the
3 same salary. I guess that was a mistake because later on
4 Frank Farencoff [phonetic] and his partner came over and they
5 didn't like that. They wanted people to be paid for what they
6 did and so we changed the system.

7 MS. STELZNER: Mm-hmm.

8 JUDGE GOLDWATER: But at the time that I was the
9 head of the firm, we just sort of cut the melon equally,
10 everybody got the same.

11 MS. STELZNER: Mm-hmm.

12 JUDGE GOLDWATER: Even though they didn't bring in
13 the business, I was the business getter, they didn't bring in
14 the business and maybe didn't handle all the business, but I
15 felt it was only fair that everybody got paid the same in the
16 business. Now that I was married and having children and so
17 on, I was taking time off, going to Disneyland, going here and
18 there. I took some time off. I felt it was unfair to let
19 these men work and I was gone at different times.

20 MS. STELZNER: Mm-hmm.

21 JUDGE GOLDWATER: So I got -- my idea was everybody
22 got the same pay. But when Frank Farencoff came along and he
23 joined our firm, he felt that you get paid for what you --
24 what you accomplished.

25 MS. STELZNER: Mm-hmm. So, there's a lot of things

1 happening in the world about then. We've got World War II
2 going on and --

3 JUDGE GOLDWATER: Yes, the World War II was going
4 on, yeah.

5 MS. STELZNER: Korean War then.

6 JUDGE GOLDWATER: And -- yeah, and --

7 MS. STELZNER: How did that --

8 JUDGE GOLDWATER: And believe it or not the courts
9 went on during World War II. I had many, many cases during
10 World War II. And I was here, as I say, I was rejected as a
11 soldier and even though I told `em that I would give `em just
12 -- I could do something, I could do administrative work. No,
13 they didn't want me at all, so I -- but, we practiced law
14 during World War II. and had criminal cases just as if things
15 were normal around here.

16 MS. STELZNER: Mm-hmm.

17 JUDGE GOLDWATER: Life went on. Around here, people
18 had their legal problems, people were coming here for divorce.

19 MS. STELZNER: Mm-hmm.

20 JUDGE GOLDWATER: And there was appointments from
21 the court and I was getting -- some people came to me and
22 employed me or engaged me to defend them. And I had some
23 pretty big murder cases.

24 MS. STELZNER: What kind of hours did you put in
25 then, Judge?

1 JUDGE GOLDWATER: Well, I always went to the office
2 and get the mail on Saturdays and Sundays. And in those days,
3 the courts were open Saturday morning.

4 MS. STELZNER: Oh.

5 JUDGE GOLDWATER: Usually for divorce cases. And
6 so, I'd come down and go to the post office, get the mail and
7 see what pleadings were that had to be answered and what the
8 other side had said, and look at my mail, hoped to get some
9 checks. Then I worked Sundays and I had -- I guess -- I guess
10 I worked six days. I used to play golf on Saturday afternoon,
11 after I'd gone down to court -- to my office in the morning
12 and the courts would close at noon, then I'd go out and play
13 golf. But, I worked a lot of Sundays and a lot of nights.

14 MS. STELZNER: Mm-hmm.

15 JUDGE GOLDWATER: And my then wife, Esther, was very
16 understanding about it. Tolerant. She knew the life of a
17 lawyer was -- was no limits, you know, especially when you
18 were preparing for trial.

19 MS. STELZNER: Yes.

20 JUDGE GOLDWATER: And in those days, you didn't have
21 the backup. For instance, if I was -- if I was preparing for
22 a jury trial in an accident case for an insurance company, I
23 had to make out the subpoenas and Luella typed them up, took
24 `em over to the clerk's office, had them issued by the clerk,
25 then took them over to the sheriff's office and directed him,

1 with a letter, on whom to serve them for my witnesses. In
2 other words, I didn't have a runner that took these things and
3 did them. I did that. I took my own depositions. I -- if
4 there was an accident, let's say out near Winnemucca, and I
5 wanted measurements, I would go out there with a photographer.
6 I'd drive all the way out there. I'd see everything myself.
7 I'd talk to my clients in the jail, if it was a criminal case.
8 I did everything myself. All -- there was no such thing as an
9 assistant, paralegals.

10 MS. STELZNER: Mm-hmm.

11 JUDGE GOLDWATER: You did everything yourself.

12 MS. STELZNER: Yes.

13 JUDGE GOLDWATER: And so, lots of times I had
14 divorce cases where I'd get a letter from New York that so and
15 so is arriving on the train and I would meet the train and
16 take this person to a hotel or one of these divorce boarding
17 houses and get them settled. I just -- you did everything
18 yourself and so did the rest of the lawyers here.

19 MS. STELZNER: Mm-hmm.

20 JUDGE GOLDWATER: For instance, one time I was down
21 at the train, I was very surprised to see a very -- one of our
22 outstanding lawyers here, Mr. Woodburn, he was there meeting a
23 client too. So, it was just the way of the life of a lawyer.
24 Of course, it wasn't as bad as years and years ago when you
25 didn't have copy machines you know, and --

1 MS. STELZNER: Yeah. Yeah.

2 JUDGE GOLDWATER: -- you -- well, the lawyers that I
3 read about years ago, when they had a quiet title suit and
4 they had to put out twenty complaints, they had their children
5 copy the complaints. I mean it was long hand and had to be
6 done. You didn't have copy machines so you had to get twenty
7 copies out. How you gonna do it? You know the family all
8 copy everything for you. We had copy machines they were very,
9 very -- a beginner's copy machines. It was a roller with
10 carbon paper on it, you ground it around, it's called a
11 mimeograph.

12 MS. STELZNER: Mimeograph, mm-hmm.

13 JUDGE GOLDWATER: Yeah. And that is the way we made
14 copies at first until this technical change came and then we
15 had copy machines and then, of course, pretty soon they had
16 electric typewriters and now we've got e-mail and all these
17 things that help us in the office to conduct legal business.
18 It's all changed now since I was --

19 MS. STELZNER: Yeah, yeah. Remember when they first
20 had that little X on the bottom of the typewriter that backed
21 up and erased the thing.

22 JUDGE GOLDWATER: Yeah.

23 MS. STELZNER: The last letter that you typed and I
24 thought -- I thought we've gone into 2001, A Space Odyssey,
25 that was -- that was the next thing.

1 JUDGE GOLDWATER: Well, whenever Luella was typing
2 something, she would use carbon paper.

3 MS. STELZNER: Mm-hmm.

4 JUDGE GOLDWATER: And of course, if she made a
5 mistake she had to go through each one, erase each page, bring
6 the carbon paper back and -- so she had five copies in the
7 typewriter, had to erase five copies. And so, it was a small
8 -- hard work. It was hard work. You know especially if you
9 did everything yourself. For instance, in a lawsuit you get
10 the complaint from the insurance company and so I had to do
11 the answer and then I had to do the interrogatories. And I
12 don't type so I had to write out everything. And then I had
13 to do depositions and so I arranged for the deposition myself,
14 I didn't -- you call the court reporter to be there and so on,
15 and the subpoenas. And then, I had to prepare the
16 instructions for the jury.

17 MS. STELZNER: Mm-hmm.

18 JUDGE GOLDWATER: And I did that myself. And the
19 verdicts. Everything you did yourself. And that's the way I
20 -- that's the way I had to run my office. So it was a real
21 beginner's way of practicing law, but it was real hard
22 training, you know, and that's why it took so much time.

23 MS. STELZNER: Mm-hmm. As a private practitioner
24 what's your most memorable jury trial?

25 JUDGE GOLDWATER: Well, there are the criminal

1 cases.

2 MS. STELZNER: Mm-hmm.

3 JUDGE GOLDWATER: No. No, I had a four week trial,
4 a civil case, that's very memorable.

5 MS. STELZNER: Why?

6 JUDGE GOLDWATER: It was an accident that happened
7 in Ely, Nevada where a big box fell on a man and was -- this
8 box was made by General Electric and it had four hooks on it,
9 you know, a place for hooks and so it was strapped with an
10 arrangement of wires to hook, you know, it all came together
11 and was supposed to be raised and it broke and hit this man
12 and he was -- became a paraplegic. And that trial lasted four
13 weeks and it was a very memorable trial because we had the
14 transcript every day from the court reporter. There were four
15 or five court reporters that keep changing; and then when one
16 finished in an hour, they'd go type up their part of it and
17 another court reporter would come in, so every night at seven
18 o'clock when I got home from court about 5:30 or 6:00, about
19 seven o'clock the transcript would reach me and I had to read
20 and study the transcript until midnight or one o'clock in the
21 morning and still be back in the office at seven o'clock in
22 the morning.

23 MS. STELZNER: Mm-hmm. Mm-hmm.

24 JUDGE GOLDWATER: And did that for four weeks. And
25 lost the case.

1 MS. STELZNER: Oh, is that right?

2 JUDGE GOLDWATER: Yeah. I remember I lost the case
3 for the -- it was the largest verdict ever made in the United
4 States. It was against General Electric for three and a half
5 million dollars.

6 MS. STELZNER: Wow. What year was that, Judge?

7 JUDGE GOLDWATER: It's got to be in the '50s.

8

9 MS. STELZNER: Mm-hmm.

10 JUDGE GOLDWATER: And that was a memorable case.
11 Although they awarded a total of four and a half million and I
12 appealed it and we got it down to three and a half million.
13 The money they awarded the children for loss of companionship
14 and so on, was reversed. The jury awarded it, they took a
15 million off of it, or a million and a half, I forget. But it
16 was a large verdict and Time magazine had a story about it.

17 MS. STELZNER: Oh, is that right.

18 JUDGE GOLDWATER: Because of the size of the
19 verdict.

20 MS. STELZNER: Mm-hmm. Wow.

21 JUDGE GOLDWATER: They did a story about it. It was
22 a huge verdict for those days.

23 MS. STELZNER: Yeah. Yeah.

24 JUDGE GOLDWATER: Yeah. So that was a memorable
25 thing because, of course, it lasted so long and, you know, it

1 was a very technical thing. I could have settled that case
2 for seven hundred and fifty thousand dollars (\$750,000) and my
3 client wouldn't settle. So, we went into court and they got
4 dumped for four and a half million and ended up three and a
5 half million, plus the interest.

6 MS. STELZNER: Mm-hmm. Wow.

7 JUDGE GOLDWATER: Yeah. So, and then -- and then I
8 had a lot of exciting criminal cases. Murder cases.

9

10 MS. STELZNER: Mm-hmm.

11 JUDGE GOLDWATER: You know, very memorable. I had
12 one woman that was charged with murder.

13 MS. STELZNER: Oh, is that right?

14 JUDGE GOLDWATER: And that was memorable. Her name
15 was Mary Drew.

16 MS. STELZNER: Who'd she kill?

17 JUDGE GOLDWATER: Well, it turns out that she wasn't
18 -- she wasn't held guilty.

19 MS. STELZNER: Oh, is that right?

20 JUDGE GOLDWATER: Yeah.

21 MS. STELZNER: Hmm.

22 JUDGE GOLDWATER: She was living with her husband
23 who was a mechanic for the Chevrolet company in Patterson, New
24 Jersey and she used to go to a bar and have a few drinks with
25 her husband, and play shuffleboard and so on. And she had

1 been in the women's Army, she was a WACS.

2 MS. STELZNER: Mm-hmm.

3 JUDGE GOLDWATER: And she was out of the service
4 then and there was a man there who was also out of the
5 service, not her husband, and she got friendly with him in
6 this bar and they started seeing each other. And they decided
7 to get -- she'd get a divorce and they would marry. So, one
8 day she leaves Patterson, New Jersey with this man who was a
9 sailor. And he was -- he was discharged from the Navy and she
10 had been discharged from the Army and they left the husband,
11 Elmer, was his name, Elmer Drew. And they left the husband
12 and they came all the way to Las Vegas on a motorcycle.

13 MS. STELZNER: What year was that?

14 JUDGE GOLDWATER: Oh, this has got to be in the
15 '50s.

16 MS. STELZNER: Yeah. Whoa.

17 JUDGE GOLDWATER: So, and he tried to get jobs in
18 Las Vegas, he couldn't get any jobs, he couldn't get any jobs.
19 So they got on the motorcycle and they came to Reno, because
20 you had to get a divorce in Nevada.

21 MS. STELZNER: Mm-hmm.

22 JUDGE GOLDWATER: So, they came to Reno and they
23 ended up living together in the Parkway Hotel, which is not
24 the Parkway anymore, it's now a store on Sierra Street near
25 First Street. And, but this Parkway Hotel, that's where they

1 lived, you know. And they were getting along just fine. He
2 got a job here, delivery for somebody and so, she used to go
3 with him in the truck, delivering and read the map of where to
4 go to make these deliveries. And they were getting along just
5 fine. And they did things in the hotel room like crossword
6 puzzles and also games, childish games, and so on. You know,
7 maps and puzzles and so on. And then one night they went out
8 and they went to a bar and they started drinking and started
9 feeling high and they went to another bar, and they went to
10 another bar, and they started feeling higher and higher and
11 higher. So, they came home, back from to the Parkway and they
12 passed the man at the -- at the desk and and they were reeling
13 and they went up to their room. And the next thing somebody
14 finds this man, who was this sailor from Patterson, out in the
15 hall bleeding. He's bleeding to death, in fact he's dead and
16 he's got a great big hole in his back and he's bleeding to
17 death. And is just down the hall in the Parkway from the room
18 they were in. So the police are called and they go in and
19 they find her stretched out in bed on her back and across her
20 legs, just about the ankle, is a trail of blood that starts on
21 one side of the bed, goes across at her ankles and goes right
22 out in the hall and down the hall. It's just a trail of
23 blood. And it seems that there's a bayonet, a service
24 bayonet that's in the closet on the shelf full of blood. And
25 it seems that they had carried from Patterson, New Jersey,

1 this bayonet, which he evidently brought back as some kind of
2 memorable from the war.

3 MS. STELZNER: Mm-hmm.

4 JUDGE GOLDWATER: So she's passed out and she's got
5 on a light dress. No blood on her. The blood is only on her
6 stockings, as I say, with her feet sticking up, her stockings
7 just at the ankle --

8 MS. STELZNER: Mm-hmm.

9 JUDGE GOLDWATER: -- and across the bed, the blood.
10 So, I read about this in the paper and I say to myself, boy,
11 I'd like to have that case because I really love those -- I
12 really love those criminal cases, so. By God what happens is
13 that Elmer Drew comes to Reno and he goes to see his wife and
14 he wants to get a lawyer for her. He loves this woman.

15 MS. STELZNER: So they're not divorced yet?

16 JUDGE GOLDWATER: No. `Cause she didn't get a
17 divorce. This guy she's with doesn't earn enough money to,
18 you know, hire a lawyer or anything. They haven't even seen a
19 lawyer. They're just living together and he's trying to earn
20 enough money so he can get a lawyer to get her a divorce. So,
21 Elmer's looking for a divorce -- or and he goes to a number of
22 lawyers here and they -- Gordon Rice and Harland Hugert
23 [phonetics] and different ones, and none of them want the case
24 because he's only got about five hundred dollars (\$500).

25 MS. STELZNER: Mm-hmm.

1 JUDGE GOLDWATER: And I guess they don't think much
2 of the case. So he comes to me and I have a little reputation
3 as a criminal lawyer, defense. And, I say, you bet I'll take
4 it. I'll take it. So I take the money and he goes back to
5 Patterson, New Jersey and I go to see her in the jail and I
6 represent her.

7 MS. STELZNER: Mm-hmm.

8 JUDGE GOLDWATER: And that became a famous case. I
9 get her old Army uniform and tell her -- because that's what
10 she's going to wear during the jury trial, and we get that
11 dyed and cleaned up and pressed and everything. And so, and
12 she's a young woman, she's about twenty-seven years old and
13 nice looking young woman and she doesn't remember a thing that
14 went on after they got home. She flopped down in bed and she
15 doesn't know. Somebody comes in and finds this -- this is my
16 theory, somebody comes in and finds this bayonet and for some
17 reason stabs him, puts the bayonet back up in the closet and
18 he must have been on the other side of the bed and he dribbles
19 blood across the bottom of the bed and across her legs and
20 goes out in the hall and he plops down and dies.

21 MS. STELZNER: Mm-hmm.

22 JUDGE GOLDWATER: I don't even know -- remember the
23 name of this poor man, this sailor. And his folks were here
24 for the trial and of course they were very angry what
25 happened. What happened was, that the jury were eleven to one

1 for acquittal, one woman held out on the jury and it was a
2 hung jury. And the district attorney at that time was Harold
3 Tabor and the question was, was he going to try her again? So,
4 after the jury trial is over, the hung jury, couldn't get a
5 verdict, I went to see him and he said, he was mulling it over
6 and he said, I don't think I can -- I can't put on a better
7 case than I did.

8 MS. STELZNER: Mm-hmm.

9 JUDGE GOLDWATER: So he said I don't think I'll try
10 her again. So that afternoon she gets out of the jail and
11 goes to the judge and the district attorney said he's not
12 gonna retry her and the judge doesn't direct him so, she's on
13 the train, she goes back to Patterson, New Jersey an back to
14 Elmer and I've -- I got a Christmas card from `em once.

15 MS. STELZNER: Oh, is that right?

16 JUDGE GOLDWATER: And so it was a hung jury. But
17 all my friends and my wife's friends were at the trial.

18 MS. STELZNER: Mm-hmm.

19 JUDGE GOLDWATER: And they all claimed she was
20 guilty. And I say she was not. So we've had that dispute for
21 all these years whether or not she did it. I don't know how
22 she could of done it, she was passed out.

23 MS. STELZNER: Yeah.

24 JUDGE GOLDWATER: And the trail of the blood was --
25 well, she had this white dress on and she would have gotten

1 blood on herself and so on, she didn't have any blood on
2 herself.

3 MS. STELZNER: Mm-hmm.

4 JUDGE GOLDWATER: Not on her hand or her dress or
5 any part of her and so that is one of my memories of a
6 memorable case. And the other one is a civil case and it took
7 a month, in which I lost for a tremendous verdict.

8 MS. STELZNER: Mm-hmm.

9 JUDGE GOLDWATER: And it made Time Magazine.

10 MS. STELZNER: That's great. Do you still have that
11 article?

12 JUDGE GOLDWATER: No, I don't.

13 MS. STELZNER: No?

14 JUDGE GOLDWATER: No, I don't. No, I don't. The
15 other case that I had was a tax case that went to the Supreme
16 Court of the United States.

17 MS. STELZNER: Well, you want to tell me about that
18 one?

19 JUDGE GOLDWATER: You want to hear about that?

20 MS. STELZNER: Yeah, I do.

21 JUDGE GOLDWATER: Well, I had good friend in college
22 named Ray Armstrong, he became a certified public accountant
23 and he had a couple named Wilcox whose return he was gonna do.
24 Tax return.

25 MS. STELZNER: Mm-hmm.

1 JUDGE GOLDWATER: And one of the items in the tax
2 return, the government contended, he filed for them, Mrs.
3 Wilcox was a nurse, actually the nurse who was there when my
4 son was delivered, and Mr. Wilcox was the accountant for a
5 storage and moving place.

6 MS. STELZNER: Mm-hmm.

7 JUDGE GOLDWATER: And Mr. Wilcox use to take care of
8 the money and every day he'd come down from the moving and
9 storage company, Stewart's Moving and Storage, he'd go by one
10 of these gambling places like the bank --

11 MS. STELZNER: Mm-hmm.

12 JUDGE GOLDWATER: -- and instead of going to the
13 bank to make the deposit, he'd try to gamble a little. Well,
14 over a period of two years he lost twelve thousand dollars
15 (\$12,000) of money. So, Mr. Stewart filed his returned, he
16 deducted what he lost because he had -- he later had a -- he
17 later had an audit and found out this accountant, Mr. Wilcox,
18 had stolen his money so deducted that as a loss.

19 MS. STELZNER: Mm-hmm.

20 JUDGE GOLDWATER: And Mr. Wilcox went to jail. Now
21 the government, in looking over the Wilcox's return, said that
22 they should return that money as income, so Ray called me and
23 he said can you do anything with this case? He said can you
24 -- because otherwise these people are gonna have to pay income
25 tax on twelve thousand dollars (\$12,000), well, some for one

1 year and some for the next. It was all in one year. Two
2 returns because he stole the money partly in one year and
3 partly in the other year. So, I said, well, how do you figure
4 it, Ray, and he said I figured like a debit and a credit. He
5 said, he still owes the money, so he didn't get any income.
6 One offsets the other.

7 MS. STELZNER: Mm-hmm. Yeah, yeah.

8 JUDGE GOLDWATER: So, I became a member of the Tax
9 Court of the United States for this case and then I took and
10 filed a complaint in the Tax Court of the United States and
11 they held against me.

12 MS. STELZNER: Where was that located?

13 JUDGE GOLDWATER: Well, they meet in big cities.

14 MS. STELZNER: Mm-hmm.

15 JUDGE GOLDWATER: Chicago, Philadelphia, New York,
16 San Francisco. This was in San Francisco.

17 MS. STELZNER: Mm-hmm.

18 JUDGE GOLDWATER: And the case was just submitted, I
19 didn't go to argue it, it was just submitted on the law. Was
20 stolen money, embezzled money, income? That was the case.

21 MS. STELZNER: Mm-hmm.

22 JUDGE GOLDWATER: And they said yes, it is. So I
23 lost the case in the tax court and I appealed to the Circuit
24 Court of Appeals in San Francisco and I lost it there and they
25 said it was -- so I took an appeal to the Supreme Court of the

1 United States and what do you think, I couldn't -- my client's
2 couldn't send me to Washington, they didn't have the money.
3 So I went to Mr. Thatcher, as I told you he was a graduate of
4 Colorado and he had hired me to do some work when I was just
5 starting, and I asked him if he knew somebody in Washington
6 that would argue the case before the Supreme Court of the
7 United States for a reasonable fee. So, he knew a man named
8 Davis, he said Mr. Davis will do it. He found out, he called
9 him, and I don't know it's five hundred dollars (\$500), Mr.
10 and Mrs. Wilcox could pay that. She was a nurse and made a
11 little money. And so I wrote the briefs and my briefs were
12 based upon the accounting principle of debit and credit.

13 MS. STELZNER: Mm-hmm.

14 JUDGE GOLDWATER: When you steal something you owe
15 it, therefore it's not income 'cause it's a debt. So what do
16 you know, the Supreme Court of the United States reversed the
17 Court of Appeals and the Tax Court and held for my -- for me.
18 And there was only one dissent, one of the Supreme Court's
19 Justice's dissent. Well, after that, and I used to go to the
20 American Bar Association meetings because then I was chairman
21 of the board of Bar Examiners in Nevada and then I'd go to the
22 Tax Division because I had a feeling for taxes and I like
23 that.

24 MS. STELZNER: Mm-hmm.

25 JUDGE GOLDWATER: And these people wanted to meet

1 me. They want to meet somebody that -- that was able to
2 accomplish this. And these guys said that won't stand up.
3 Well, okay, but now it's the law, the Supreme Court of the
4 United States says it's the law. Wilcox versus The United
5 States.

6 MS. STELZNER: Wow. Great.

7 JUDGE GOLDWATER: And, well, of course, later on it
8 was reversed.

9 MS. STELZNER: Mm-hmm.

10 JUDGE GOLDWATER: The Supreme Court of the United
11 States reversed themselves and held in a later case where a
12 man had taken money for kidnaping they said, you know, yes, he
13 owes that back, but that's income. He got the -- he had --
14 and the same with -- so we're reversing Wilcox versus The
15 United States. So it didn't stay -- it stood for about six,
16 eight, ten years.

17 MS. STELZNER: Mm-hmm.

18 JUDGE GOLDWATER: And I'd get -- I would get calls
19 from all over. I got calls from San Francisco. A man down
20 there called me, a lawyer, and he said, tell me about this
21 Wilcox versus The United States, he said that you have in the
22 Supreme Court of the United States, because I didn't go the
23 Supreme Court and argue it, Mr. Davis did.

24 MS. STELZNER: Yes.

25 JUDGE GOLDWATER: But I wrote the briefs. And I got

1 the idea of the accounting principle from Ray Armstrong, my
2 school friend.

3 MS. STELZNER: Mm-hmm.

4 JUDGE GOLDWATER: And I got some cases to show, you
5 know, that -- that accounting principles are used in taxes and
6 so on. But this lawyer in San Francisco called me and said he
7 had a client who was in I.Magnin's and he was selling U.S.
8 Bonds during World War II, and instead of turning the money
9 over to the United States he kept the money and he didn't buy
10 the bonds for these people and now he's charged with income
11 tax. And he said, well, what do you think that -- I said,
12 well, the principle is the same, sure it should hold up. You
13 know, it's embezzled money.

14 MS. STELZNER: Mm-hmm.

15 JUDGE GOLDWATER: And so he asked me all about it.
16 But I'd get calls from different parts of the U.S. where
17 somebody had a client that embezzled money and was being --
18 charged him of income tax on that money. But that didn't last
19 long. As I say, in six or eight years it was reversed by the
20 Supreme Court itself. That was one of the outstanding
21 experiences.

22 MS. STELZNER: Yeah, yeah.

23 JUDGE GOLDWATER: And that case is in the books. We
24 have a book that has the outstanding cases in the United
25 States.

1 MS. STELZNER: Mm-hmm.

2 JUDGE GOLDWATER: It's called the American Law
3 Reports, ALR.

4 MS. STELZNER: Mm-hmm.

5 JUDGE GOLDWATER: And Wilcox versus the United
6 States is in there, but it is not the law.

7 MS. STELZNER: Yeah, yeah.

8 JUDGE GOLDWATER: It is not the law anymore. For
9 kidnaping and bootlegging and all kinds of illegal income,
10 embezzling, you have to pay taxes on the money you get. You
11 know, like selling drugs and all that.

12 MS. STELZNER: Tell me something, the Save Our
13 Schools Committee, when you were on that, was that -- were you
14 on the bench at that time or were you still in private
15 practice?

16 JUDGE GOLDWATER: No, no. No, no, I was -- I really
17 don't know how I got appointed to that. I forget. I forget
18 how I appointed -- but someway or other, the teachers -- the
19 teachers associations and the unions here were looking for
20 someone to be on that committee and of course I was very
21 sympathetic, the money was to be used -- it was suppose to be
22 earmarked for the schools. The idea was to have a sales tax
23 was gonna earmark for the schools. Well, I didn't know it,
24 but it was never in the statute, it was never earmarked. But
25 I traveled all over the state speaking about that and I made

1 that representation and I'm sorry I made it because I didn't
2 understand what they were doing. The Legislature -- the
3 Legislature had authorized a vote on the question of whether
4 there should be a sales tax, because -- I don't know, they
5 didn't want to do it themselves. And I thought it was gonna be
6 earmarked for schools, because this -- they were not able to
7 appropriate enough for schools and so this was a way of
8 helping the whole school system of the state. So I went
9 everywhere, to Las Vegas and Ely and Elko and talked to
10 various groups like Kiwanis Clubs and Rotary Clubs and PTAs
11 and so on, and whipped up these people to vote for this
12 because it was -- and we called SOS, Save Our Schools. And of
13 course as time has shown the money from the sales tax goes into
14 the general treasury.

15 MS. STELZNER: Mm-hmm.

16 JUDGE GOLDWATER: And it's still up to the
17 Legislature to appropriate money for the schools, but they did
18 begin appropriating more money because they had more money
19 from the sales tax. But I worked very hard to get that
20 passed, feeling it was all going to the schools, but I was so
21 wrong. It didn't all go to the schools. But then it passed
22 and Nevada was known then as a state free state. We have no
23 estate tax, no inheritance tax, no sales tax and taxes were low
24 here. So, this was some innovation, a sales tax in a state
25 that prided itself on not having any taxes. And, well, since

1 then, of course, the tax has gone, I think from 2 ½, 3
2 percent, up to about 7 or more.

3 MS. STELZNER: Mm-hmm.

4 JUDGE GOLDWATER: And, but I was the one that really
5 went around the state trying to get it passed and I was
6 surprised that the educators, the people in education, they
7 were very -- they had a very good -- a strong organization and
8 we got it done.

9 MS. STELZNER: Mm-hmm.

10 JUDGE GOLDWATER: Yeah.

11 MS. STELZNER: So you're the culprit, you're the one
12 that --

13 JUDGE GOLDWATER: I'm the one that -- I'm the one
14 who got the sales tax passed. Not alone, of course.

15 MS. STELZNER: No.

16 JUDGE GOLDWATER: There was all these teachers and
17 principals and there was many people sympathetic to it --

18 MS. STELZNER: Sure.

19 JUDGE GOLDWATER: -- because it involved the schools
20 and the schools needed money.

21 MS. STELZNER: And the game -- the revenues from the
22 gaming industry?

23 JUDGE GOLDWATER: You see the gaming -- the gaming
24 tax has always been -- it's been hard to raise and you haven't
25 -- they haven't raised it, they wouldn't raise it.

1 MS. STELZNER: Mm-hmm.

2 JUDGE GOLDWATER: It's a -- because it employs so
3 many people and they have a lot of overhead, you know. They
4 just -- they're very very reluctant to do it.

5 MS. STELZNER: Mm-hmm, mm-hmm.

6 JUDGE GOLDWATER: So they wouldn't raise it -- they
7 wouldn't raise the gaming tax to help the schools. No. We
8 had to have a sales tax to help the schools. And it helped,
9 of course, because it made more money to appropriate, but it
10 isn't earmarked.

11 MS. STELZNER: Yes.

12 JUDGE GOLDWATER: That's -- that's what sad. When
13 it first dawned on me after the election that the money was
14 going into the general fund I was very very unhappy about it.
15 Disappointed.

16 MS. STELZNER: Mm-hmm.

17 JUDGE GOLDWATER: But I should have known that. The
18 authorization did not earmark the money. The authorization to
19 have a -- what was it called? It's an election where they
20 refer an issue to the people. I'm a little -- I don't know
21 the name of it now. But that was what we were doing, to vote
22 yes on this -- on this issue and it got an overwhelming vote
23 because when you name the word "school", it's like mom's ice
24 cream, mom's pie.

25 MS. STELZNER: Apple pie. Mm-hmm.

1 JUDGE GOLDWATER: The apple pie and so it got taxed
2 and that's -- we've had sales tax ever since.

3 MS. STELZNER: Judge, I want to get into your
4 appointment onto the bench. Do you want to take a break?

5 JUDGE GOLDWATER: All right.

6 MS. STELZNER: Okay. I'm gonna go --

7 JUDGE GOLDWATER: I gave you an awful lot of stuff.

8 MS. STELZNER: I know. I love it. Let's turn this
9 off.

10 [Tape change]

11 (Off-record colloquy)

12 MS. STELZNER: Do you -- how about a throat lozenge?

13 JUDGE GOLDWATER: No, I don't think so, no.

14 MS. STELZNER: No, okay. Great. So, let's talk
15 about it, here you and you got a --

16 JUDGE GOLDWATER: Well, I'll tell you, I knew
17 nothing about bankruptcy during all this practice that I had
18 in law, I knew nothing about bankruptcy and I never had a
19 bankruptcy case and I had no idea what it was all about. And
20 I don't know what -- why, but the bankruptcy in those days was
21 called the referee and it paid nine thousand dollars (\$9,000)
22 a year. And so in 19 -- somewhere in 1960s the then referee
23 was named Riggins [phonetic] died, and the referee was
24 appointed by the United States District Judge, who was Bruce
25 Thompson at that time. So, for some reason or other, I just

1 thought maybe I could pick up nine thousand dollars (\$9,000)
2 on the side. And I talked to Bruce and I said who are you
3 going to appoint as referee? You know, I'd like to have it.
4 And he said, oh, heck, he said, I'd love to appoint you,
5 that's fine. So he did appoint me and as I say, what I did
6 was go to the library and get a book and start to study and
7 learn what the laws were. And I took -- I took myself, I had
8 a place at the Lake Tahoe at the time and I stayed up there
9 all weekend and I read the subject of bankruptcy in A.J.,
10 American Jurisprudence, and I felt I was getting a little in
11 touch with it. And then I asked -- I called a man who was the
12 referee in Las Vegas, his name was Taylor and asked him if
13 he'd help me and he said, oh sure. He was coming up to Reno
14 on something, so he came and he helped me; showed me the
15 difference forms and so on. And in those days, in the '60s
16 when I first started, there wasn't very much going on like
17 there is today.

18 MS. STELZNER: Mm-hmm.

19 JUDGE GOLDWATER: With the reorganizations of the
20 big companies like John Mansfield, Macy's and so on.

21 MS. STELZNER: Mm-hmm.

22 JUDGE GOLDWATER: Wasn't anything like that. It was
23 mostly personal bankruptcies, but I had to learn it and some
24 legal problems did come up. So, then they sent me to
25 Washington D.C. for a seminar and I started to talk to other

1 judges and I listened at the seminar and I started to pick it
2 up and I started to like it. Bankruptcy, I learned, was kind
3 of like an umbrella it covered federal law, the Bankruptcy Act
4 at that time is now the Codes. The Act has been repealed and
5 the Code has been passed and it involved State law and Federal
6 law and it covered every possible subject. Commercial law,
7 collections, all kinds of contracts and discharges and excuses
8 for not getting a discharge in bankruptcy and so on. And I
9 began to love it very much and I was there as the bankruptcy
10 referee for a few years. And then in 1979, the Code passed.

11 MS. STELZNER: Mm-hmm.

12 JUDGE GOLDWATER: And some of -- one of the referees
13 found in the Code some words like, this can be done by the
14 judges of the District Court and Bankruptcy Courts. So now he
15 pointed out that we were judges and since that time, shortly
16 after 1979, the referees had become bankruptcy judges. And I
17 stayed from the '60s as part -- first I was part time.

18 MS. STELZNER: Mm-hmm.

19 JUDGE GOLDWATER: And I would hold court in Ely,
20 Nevada and Elko, Nevada and in Reno. And so, and I had a
21 clerk and I had an office and it was in the post office
22 building.

23 MS. STELZNER: Mm-hmm. Down on Virginia Street?

24 JUDGE GOLDWATER: Down on Virginia Street.

25 MS. STELZNER: Mm-hmm.

1 JUDGE GOLDWATER: And the time -- when it came, when
2 this code was passed and we became bankruptcy judges that we
3 got a lot more respect and also the country was growing so,
4 that we got so many different kinds of bankruptcy,
5 particularly reorganizations and all kinds of new problems
6 that related to the new chapters. The Chapter 13 and Chapter
7 11 and so, I stayed there until about 1982. I left -- well,
8 after the Code was passed they made these bankruptcy jobs, I
9 think they were seven years, I'm not sure how -- six years or
10 seven years. And I didn't finish out two terms, but in 1982 I
11 decided that I wanted to become a lawyer again.

12 MS. STELZNER: Mm-hmm.

13 JUDGE GOLDWATER: And I joined the law firm of
14 Lionel, Sawyer and Collins and I stayed there until -- I left
15 about ten years later in 1992. And then I pumped very hard
16 for Greg Zive to be appointed. He -- I felt he was a very
17 bright and able guy and he wanted the job.

18 MS. STELZNER: Mm-hmm.

19 JUDGE GOLDWATER: And at that time the then judge
20 was Thompson and he was retiring so I wanted Greg Zive to be
21 appointed. Well, after Greg Zive was appointed he said to me,
22 how would you like to be a recalled? And I said, well, you
23 know I've got nothing to do, I'd like it. And so he persuaded
24 the Ninth Circuit to put me on the recall list and so I act
25 when he's out of town or when he has a conflict or somebody in

1 Las Vegas has a conflict or something. And so I'm, from year
2 to year, I'm a recall Bankruptcy Judge.

3 MS. STELZNER: Mm-hmm.

4 JUDGE GOLDWATER: And so that's the way it went.
5 Just a suggestion to Bruce Thompson and he appointed me
6 referee as part time and then the law required me to be full
7 time and then became referees to judges and then after that,
8 why I went back into practice for ten years and now I'm
9 recalled as a bankruptcy judge. And I, as I say, my life is
10 the law and I love it.

11 MS. STELZNER: Yeah. When you were a part time
12 referee, you still did private practice?

13 JUDGE GOLDWATER: No. Oh, yes. Oh, as part time
14 yes.

15 MS. STELZNER: Yes.

16 JUDGE GOLDWATER: As part time and I got nine
17 thousand dollars (\$9,000) extra.

18 MS. STELZNER: Plus nine thousand (\$9,000), right?

19 JUDGE GOLDWATER: Plus nine thousand (\$9,000).

20 MS. STELZNER: Now, were you still -- your first
21 wife is still alive at that time?

22 JUDGE GOLDWATER: No. No, she had died in 1961 and
23 this was about, oh.

24 MS. STELZNER: Was it '64/'67?

25 JUDGE GOLDWATER: '64, '65, somewhere in there.

1 MS. STELZNER: Mm-hmm.

2 JUDGE GOLDWATER: And I was at a bar meeting up at
3 Lake Tahoe that I saw Bruce and Riggins had just died and I
4 asked him about the referee. He was delighted to appoint me,
5 so. `Cause he and I have been friends for years here.

6 So, I remarried and my wife just died a couple years
7 ago. My first marriage was twenty years and ten months and my
8 last marriage thirty-four years and ten months.

9 MS. STELZNER: Wow.

10 JUDGE GOLDWATER: So, and now I'm alone.

11 MS. STELZNER: Did --

12 JUDGE GOLDWATER: But it was during the time I was
13 remarried that I was recalled.

14 MS. STELZNER: Mm-hmm. Did you have children from
15 your second marriage?

16 JUDGE GOLDWATER: No. No.

17 MS. STELZNER: No?

18 JUDGE GOLDWATER: My wife had two children, a boy
19 and a girl. The boy is now in his -- going to be forty-eight
20 and the girl is in her fifties. And my children, my youngest
21 child, he's over fifty.

22 MS. STELZNER: Mm-hmm.

23 JUDGE GOLDWATER: And my son, who is the middle
24 child is deceased and my older daughter is going to be fifty-
25 six.

1 MS. STELZNER: Oh. So what about being on the
2 bench. What was a typical day for you? Or was there such a
3 thing?

4 JUDGE GOLDWATER: Now you mean?

5 MS. STELZNER: Well, when you first started.

6 JUDGE GOLDWATER: Judge Zive was giving me a lot of
7 different things. He'd given me a lot of Chapter 13s and I'd
8 handle those. And I'd written a lot of opinions. And, well,
9 I don't know what my reputation is with the bar, no one has
10 told me that. But, I don't seem to have any problem with the
11 lawyers. I've decided for some and against some. And I've
12 had some -- my opinions printed in the Bankruptcy Reports, BR.
13 Then I've had a lot of motions, you know, and I've some
14 reorganizations, plans, reorganizations. It's all different.
15 It just depends on what was on the calendar and whether Judge
16 Zive was going to take it himself or whether he's
17 disqualified. Lots of times he's disqualified because he was
18 a lawyer for many years and he had a lot of clients or his
19 partners had clients and he has to step down.

20 MS. STELZNER: Did you do -- have you done any jury
21 trials as a bankruptcy judge?

22 JUDGE GOLDWATER: No, I have not done.

23 MS. STELZNER: No.

24 JUDGE GOLDWATER: And he has done -- I think he's
25 only done one.

1 MS. STELZNER: Yeah.

2

3 JUDGE GOLDWATER: Yes.

4 MS. STELZNER: Do you think there's going to be more
5 of those?

6 JUDGE GOLDWATER: I doubt it. I doubt it because
7 it's an expense that these people can't afford. It's a very
8 big expense. It has to be a huge case and a fight over huge
9 amounts of money to be a jury trial.

10 MS. STELZNER: Mm-hmm.

11 JUDGE GOLDWATER: Because paying -- paying the
12 lawyers for a jury trial is too much expense.

13 MS. STELZNER: Yeah.

14 JUDGE GOLDWATER: As a matter of fact, a lot of
15 people come before Bankruptcy Court and try to do their
16 bankruptcy, consumer bankruptcy themselves, because they say
17 they can't afford a lawyer and we don't have any. We have
18 some lawyers who are really very good about that, they
19 volunteer to help, but for the most part lawyers have to be
20 paid and people can't afford it and so they have to do it
21 yourself. And then they have -- they have bankruptcy
22 preparers.

23 MS. STELZNER: Mm-hmm.

24 JUDGE GOLDWATER: And they have a lot of trouble
25 with those people because they're not supposed to give legal

1 advice. They're just supposed to fill out the forms and of
2 course they put in a few words about this or that and they get
3 -- they get -- they have to -- they charge too much and they
4 have a -- part of the Bankruptcy Code now is a limitation on
5 bankruptcy preparers. And the judge was just telling me that
6 somebody in Sacramento was fined forty-eight thousand dollars
7 (\$48,000) for doing certain things. I haven't read the case.

8 MS. STELZNER: Mm-hmm, mm-hmm.

9 JUDGE GOLDWATER: As a bankruptcy preparer. The
10 bankruptcy preparers can't do what a lawyer can do and
11 shouldn't.

12 MS. STELZNER: Mm-hmm.

13 JUDGE GOLDWATER: But they do and they're a lot of
14 trouble. But these people can't do this for themselves.
15 Bankruptcy is very -- is very technical.

16 MS. STELZNER: Mm-hmm.

17 JUDGE GOLDWATER: And I can see where a lot of
18 people could have helped them -- been a help, but they can't
19 help themselves. And I can't practice law as a judge and I
20 see that they're -- they don't know what they're doing,
21 they're their own lawyers and, you know what the old saying
22 is, when you're your own lawyer you have a fool for a client.
23 So I can see that there's shuffling around and they're not
24 getting the benefit -- total benefits of the Code.

25 MS. STELZNER: Yeah.

1 JUDGE GOLDWATER: But there's -- sometimes I can
2 help, sometimes I can't. Sometimes I just tell `em, you have
3 to see a lawyer and they say we can't afford it and then I --
4 sometimes somebody will volunteer. I will talk to these
5 people. Some lawyer might be sitting in the audience and
6 they're very good about it, say I'll talk to these people.

7 MS. STELZNER: Mm-hmm.

8 JUDGE GOLDWATER: `Cause they just don't get -- you
9 want them to get all the benefits of the --.

10 MS. STELZNER: Sure.

11 JUDGE GOLDWATER: -- Bankruptcy Code and you can see
12 they're not. They don't know. How would they know? I mean
13 it's -- some of that stuff is technical.

14 MS. STELZNER: Yeah.

15 JUDGE GOLDWATER: Very technical.

16 MS. STELZNER: Now, obviously as a judge you've
17 heard 13s and 11s and --

18 JUDGE GOLDWATER: 7s.

19 MS. STELZNER: -- and 7s. How `bout any 12s or 9s?

20 JUDGE GOLDWATER: Well, a few 12s.

21 MS. STELZNER: A few 12s?

22 JUDGE GOLDWATER: Very few. Very few.

23 MS. STELZNER: Yeah.

24 JUDGE GOLDWATER: Once in awhile a 12 will come up
25 with a problem.

1 MS. STELZNER: Mm-hmm.

2 JUDGE GOLDWATER: You know, we don't -- as you --
3 most of the cases that are filed are a Chapter 7, and we don't
4 see them at all. They just go in front of the trustee in
5 bankruptcy and they are asked questions by creditors and the
6 bankruptcy trustee and that's the end of it.

7 MS. STELZNER: Mm-hmm.

8 JUDGE GOLDWATER: Then once in awhile the trustee
9 will file a motion to deny an exemption, then that will come
10 before the judge, whether that is a true exemption. Or they
11 will object to a claim and then the judge has to decide
12 whether the claim is valid and for how much and whether it's a
13 priority claim or a general claim and so on. So those -- some
14 of those Chapter 7 cases will have legal problems, but most of
15 them go through the clerk's office, the trustee's office, and
16 we never hear about them. Never see `em, never hear about
17 `em. There are hundreds and thousands of those throughout the
18 United States that never have any judicial action on them at
19 all.

20 MS. STELZNER: Mm-hmm.

21 JUDGE GOLDWATER: The only thing we get an action on
22 is when the trustee or a debtor or a creditor or the United
23 States Trustee moves to, you know, to dismiss or to amend or
24 to, you know, object, then it comes before us as a court and
25 then we decide it. And a lot of these things are decided from

1 the bench. You know, you don't -- you just know what the
2 answer is, but then some you say I'll take under advisement
3 and you look up the law and write an opinion and I like that.

4 MS. STELZNER: Yeah. Yeah.

5 JUDGE GOLDWATER: Very good.

6 MS. STELZNER: Have you heard any 9s? Isn't that
7 the municipality the -- a Chapter 9 or not?

8 JUDGE GOLDWATER: No, I have not. I never have
9 heard one of those.

10 MS. STELZNER: No?

11 JUDGE GOLDWATER: Chapter 9, yes.

12 MS. STELZNER: Mm-hmm.

13 JUDGE GOLDWATER: No, I never had one of those. No,
14 -- I don't know of any district that has gone through
15 bankruptcy like water districts and municipals, districts and
16 so on, I've not known of any that come in through the
17 bankruptcy court here.

18 MS. STELZNER: In Nevada?

19 JUDGE GOLDWATER: Yeah, at least before me. Maybe
20 Judge Zive has had one, but I don't -- I have never seen one.

21 MS. STELZNER: So tell me something, Judge, what are
22 the qualities that you see makes a good judge?

23 JUDGE GOLDWATER: Well, there are a number of them.
24 I guess objectivity. To be fair, you've got to be objective.
25 You can't -- you can't be biased or prejudice against people

1 who have or don't have lawyers or people that -- whose
2 appearance may sway you. You have to be absolutely objective
3 about who the parties are. You just don't care. There's no
4 -- no reason to even look at the parties sitting by their
5 lawyers, because you just don't care whether they win or lose.
6 You have to be perfectly objective.

7 MS. STELZNER: Mm-hmm.

8 JUDGE GOLDWATER: And you often hear pleas of -- for
9 sympathy, so and so wants to lift the stay to foreclose
10 because they were dependent on these payments and these
11 payments haven't been made and these people are in their --
12 are elderly and they need to foreclose and sell this place so
13 they can get some money. They have no income because the
14 mortgage payments are not being made so lift the stay. And
15 you have to -- you have to disregard that kind of thing. You
16 have to make the decision to lift the stay based on the code
17 and the facts of the case, which have nothing to do with the
18 personal lives or who owns the mortgage. And we have often
19 older people who sell their property and expect to live off
20 the payments and then the payments are stopped and are not
21 made. And these people file for reorganization and delay them
22 and they have no income. And so objectivity which is related
23 closely to honesty, just being absolutely honest and fair.
24 Fairness. And I think scholarship. You've got to know the
25 code and you've got to know the cases and you've got to make

1 some effort to find out what the law is if you're not sure.
2 You've got to go -- go in and, you know, scrub down and read,
3 and read, and read. Some of these cases are hard.

4 MS. STELZNER: Mm-hmm.

5 JUDGE GOLDWATER: They're hard because you don't --
6 they just don't fit the precedent of other cases. So you've
7 got to do some thinking. So, I would say objectivity and
8 honesty and fairness and scholarliness are the main -- the
9 main qualities that a judge should have.

10 And in addition to that, he's got to control
11 himself. There's often things said that make a temper, might
12 give you temper and you don't -- you want to keep cool. You
13 want to -- you want to keep control of the courtroom and you
14 want to keep control of the lawyers and you want to earn their
15 respect. And so, you can't be flippant and you can't be, you
16 know, and in anyway put down the lawyer if especially he's
17 there with his client.

18 MS. STELZNER: Mm-hmm.

19 JUDGE GOLDWATER: And there's a place for humor
20 sometimes in the courtrooms, but it can't be at the expense of
21 the client or the lawyer or the law. The law must be majestic
22 and it must be respected and you can't treat it as just a
23 joke. It's not a joke. And so when I come in, people stand
24 up, they're not standing up for me, they're standing up for
25 the system. They are showing respect for the system. I

1 represent the system and that's all. I -- they're not showing
2 me respect, they're showing a representative of the majesty of
3 the law respect. That's what it amounts to. So you are, as a
4 judge you are subservient to all of these demands and rights
5 of people and giving them an opportunity to be heard and not
6 snapping to snap judgments. And not withstanding the
7 circumstances of their appearance or their wealth or their
8 standing, but being absolutely objective about it. And
9 there's some things you have to do that you hate to do, but
10 you do.

11 MS. STELZNER: Mm-hmm.

12 JUDGE GOLDWATER: I, just recently, denied some
13 Chapter 13s and I could just see these people, their faces
14 dropped and they were -- felt terrible, and I didn't want to
15 do it, but I had to so I did it. That's one of the hard
16 things to do is to -- you know that it's going to be a
17 hardship for these people to be denied relief, but you might
18 have to do it.

19 MS. STELZNER: Mm-hmm.

20 JUDGE GOLDWATER: Well, that's about -- tells about
21 how -- how to be a judge. Take -- be in charge of yourself
22 and in charge of the courtroom.

23 MS. STELZNER: So when you first started doing all
24 of this, the -- would you think the flavor, the philosophy of
25 the country was, you know, you incurred it, you take care of

1 it. Do you think that's changed? The process, what do you
2 think of the process now and are we -- is it working? Does it
3 work?

4 JUDGE GOLDWATER: Bankruptcy used to be tainted.
5 You'd hear that somebody went through bankruptcy, it was like
6 saying they --

7 MS. STELZNER: Yeah.

8 JUDGE GOLDWATER: Yeah, that people didn't want to
9 talk about it. Like cancer.

10 MS. STELZNER: Mm-hmm.

11 JUDGE GOLDWATER: Or living outside of marriage, you
12 know. It was -- it was considered almost like a sin, but then
13 after the code was passed we were just flooded with cases.
14 Flooded with cases. Because you see in Chapter 13, you could
15 get rid of various criminal things like embezzlement. Money
16 owed for embezzlement could be just discharged. You just paid
17 what you had to and you got a general discharge.

18 MS. STELZNER: Mm-hmm.

19 JUDGE GOLDWATER: And then you got three to five
20 years to pay your taxes that you owed. And then we were just
21 flooded with cases. And bankruptcy has lost its bad name.
22 Big firms have gone through bankruptcy and utilized it to save
23 themselves. For instance the -- Texaco, suffered a ten
24 billion dollar judgment in Texas and the only way they could
25 stop them from executing on their wells and all their

1 equipment and everything was they finally filed bankruptcy.
2 But of course, they settled the case, but that was their last
3 -- they appealed to the Texas Courts, they appealed to the
4 Federal Courts, they appealed to the Supreme Court, then
5 finally they filed bankruptcy. Well, Texas -- Texaco is not
6 broke, but if they had to pay ten billion dollars right now
7 they would have had to go to the banks and hock everything.
8 So they got the automatic stay for enough time to sit down and
9 talk and they got the thing settled.

10 But the bankruptcy is being used now -- and there
11 are abuses of it, there are abuses of it, there's no question
12 about it. There are people that abuse the bankruptcy court
13 and go through Chapter 7 and don't pay their creditors and
14 they don't even try. And I think Congress is trying to amend
15 that now and say that -- they're getting informal [sic], that
16 you can't file bankruptcy unless you can show X, Y, and Z that
17 you won't make enough to pay a minimum amount on these
18 creditors. Otherwise, you can't file a Chapter 7 and just get
19 to being discharged.

20 But my feelings is, over a long period of time, in
21 the bankruptcy court is there's an awful lot of good reasons
22 for bankruptcy. People have a death in the family and they've
23 got to start over. Particularly women who are divorced and
24 they are left with a lot bills and children, they've got to be
25 helped. And there's a lot of businesses that need to get rid

1 of some debts and so on, and get started. So there's a lot of
2 good reasons for bankruptcy. But you see abuses from time to
3 time, you see abuses. You see some people that are filing
4 bankruptcy to frustrate. Before the law was changed, many men
5 who got a divorce and were suppose to pay an amount of money,
6 but didn't pay it and got bankruptcy, and got it discharged.
7 Well, Congress changed that law so that if a man says, now,
8 I'm going to take the business and I'll buy your half and he
9 says I'll pay you for it and he makes a contract, that
10 contract is not dischargeable anymore, except for a couple of
11 exceptions of hardship. But for the most part, a lot of these
12 divorces that left the woman stripped of ever getting the
13 money she was supposed to get out of a settlement contract,
14 divorce settlement, has changed, but a lot of these women were
15 just absolutely -- the bankruptcy court stopped them and there
16 was nothing they could do.

17 MS. STELZNER: Mm-hmm.

18 JUDGE GOLDWATER: The man got a discharge from that
19 debt, that contract debt and he didn't have enough to pay it
20 and then so -- so, you couldn't force him to do certain
21 things. You can't force him to make a Chapter 13, but. So,
22 the law is gradually getting -- the bankruptcy code is getting
23 gradually more social oriented.

24 MS. STELZNER: Mm-hmm.

25 JUDGE GOLDWATER: And helping out particularly

1 children, support, and women in divorce contracts and it's
2 doing away with what happened at first. Many students went to
3 college and got their college degrees and they owed tremendous
4 amounts for tuition, books and so on, and that's all become
5 nondischargeable able now. It's a social look at the thing,
6 making these people who can pay to pay for that which they
7 should pay.

8 So, it's over the years, the code has been modified
9 in a social way, the philosophy way. But the philosophy of
10 the code generally is to get a fresh start and so that's why
11 they want to get rid of the creditor. You can't get a fresh
12 start when you're -- when everybody is hanging on your neck
13 and suing you. But there are certain things that our society
14 says you shouldn't be able to just suck up, you know, borrow
15 money from the government, get your education and walk away.
16 Get a divorce, promise to support, to pay for half the
17 property or something or the mortgage payments and then not do
18 it. Things like that are -- being -- changing, sort of a
19 social philosophy. You can get a head start or a fresh start,
20 but you can't ignore some basic things that you'll have to
21 pay. So, that attitude of the code is gradually changing, but
22 there were an awful lot of people that got discharged before
23 Congress changed the law. They couldn't helped it.

24 MS. STELZNER: You ever been reversed, Judge?

25 JUDGE GOLDWATER: Yes. I was reversed a couple of

1 times.

2 MS. STELZNER: Yeah?

3 JUDGE GOLDWATER: Yeah. Early in my career, when I
4 was a referee, I was reversed in a case. I just saw it one
5 way and the Court of Appeals saw it another way. And then I
6 was reversed about two years ago on a question of whether
7 property was community or separate and -- but I've been
8 affirmed more times than I've been reversed. So, you see in
9 the bankruptcy we have two appeals. One appeal goes to the
10 District Judge --

11 MS. STELZNER: Mm-hmm.

12 JUDGE GOLDWATER: -- and then they can appeal from
13 the District Judge to the Court of Appeals or you can appeal
14 directly to the Court of Appeals in San Francisco. And I've
15 never been reversed by a District Judge and I've been reversed
16 by the Court of Appeals twice. But I've been affirmed by the
17 Court of Appeals and affirmed with the District -- well, I've
18 never been reversed by a District Judge. And so, yes. Yes, I
19 have.

20 MS. STELZNER: So what qualities make a good lawyer?

21 JUDGE GOLDWATER: A good lawyer?

22 MS. STELZNER: Yeah.

23 JUDGE GOLDWATER: I guess zealous. Zealousness.
24 Zeal. You've to pursue something and no matter what, even if
25 you're never going to get paid, you got to pursue it. And I

1 guess, I shouldn't use guess because I'm not guessing, you not
2 only pursue it as hard as you can, you've got to be
3 intellectually honest with the other side and your client.
4 You've got to be truthful. Zeal and truth, I guess makes a
5 good lawyer.

6 MS. STELZNER: Mm-hmm.

7 JUDGE GOLDWATER: And a lot of lawyers go off half
8 cocked and don't think things through and that means a lawyer,
9 in addition to zeal and truth, ought to turn prayerfully to
10 books. There's -- he's got to learn, he's got to learn, he's
11 got to study. He cannot go off the top of his head. There's
12 -- ten too many lawyers do that.

13 MS. STELZNER: Mm-hmm.

14 JUDGE GOLDWATER: I had a lawyer here just a while
15 ago that had totally missed the boat on something. He had
16 just not read anything about it and it was sad to see that,
17 you know, that he was so uninformed. He was zealous for his
18 client and he was very truthful, but he had omitted something
19 which was written and printed and in the books and he didn't
20 go to the books and he didn't study enough. So, you have to
21 -- a lawyer should have some scholarship.

22 And you know, arguing cases to the jury, which I've
23 often done, you're kind of an actor and so a jury lawyer
24 should have some kind of personality so he can get the jury in
25 his hands. But he still has to be truthful. He needs to be

1 truthful and he has to be zealous on behalf of his client, but
2 if he's going to be a jury lawyer, if he's going to try the
3 case in front of a jury, he's got to have some personality
4 that goes with it.

5 MS. STELZNER: Mm-hmm.

6 JUDGE GOLDWATER: A lot of lawyers appear here in
7 court, and there's no jury, in front of me, I have to even
8 tell them hold your voice up, they don't even speak loud
9 enough for me to hear them. They know what they're talking
10 about, because I don't care how they look, whether they've got
11 shaggy beards or pants and coat don't match, whatever, I want
12 them to sound like a lawyer, but some of them have absolutely
13 blank personalities and you are -- you can't help but be
14 impressed by a lawyer who delivers.

15 MS. STELZNER: Yeah.

16 JUDGE GOLDWATER: You know, delivers. Talks to you.
17 Gives you -- gives you something to try -- impress, persuades
18 you. You can't help but listen to `em and so, if you're going
19 to be a lawyer, I think you should have some kind of
20 personality where you can talk and persuade as well as have
21 scholarship and zeal and be truthful. And the more you have
22 the more you can go before a jury.

23 MS. STELZNER: Mm-hmm.

24 JUDGE GOLDWATER: I don't know what I look like in
25 front of a jury. I never had a pictured myself. But I have

1 persuaded a lot of juries in favor of my clients. And as I
2 say, I lost cases and I won cases. And when you go to the
3 American Bar Association meetings you often hear and talk to
4 lawyers, we talk about lawyering, and of course they don't
5 tell you about the cases they've lost, they only tell you
6 about the cases they've won. But any good lawyer will lose
7 cases. He'll loses cases on appeal, he'll lose cases on the
8 deck of the courtroom and -- but a good lawyer, the better
9 lawyers win more cases than they lose, because they come to
10 the point where they can pursue that which they know will win
11 the case and they acknowledge their weaknesses and they're
12 ready to settle. An awful lot of good lawyers settle cases
13 because --

14 MS. STELZNER: Mm-hmm.

15 JUDGE GOLDWATER: -- and they get good settlements
16 or the best they can. And they help the client. An awful lot
17 of cases go to trial where the lawyer doesn't realize that he
18 hasn't got a case, he should settle. And so we have, what we
19 call arbitration and a lot of the lawyers want to come in
20 front of the judge and both sides tell the judge their
21 position and he tries to get `em together and see if they
22 can't settle. And that's a very good thing we have in the
23 court. And Judge Zive is an expert at that.

24 MS. STELZNER: Mm-hmm.

25 JUDGE GOLDWATER: He's had a lot of hard cases which

1 neither side will give in and he get's in there and he says,
2 well, what's your strengths and what's your weaknesses, you
3 know, tell me. And they put it in a paper, which only the
4 judge reads, and if they're truthful about it they show some
5 weaknesses and he can see that those weaknesses may make a
6 difference in the case. The lawyer, the good lawyer, the top
7 of the -- the top of the -- wins more cases than he loses and
8 he settles a lot of cases because he knows where the links are
9 broken or bent or they're not gonna hold.

10 MS. STELZNER: Mm-hmm.

11 JUDGE GOLDWATER: He recognizes that. And it may be
12 in a document, it may be in a witness that couldn't stand up
13 against cross-examination and may be just in the code in
14 interpreting something. But a good lawyer will settle a lot
15 of cases. And that doesn't mean, you know, because he doesn't
16 win the case that he wasn't a good lawyer. Particularly in
17 bankruptcy I know some lawyers that are excellent lawyers
18 because they, instead of wasting the client's money on
19 litigation and they see that, you know, maybe I'll lose this,
20 you know, let's talk and they've settled a lot of bad
21 situations.

22 MS. STELZNER: Mm-hmm.

23 JUDGE GOLDWATER: And the other side, a lot of
24 times, wants to get out of going to court, taking the time off
25 from work and paying lawyer's fees, you really can take a

1 little less, let's get this behind us. And so that's the one
2 of the qualities of a lawyer is he recognizes the strengths,
3 zealous as he may be, the strengths and the weaknesses of his
4 case.

5 MS. STELZNER: Mm-hmm.

6 JUDGE GOLDWATER: So there's scholarship, knowledge
7 and he's got to be absolutely truthful and loyal to his
8 client.

9 MS. STELZNER: How has your individual judicial
10 philosophy evolved through the years?

11 JUDGE GOLDWATER: Well, when I was in law school I
12 learned something out of class. Some of the guys in law
13 school were there to go in the profession of law to make
14 money. And I realized that that was not why I was there. I
15 wanted to be a lawyer because I didn't want to work in my
16 dad's store; and I didn't have any other skills and I didn't
17 take engineering or anything, I couldn't do anything like
18 that. I'd see contractors and other things, I'm -- I was not
19 a scientist. I was not a linguist. So here I was in law
20 school and right off the bat, I loved it. But when I used to
21 go out beer drinking with my friends and I learned that some
22 of `em were there because you make more money as a lawyer. I
23 was really disappointed in them. And from the day I was in
24 law school I never thought of the law as a place to make
25 money. And that has been my philosophy. See, we are here to

1 serve and yes, lawyers must eat and a lawyer has got to get
2 paid, but that isn't why we're lawyers. We're lawyers because
3 we love what we're doing and we think that we're doing
4 something important. As I say, you know, helping somebody
5 out. Winning the case when you can win is wonderful, but what
6 injustice there is from people's charges and -- they shouldn't
7 allow to sustain. And of course sometimes I've won cases that
8 I shouldn't have won. And I've lost cases I shouldn't have
9 lost. And that's a happenstance of human kind and way of
10 life. For instance, I won many, many jury cases on automobile
11 accidents and other accidents, different kinds of accidents,
12 machinery accidents, slip and fall accidents, where I was able
13 to persuade the jury that my client was right and the other
14 side was wrong and I got the verdict and got the costs, and I
15 enjoyed that win. But I knew that, well, in coming home and
16 my wife would say you shouldn't have won that case and paid
17 that woman that money. But my job was to represent my client
18 and do the best I could. And the best I could do was to win
19 and I did.

20 And then there were cases that I lost. And cases
21 that the people shouldn't have won and they won, they beat me
22 and they got they got paid. Because it's all -- most of these
23 cases that I had involved money. People were suing for money
24 and I was defending against money or I was suing for money and
25 so on. I can't say that every time you win a case, you should

1 have won it. That's not true. Sometimes the other side
2 should have won, but they didn't have enough law power, they
3 didn't have enough lawyering.

4

5 MS. STELZNER: Mm-hmm.

6 JUDGE GOLDWATER: And they didn't know -- didn't
7 have it -- didn't present it right and didn't persuade the
8 jury. And in cases which I've lost, I've just felt that I
9 just didn't get -- didn't get it.

10 I once had a case where I was appointed by the
11 United States District Judge to defend a man, I was a very
12 young lawyer, who was charged with violating the treaty
13 between the United States and Canada. The treaty said that
14 you are not to shoot ducks from a moving boat. And this man
15 was charged with firing his shotgun at ducks while on Washoe
16 Lake, which is down -- a lake here between Carson City and
17 Reno. And he was a man who had a whole bunch of children,
18 maybe seven or eight, and he couldn't afford a lawyer, so the
19 judge appointed me to represent him. Well, this man convinced
20 me that he didn't fire his rifle, he had a man that was with
21 him in the boat while the boat was moving, but the game warden
22 was on the shore and he claimed that the boat was moving and
23 this man was firing at ducks and then he'd have his dog jump
24 out of the boat, get the duck and bring it back to the boat.
25 So, that case I shouldn't have lost and -- but I did. And I

1 was very, very sick about that case because the judge that
2 presided that case was the United States District Judge from
3 Sacramento and he called me in his office afterwards, after
4 the jury came in, and even I -- but I had a dispute with him,
5 it was twelve o'clock at night when the jury came in, and he
6 said he's gonna fine this man twenty-five hundred dollars
7 (\$2,500). So, I said, well, it's too late judge to raise the
8 money but we'll get it tomorrow and he lives here, not far
9 from the courthouse with his family; and the judge said, I
10 don't care about that, he's either going to pay it tonight or
11 he's gonna just have to stay in jail. So he tells the
12 marshal, take this man over to the jail. And then he turns
13 and he says to me, come in my office, I want to see you. So,
14 I go in his office and he says, Mr. Goldwater, he said, you
15 called me a son of a bitch. I said, no, I didn't, judge, I
16 didn't say it. He said, you were thinking it. And he said,
17 now, there's a time limitation on that. You can call me a son
18 of a bitch for thirty days, but after that that's all, now get
19 out. And that's the way he talked to me and I was just a
20 young lawyer. And this poor man was taken over to the jail
21 and we went to his employer, got him out of bed, and he wrote
22 a check for twenty-five hundred dollars (\$2,500) and we took
23 it down to a gambling place, of course they knew this man, his
24 employer, and they cashed the check and we took the money over
25 so he didn't have to stay in jail.

1 Well, I was very, very sad. I shouldn't have lost
2 that case because the man in the boat and this man was
3 appearing on the stand and it wasn't a big deal.

4 MS. STELZNER: Mm-hmm.

5 JUDGE GOLDWATER: And the game warden was way, way
6 off the side, you know, on the shore, and -- but that's the
7 kind of cases you lose or you shouldn't lose and I've won
8 cases as I say, the jury's come in for me and the plaintiff
9 has gotten nothing or I, again, recover there, the defendant's
10 had to pay. And maybe I should have lost it. That is the
11 life of a lawyer. That is the life a lawyer, you can't say --
12 you cannot rationalize some things that jury's do.

13 MS. STELZNER: Mm-hmm.

14 JUDGE GOLDWATER: And then sometimes you have
15 somebody on the jury that you know and maybe who's gonna try
16 to help you.

17 I once had a case where I sued for eight hundred
18 dollars (\$800) and the judge was A. James Freddy [phonetic]
19 and he was an older man, he'd been the police judge and then
20 he was elected District Judge in Reno and I just didn't trust
21 him. I was only suing for eight hundred dollars (\$800) for a
22 home furniture company against a man that owned Harrah's Club
23 at the time. Not his son Bill, it was John, John was the
24 owner and so I asked for a jury, for eight hundred dollars
25 (\$800). And my client was owners of the home furniture

1 company, their name was Kinsberg [phonetic] and Eddie
2 Kinsberg, the youngest of the three sons was sitting next to
3 me during the trial and when the jury came back and took the
4 box, one man winked at him, so I knew we won the case. And we
5 got a verdict -- we got a verdict for eight hundred dollars
6 (\$800), in those days you couldn't get any attorneys for --
7 had to pay me out of eight hundred dollars (\$800). And what
8 do you know, Harrah appealed to the Supreme Court of Nevada
9 and it's in the books. Harrah verses Home Furniture Company,
10 eight hundred dollars (\$800) it was affirmed.

11 MS. STELZNER: It was affirmed?

12 JUDGE GOLDWATER: The jury verdict. That is the
13 life of a lawyer and this man that was on the jury was a
14 friend of Eddie's so he probably told -- what the heck, this
15 guy owns a gambling place and so on. That was -- that's part
16 of the experience of being a lawyer.

17 MS. STELZNER: What were the awards and advantages
18 or your career?

19 JUDGE GOLDWATER: What was what?

20 MS. STELZNER: The rewards and advantages?

21 JUDGE GOLDWATER: Oh, I think lawyers get a certain
22 amount of respect most places, individual lawyers. I think
23 generally people declaim lawyers, you know.

24 MS. STELZNER: Mm-hmm.

25 JUDGE GOLDWATER: Shakespeare and others made fun of

1 lawyers as a class. But, as an individual lawyer, I think
2 people gave me a little more respect than they gave most
3 people. I mean I was considered a, you know, an educated
4 person, I had gone to college, I went to law school and I was
5 in politics a little bit, you know, here and there. Like on
6 the SOS committee and a lot of people that were my clients
7 trusted me with their money and with their complaints and with
8 their defenses and so I -- one of the things that I enjoyed
9 was -- I think it helps your ego a little to be a lawyer and
10 make it, you know, and make it.

11 MS. STELZNER: Mm-hmm.

12 JUDGE GOLDWATER: I never -- there were -- you never
13 -- I don't know if some lawyers get rich, but I never got rich
14 at practicing law nor made a lot of money at it. But, I
15 reared a family and I thought, as an individual I've had
16 people -- I felt I had an advantage over most people because I
17 lived in a world of other educated people, judges and other
18 lawyers and a lot of people that I had as witnesses were
19 experts in their fields, doctors and engineers and others who
20 testified. And so I was living in a world through my life of
21 specialist and bright people and I think people listened to me
22 when I was talking. And were respectful and so, yes, there
23 was an advantage of being a lawyer.

24 MS. STELZNER: And what about being a judge?

25 JUDGE GOLDWATER: And being a judge was even more

1 rewarding. Although I'm in the lowest level of the judicial
2 ladder, I mean there's, I guess a municipal judge, a city
3 judge is maybe down another step. But in the federal system,
4 this is the lowest level, you know, Supreme Court, the Court
5 of Appeals and then there's Magistrate's Court and Bankruptcy
6 Court. You're really in a low level but I've never been
7 treated as if I was in a low level. I've gone to the
8 conferences of the Ninth Circuit and I'm called Judge and
9 these men don't demean me or think I'm in a lower level. They
10 treat me just as if I'm one of the boys.

11 MS. STELZNER: Mm-hmm.

12 JUDGE GOLDWATER: So, it's been very -- it's been
13 very nice being a judge. And when we were called referees, I
14 was a little bit -- a little bit -- I felt a little bit like
15 not being a judge.

16 MS. STELZNER: Mm-hmm.

17 JUDGE GOLDWATER: Just being something on the
18 outside of the court system.

19 MS. STELZNER: Mm-hmm.

20 JUDGE GOLDWATER: But now that we have that title
21 and we have courtrooms and everything, I think that I feel
22 better about it.

23 MS. STELZNER: If you had to do something different,
24 what would you do?

25 JUDGE GOLDWATER: Well, as I told you, I wanted to

1 be a doctor.

2 MS. STELZNER: Yeah.

3 JUDGE GOLDWATER: But my grandmother said that
4 doctors have to go out at night. And of course you couldn't
5 find a doctor today who's going to go out at night and bring
6 his little bag and go to your house. But in those days that
7 was what a doctor did, he came to your house; and if I had an
8 attack of asthma, Dr. Stafford came over and gave me some
9 adrenaline and he'd bring his little bag. And so, yes, if I
10 had to do it all over again, I might liked to have been a
11 doctor. I think that would have been a very rewarding life to
12 be of service that way. I always feel that -- I don't know
13 about some of these modern doctors that won't make these house
14 calls, but I always felt that doctors were -- did more for the
15 human race than a lawyer does. And, so, yes, if I had to do
16 it all over again, but I couldn't do it all over again and
17 I'll tell you why, because I would be a very, very poor
18 doctor.

19 MS. STELZNER: Why -- why do you say that?

20 JUDGE GOLDWATER: I don't like sciences and so I
21 would not -- I would not fair well in a scientific world of
22 the kind of things they have to take, physics and biology and
23 so on and so forth.

24 MS. STELZNER: Mm-hmm.

25 JUDGE GOLDWATER: So, I'm right where I should be.

1 I'm right where I should be and I should be a lawyer because I
2 like it and I almost -- I think we -- we are lawyers and
3 judges, we are a service, we're a good service to the public
4 and we -- we are given status and if we conduct ourselves
5 properly, we deserve and receive respect. And we serve a
6 purpose because there's always conflicts between people and
7 they've got to be resolved in a peaceful way and this -- our
8 system just does that. And the people in the system have to
9 be geared for it, and I just think that's where I should be
10 and I'm geared for it.

11 MS. STELZNER: Mm-hmm.

12 JUDGE GOLDWATER: I think I can be objective and I
13 think I can be fair and --

14 MS. STELZNER: What do you want to be remembered
15 for?

16 JUDGE GOLDWATER: Well, I want to be remembered for
17 being a good husband.

18 MS. STELZNER: Oh, yeah. First and foremost, huh?

19 JUDGE GOLDWATER: Yeah. I would. And a good
20 father. I had a good family. That was very rewarding and
21 still is.

22 MS. STELZNER: Yeah, mm-hmm.

23 JUDGE GOLDWATER: I think that's an accomplishment
24 and -- a better accomplishment than my professional life
25 although that's, of course, next. You know, first, all you

1 can say what are your first? Well, first, you are a human and
2 then, you know, you say you are an American and then you are a
3 lawyer and then you're a father --

4 MS. STELZNER: Yeah.

5 JUDGE GOLDWATER: -- and you're a husband and
6 you're many things and you're always members of minorities
7 except the human race, you know, that's one big group. The
8 Americans are a minority in the world and I think the good
9 fathers and good husbands may be in the minority, what I read
10 in the paper about some of these horrible violence things and
11 they have organizations now against domestic violence that
12 seems so common. And children bringing guns to school, six
13 year olds, an eight year olds and so on. It just seems like a
14 different world.

15 MS. STELZNER: Mm-hmm.

16 JUDGE GOLDWATER: And so -- and lawyers are in the
17 minority, we're a minority. And judge's are in the minority.
18 So I'm a member of a lot of minorities and of course as a
19 Jewish man, I'm in the minority. So I'm a member of a lot of
20 minorities and I don't know what I'd put first except, you
21 know, family.

22 MS. STELZNER: Mm-hmm.

23 JUDGE GOLDWATER: Family's first and then my
24 profession. Yes. But my family's first.

25 MS. STELZNER: Anything important you want to say,

1 Judge? Have I talked you dry here?

2 JUDGE GOLDWATER: Well, I have a lot of experiences,
3 you know, that I could tell you about.

4 MS. STELZNER: Mm-hmm.

5

6 JUDGE GOLDWATER: Many, many cases.

7 MS. STELZNER: What's the first one that comes to
8 mind?

9 JUDGE GOLDWATER: You know how many files I must
10 have gone through? Hundreds and hundreds of files and --

11 MS. STELZNER: What do you think of our modern
12 technology now?

13 JUDGE GOLDWATER: Oh, I --

14 MS. STELZNER: Are you surfing the Web or anything
15 like that?

16 JUDGE GOLDWATER: Well, I have a computer at home,
17 but I'm not computer intelligent. I can send e-mail, I can
18 receive e-mail, and I can find things by going to the Lycos
19 and saying, you know, what I'm looking for and finding it.
20 And then, but I usually like to find a telephone number that I
21 can call and order it.

22 MS. STELZNER: And talk to somebody, huh?

23 JUDGE GOLDWATER: Yeah. I have a very hard time
24 doing -- doing very much on the computer.

25 MS. STELZNER: Mm-hmm.

1 JUDGE GOLDWATER: But, yes, I like our technical
2 world now. I love it because, you know, I can hold court here
3 with a screen and the lawyers in Las Vegas can appear before
4 me and I don't have to make a trip down there and go to a
5 hotel and have meals in a, you know, by myself and breakfast
6 and then go to court. I'm just right here in town and I'm
7 deciding their cases and they're talking to me and they see me
8 and I see them and that kind of technical thing is wonderful.
9 And also we have transcripts that are all done with
10 electronics.

11 MS. STELZNER: Mm-hmm.

12 JUDGE GOLDWATER: And filings, the filings are
13 automatic in Las Vegas. You file here for Las Vegas and it
14 shows up on the screen. This is all -- I think wonderful. I
15 like it and -- and so it's -- and it helps me in a lot of way.
16 For instance, suppose I read an opinion and I finish it and
17 it's sent out and the next day I look at it and I omitted the
18 word "not" and so the negative isn't there, and I thought it
19 was. Well, I get out a fax to these lawyers and then I amend
20 that and it's all done within an hour or so and they are
21 appraised of the change and, you know, years ago you couldn't
22 do that.

23 MS. STELZNER: Mm-hmm.

24 JUDGE GOLDWATER: You sent out an opinion that you
25 wrote, well, you had to call them up and tell them, if you

1 could get them, then you couldn't reach them -- pardon me, but
2 today with all the technical things we have, I think it's
3 wonderful and it just works out very, very well.

4 You know, these clerks in this office here is just
5 absolutely tops. They have my March 20 -- today is March
6 24th, they have had my March 28th calendar all ready for me
7 sitting on my desk and they've done that through the computer.

8 MS. STELZNER: Mm-hmm.

9 JUDGE GOLDWATER: The cases that were continued and
10 the new cases that were set and so on. It's all -- they've
11 done it all and they've given me the calendar and everything,
12 a week, then days ahead of time and it's all done through the
13 technical devices that they have access to. And it helps me
14 so I get the file -- I get the calendar early and I can review
15 it and then be more prepared. Whereas, you know, if they had
16 to do it by hand, I don't know how things were done.

17 How was -- how could they keep track of forty
18 thousand students at the University of California by entering
19 by hand all their grades?

20 MS. STELZNER: Yeah. Yeah.

21 JUDGE GOLDWATER: You wonder.

22 MS. STELZNER: Yeah.

23 JUDGE GOLDWATER: You wonder how they keep track of
24 all the voters when they didn't have computers?

25 MS. STELZNER: Isn't that the truth. Yeah.

1 JUDGE GOLDWATER: Yes, and it has helped a lot. It
2 made life a lot --

3 MS. STELZNER: You think we'll ever get to a
4 paperless court?

5 JUDGE GOLDWATER: Where, you mean, everything's
6 under memory?

7 MS. STELZNER: Yeah. And computerized, electronic?

8 JUDGE GOLDWATER: No, I don't think so.

9 MS. STELZNER: No?

10 JUDGE GOLDWATER: I don't think so. I feel and
11 think it's gonna be a paper war. I mean I don't know if I
12 could sit up here and have a computer and I say to somebody,
13 in an adversary, I'm gonna -- I read your complaint and I have
14 it here in front of me, now there's a motion to strike
15 something and it's paragraph 12 at line 13, and he'll -- the
16 man talking to me, the lawyer talking to me, he has to see
17 that too, so he's got to have a computer in front of him or
18 else he has to have the -- he has to have something in
19 writing.

20 MS. STELZNER: Mm-hmm.

21 JUDGE GOLDWATER: I just don't think it's going to
22 work, I think we're going to have files and we're going to
23 have writings. I think we have to have.

24 MS. STELZNER: Mm-hmm.

25 JUDGE GOLDWATER: But we can make copies and lots of

1 times I have people on the telephone. Say a lawyer wants to
2 appear and he's in Philadelphia and so the Clerk gets him on
3 the telephone and he introduces himself, gives his bar number
4 in Pennsylvania and so on and then the lawyers at the desk
5 there says something and then I say to this lawyer, what do
6 you say about that and he -- he is present in the court
7 through the telephone system and it's wonderful. He doesn't
8 have to come all the way to Reno, Nevada just to give me a ten
9 minute thing. He doesn't have to do that.

10 MS. STELZNER: Yeah, yeah.

11 JUDGE GOLDWATER: So, yes, I like the system, I love
12 it. I love it. I don't know that we'll ever do away with the
13 papers. I don't know that. The papers -- a lot of the papers
14 are repetitious and they say the same thing. You know, they
15 move to lift the stay and they could all be on a computer, I
16 could read it in my office and then come in here and comment
17 on it. But somebody's got to have some paper on it. They
18 want to see the order lifting the stay.

19 MS. STELZNER: Mm-hmm, yeah.

20 JUDGE GOLDWATER: You've got to sign something.
21 There's got to be paper.

22 MS. STELZNER: What was your secretary's name again,
23 Lucille?

24 JUDGE GOLDWATER: Luella.

25 MS. STELZNER: Luella. Do you think Luella would --

1 going through those carbon copies making the corrections?

2 JUDGE GOLDWATER: Luella C. Fox. Yes. Yes, she was
3 a member of the Pennsylvania -- what would they call -- it
4 was a religious sect in Pennsylvania?

5 MS. STELZNER: The Amish?

6 JUDGE GOLDWATER: No, not the Amish.

7 MS. STELZNER: No.

8 JUDGE GOLDWATER: They're peaceful.

9 MS. STELZNER: Quakers?

10 JUDGE GOLDWATER: Quakers. Yes, the Quakers sect.

11 MS. STELZNER: Quakers.

12 JUDGE GOLDWATER: Yeah. And she had during the war
13 been in Panama.

14 MS. STELZNER: Oh, is that right.

15 JUDGE GOLDWATER: She was working for the government
16 in Panama as a secretary. And she and her husband came back
17 to the United States, for some reason they came to Reno,
18 Nevada and she was an excellent secretary.

19 MS. STELZNER: How long did she work for you, Judge?

20 JUDGE GOLDWATER: Oh, let's see. She worked for me
21 from somewhere in 1960, 19 -- no 1940. 1940s until the 1970s.

22 MS. STELZNER: Wow.

23 JUDGE GOLDWATER: She worked for me about twenty-
24 five or thirty years. Yeah. She was neat.

25 MS. STELZNER: When you were appointed to the bench,

1 did she come over with you or?

2 JUDGE GOLDWATER: No. No, no, she had died while I
3 was still practicing.

4 MS. STELZNER: Oh, is that right?

5 JUDGE GOLDWATER: And before I became -- and I was
6 maybe a part time referee in those days, I don't know.

7 MS. STELZNER: So you never got to buy her a
8 computer?

9 JUDGE GOLDWATER: No. She never had a computer, no.
10 We had the old mimeograph machine for copying.

11 MS. STELZNER: Oh goodness.

12 JUDGE GOLDWATER: And we didn't have any of the
13 technical stuff.

14 MS. STELZNER: Yeah.

15 JUDGE GOLDWATER: We had nothing -- no such thing as
16 e-mail. No such thing as e-mail and no such thing as
17 overnight deliveries that we have now, you know. And fax
18 machines, we -- you know, I say now to lots of lawyers, you
19 will file something and you will fax it, fax a copy to so and
20 so and so and so. And, you know, that person gets a copy of
21 it right away. But, we didn't have that. And, when we -- in
22 the old days, I don't know if it's olden days or old days.
23 The olden days if we had to deliver a copy of the answer --

24 MS. STELZNER: Mm-hmm.

25 JUDGE GOLDWATER: -- we didn't have any paralegals.

1 I used to take a copy of the answer over to another lawyer and
2 I would hand it to his secretary and have her sign my copy
3 received.

4 MS. STELZNER: Receipted copy, mm-hmm.

5 JUDGE GOLDWATER: And then I'd walk back to my
6 office. Except all lawyers were downtown.

7 MS. STELZNER: Yeah.

8 JUDGE GOLDWATER: Now they're all over the -- all
9 over the town.

10 MS. STELZNER: Mm-hmm.

11 JUDGE GOLDWATER: And you just put it in the mail,
12 send the copy or you fax them a copy.

13 MS. STELZNER: Yeah. Yeah.

14 JUDGE GOLDWATER: Yeah. We had -- there was only a
15 hundred lawyers in Reno when I started to practice, now
16 there's a thousand. Ten times the number of lawyers, maybe
17 more than a thousand. In fact, we have a Bar Association
18 Counsel and we have -- and I think the Bar Association has its
19 own building and own office in Las Vegas and one in Reno. And
20 we have -- we have altogether a different approach and we have
21 our own magazine and everything else.

22 MS. STELZNER: You know one thing I did want to ask
23 you, you were on the board of Examiners for the Bar?

24 JUDGE GOLDWATER: Yes.

25 MS. STELZNER: What was it -- what's the --

1 JUDGE GOLDWATER: That was a good --

2 MS. STELZNER: -- the difference between when you
3 took the Bar and then the evolution of then being on the
4 board?

5 JUDGE GOLDWATER: Well, when I took the Bar exam in
6 1939, in the fall after I got out of law school, the bar
7 examination was six days of essays, morning, afternoon and
8 Saturday morning you had to -- you were called by one of the
9 members of the board, the bar examiners in those days and you
10 had to know something about the history of Nevada. So, that
11 was -- I didn't know anything about the history of Nevada
12 except you had to know how many counties there were and when
13 the state was admitted to the union and so on. And there were
14 only four of us that took the exam that year.

15 MS. STELZNER: Oh, is that right?

16 JUDGE GOLDWATER: And, so, I said to this man who
17 was taking the exam with me, his name was Carl Dodge and he
18 lives in Fallon and he never practiced law, but his father was
19 a contractor and he went into the contracting and fireman
20 business, but he had gone to Stanford Law School and he got a
21 good education. So, I said to him during the week, I said,
22 what is this history exam we have to take Saturday morning?
23 So he said, well, don't pay any attention to that, I'll tell
24 you everything you have to know. So, he -- I said when you
25 want -- he said, well, why don't you come over to the hotel

1 Friday night, I'll be staying at the Golden Hotel and he comes
2 over. I go over to his room at the Golden Hotel and he says
3 let's go down and have a drink and I said, wait a minute,
4 we're gonna talk about the history of Nevada. And he said,
5 all you need to know is how many counties there are and where
6 the capitol is and the state was admitted to the union in 1864
7 and that's all you need to know. So, I says, are you sure
8 about that? And he says, oh yeah, he said he's talked to some
9 other guys that took the exam last year and there was nothing
10 to it. He says you can put it on the back of a match holder,
11 you know, just write a few dates down.

12 So, we went downstairs, we had a few beers, we went
13 to dinner, and I went and showed up for the history exam
14 Saturday morning after writing all these essays all week. And
15 so, one of the questions was where is the Mormon Trail? Who?
16 What? What are you talking about, the Mormon Trail? I don't
17 know anything about the Mormon Trail. And then this guy --
18 this guy asked us other questions like when was the city of
19 Genoa founded? And how many members of the Legislature were
20 there on the first Legislature? And where is the county seat
21 of Eureka County? And -- what -- how did Nevada territory --
22 how did it become a state from a territory? And I looked over
23 at my friend and, you know, you didn't tell me that. You
24 didn't tell me right. Anyhow, I passed the exam, I don't
25 know, some way or another I had -- dumbfounded through the

1 questions and I passed.

2 But then, years -- a few years after that I was
3 asked to be on the Board of Bar Examiners by Douglas Buce
4 [phonetic], he was the chairman of the board of our examiners
5 and they're appointed by the Supreme Court, so he gave them my
6 name and they made me secretary of the Board of Bar Examiners
7 and I also had to write questions and correct the answers.
8 And we continued that same exam -- we dumped that history
9 examination, which had nothing to do with being a lawyer. But
10 we still gave the examination for five days.

11 MS. STELZNER: Mm-hmm.

12 JUDGE GOLDWATER: And then Doug quit the Board of
13 Bar Examiners, I became chairman and I started to go to the
14 National Conference of Bar Examiners, which is a national
15 organization that meets at the same time as the American Bar
16 Association. And after talking to other examiners and so on,
17 I realized that you can examine a person in less than five
18 days and so when I came back I got in touch with my other
19 examiners, who were appointed by the Supreme Court, and I told
20 them we ought to pick out certain subjects and examine on
21 essay questions for three days. So we changed the examination
22 to three days instead of five days and then we asked questions
23 about new subjects that they hadn't used before such as
24 taxation.

25 MS. STELZNER: Mm-hmm.

1 JUDGE GOLDWATER: And then I kept going to the bar
2 -- kept going to these meetings of the American Bar
3 Association where the national conference is meeting and I got
4 elected National Chairman of the National Conference of Bar
5 Examiners and so for one year I was National Chairman and I
6 wrote an article in their paper, "The Bar Examiner" it's
7 called about how to answer questions, that was the purpose of
8 my paper.

9 MS. STELZNER: Mm-hmm.

10 JUDGE GOLDWATER: And so I had a long period of time
11 where I was on the Board of Bar Examiners, one year where I
12 was chairman of the National Conference of Bar Examiners,
13 several years I was secretary, then I was chairman, and I did
14 that for many, many years and I liked that. And I tried to
15 learn how to ask a question and I learned that we didn't -- I
16 learned things at that National Conference such as there's no
17 right or wrong answer. It has to be an answer which makes you
18 an -- where you give an analysis and show that -- your side of
19 the question and it doesn't have to be right.

20 MS. STELZNER: Mm-hmm.

21 JUDGE GOLDWATER: And so I got to teach these other
22 bar examiners what I had learned at the conference from year
23 to year and it helped them. So we'd asked questions, a few
24 questions on statutes, you know, you'd have to know the
25 statutes, but -- and taxation, you had -- it was hard and

1 fast. But on a lot of questions, on essay questions, we tried
2 to grade these people whether they made sounds like a lawyer.
3 If they sounded like a lawyer, they reasoned like a lawyer.
4 And they had a beginning and a body and a conclusion and so
5 that's the way we started the exam and changed the old system
6 that I went through.

7 MS. STELZNER: Mm-hmm. And those back --

8 JUDGE GOLDWATER: Those six and a half days, six and
9 a half days including the history of Nevada.

10 MS. STELZNER: Now do you know where the Mormon
11 Trail is?

12 JUDGE GOLDWATER: No.

13 MS. STELZNER: It's in Las Vegas. And it -- that
14 continues on to this day?

15 JUDGE GOLDWATER: Well, I don't know what they're
16 doing today. But -- and what we did was we'd assign essay
17 questions for the morning to one man and then he'd have -- we
18 didn't have any women on the Board of Bar Examinations ever.
19 So, we had seven of us and so, there was -- or six, I forget.
20 Maybe six. And so somebody would take the subject for Monday
21 morning and one Tuesday -- one on Monday afternoon, one for
22 Tuesday and Tuesday afternoon, Wednesday morning, then when
23 you'd get your papers you'd send them to this examiner and he
24 would examine them and grade them. Then we'd all get
25 together, usually in Reno, and we'd have a list of what we

1 gave them. We graded by number.

2 MS. STELZNER: Mm-hmm.

3 JUDGE GOLDWATER: We didn't have -- and we had blue
4 books and so all the books were the same, and they didn't have
5 their name on them. And then we could see that -- say number
6 5 had a 68, so on exam one and he had a 68 and he had a 90 on
7 exam four. So, we would then trade books and re-examine each
8 others essay, the answers.

9 MS. STELZNER: Mm-hmm.

10 JUDGE GOLDWATER: And sometimes we brought up -- we
11 brought up grades and sometimes they went down and that's the
12 way we had to do it. Now, I understand that the Board of Bar
13 Examiners does it that way too, but they go to a -- they all
14 go away to a retreat and they sit down and they start reading
15 those papers.

16 MS. STELZNER: Mm-hmm.

17 JUDGE GOLDWATER: Of course they have hundreds of
18 applicants now and we didn't have that many. We had -- when I
19 first started we had 15, 20, and then pretty soon we were
20 getting 30 and 35 and that was an awful lot of papers to read.
21 Because during the war, the war was over, these people were
22 going on the GI Bill and going to school and they're going to
23 professional schools and they're grinding them out like
24 sausages.

25 MS. STELZNER: Yeah, yeah.

1 JUDGE GOLDWATER: And getting more and more
2 applicants. It was hard to do. But I enjoyed that. And the
3 year I was National Chairman of the National Conference of Bar
4 Examiners, as I say I had to write an article for their paper,
5 for the magazine, and I had to preside and, you know, and give
6 `em a speech and that was an experience in my profession that
7 I was very proud of, because I think the bar examiners are
8 very important in screening out lawyers and letting in lawyers
9 because, you know we have a lot of attorneys, but very few
10 lawyers.

11 MS. STELZNER: Yeah. Yeah.

12 JUDGE GOLDWATER: And so, I -- I really felt I was
13 participating in the bar and I was also -- I had a very good
14 experience one time, I was president of the Washoe County Bar
15 Association. That was just the lawyers here.

16 MS. STELZNER: Mm-hmm.

17 JUDGE GOLDWATER: And during the year I was
18 president, a building in Reno burned down and it had a lot of
19 lawyer tenants and of course they lost everything.

20 MS. STELZNER: Mm-hmm.

21 JUDGE GOLDWATER: And so as president of the Washoe
22 County Bar Association, I called a meeting of the Bar
23 Association and I had some friends and they got on the
24 telephone and I got on the telephone and we called every
25 lawyers and we called the lawyers who had lost -- I guess

1 there was about five or six lawyers who were in that building,
2 it was called Esse Lyon Building, L-Y-O-N. It burned right to
3 the ground and they lost all their files, they lost all their
4 typewriters, everything, you know, all their records and they
5 had no place to go. So we got together with these lawyers and
6 the room was full, it was really a -- it was really a
7 wonderful feeling. First they asked who will give these
8 lawyers an office? And their hands went up all over and we
9 found offices for, I guess it was about a half dozen lawyers
10 who had lost everything in that building. And so, one lawyer
11 took one, one other lawyer took another, so we got the
12 offices. Now the question was how are we going to reproduce
13 the files? Who has cases with lawyer one? Hands went up, so
14 will you make copies of that file, was it was a divorce file,
15 was it a criminal file, whatever it was. Yes, they made
16 copies for `em right away. And then how about some money, you
17 know, they needed money to do this and we raised money right
18 there. It was the greatest feeling I ever had, in any
19 position I ever had, to see these lawyers, all of them, trying
20 so hard to help their fellow lawyer.

21 MS. STELZNER: Mm-hmm. Mm-hmm.

22 JUDGE GOLDWATER: And they did. They got these
23 fellows going. I think we raised about ten thousand dollars
24 (\$10,000) there and we got them places to work and got them
25 copies of their files and got `em paper and pens and pencils

1 and all -- got `em equipped and they got started again. And I
2 don't think -- they ever paid anybody back, I don't think we
3 expected it or anything.

4 MS. STELZNER: Yeah.

5 JUDGE GOLDWATER: But, and some of the firms gave
6 five hundred dollars (\$500), some of `em gave a thousand
7 dollars (\$1,000), some gave two hundred dollars (\$200), and it
8 came to ten thousand dollars (\$10,000) and we spread it among
9 those lawyers and told `em to go out and buy what they had to,
10 you know, they had to buy a typewriter, they had to have pens
11 and pencils and they had to have this and they had to have
12 that. And they lost their books, you know, and everything, so
13 it was good, they had the money given to them, but the spirit
14 was so great and it was such a rewarding experience.

15 MS. STELZNER: Yeah. Yeah.

16 JUDGE GOLDWATER: And I was president of the Bar.

17 MS. STELZNER: Mm-hmm.

18 JUDGE GOLDWATER: I don't think that's ever happened
19 before or since.

20 MS. STELZNER: Yeah. Yeah. Well, Judge Goldwater,
21 I've probably run you dry, huh?

22 JUDGE GOLDWATER: I don't know. I don't know,
23 but --

24 MS. STELZNER: I've got to tell you it was my
25 sincere pleasure to do this with you.

1 JUDGE GOLDWATER: All right.

2 MS. STELZNER: And we'll see if we can get that
3 Oscar nomination, okay?

4 JUDGE GOLDWATER: Are you going to send me one of
5 these so I can see what I said?

6 MS. STELZNER: You bet. You bet.

7 JUDGE GOLDWATER: All right.

8 MS. STELZNER: Thank you, Judge.

9 JUDGE GOLDWATER: Well, how do you do -- what do you
10 do, you go down you take these originals and make copies?

11 MS. STELZNER: Mm-hmm.

12 JUDGE GOLDWATER: Well, it's quite informal. I
13 probably will think a lot of things that happened to me in my
14 lifetime that ...

15 INTERVIEW CONCLUDED

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