

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT

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BY \_\_\_\_\_

THE PEOPLE OF THE STATE OF CALIFORNIA, )  
)  
PLAINTIFF-RESPONDENT, )  
)  
VS. ) SUPERIOR COURT  
) NO. A-090435  
)  
JOE HUNT, AKA JOSEPH HUNT, )  
)  
AKA JOSEPH HENRY GAMSKY, )  
)  
)  
DEFENDANT-APPELLANT. )

APPEAL FROM THE SUPERIOR COURT OF LOS ANGELES COUNTY  
HONORABLE LAURENCE J. RITTENBAND, JUDGE PRESIDING  
REPORTERS' TRANSCRIPT ON APPEAL

APPEARANCES:

FOR PLAINTIFF-RESPONDENT: JOHN K. VAN DE KAMP  
STATE ATTORNEY GENERAL  
3580 WILSHIRE BOULEVARD  
ROOM 800  
LOS ANGELES, CALIFORNIA 90010

FOR DEFENDANT-APPELLANT: IN PROPRIA PERSONA

VOLUME 7 OF 101  
(PAGES 308 TO 430, INCLUSIVE)

COPY

ROSEMARIE GOODBODY, CSR NO. 932  
SALLY YERGER, CSR NO. 2008  
OFFICIAL REPORTERS

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT WEST C

HON. LAURENCE J. RITTENBAND, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA, )

PLAINTIFF, )

VS. )

NO. A-090435 )

JOE HUNT, AKA JOSEPH HENRY GAMSKY, )

DEFENDANT. )

REPORTERS' DAILY TRANSCRIPT

MONDAY, NOVEMBER 10, 1986

VOLUME 4

(PAGES 308 TO 430, INCLUSIVE)

APPEARANCES:

FOR THE PEOPLE:

IRA REINER, DISTRICT ATTORNEY  
BY: FREDERICK N. WAPNER, DEPUTY  
1725 MAIN STREET  
SANTA MONICA, CALIFORNIA 90401

FOR THE DEFENDANT:

ARTHUR H. BARENS, ESQ.  
10209 SANTA MONICA BOULEVARD  
LOS ANGELES, CALIFORNIA 90067

AND

RICHARD C. CHIER, ESQ.  
10920 WILSHIRE BOULEVARD  
LOS ANGELES, CALIFORNIA 90024

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ROSEMARIE GOODBODY, CSR NO. 932  
SALLY YERGER, CSR NO. 2008  
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1      LIST PREPARED BY MR. SWEET      313

1 SANTA MONICA, CALIFORNIA; MONDAY, NOVEMBER 10, 1986; 10:50 A.M.  
2 DEPARTMENT WEST C HON. LAURENCE J. RITTENBAND, JUDGE  
3 (APPEARANCES AS HERETOFORE NOTED.)  
4

5 THE COURT: THE RECORD WILL INDICATE THE PRESENCE OF THE  
6 DEFENDANT AND COUNSEL.

7 MR. BARENS: GOOD MORNING, YOUR HONOR, ARTHUR BARENS  
8 APPEARING WITH MR. CHIER AND MR. HUNT, WHO IS PRESENT AND  
9 READY TO PROCEED, YOUR HONOR.

10 THE COURT: ALL RIGHT.

11 MR. BARENS: YOUR HONOR, PRELIMINARILY, THIS MORNING  
12 WE HAVE IN ATTENDANCE TWO REPRESENTATIVES FROM THE STATE BAR  
13 PURSUANT TO A SUBPOENA THE DEFENSE ISSUED TO OBTAIN MATERIALS  
14 RELATIVE TO THE APPLICATION FOR ADMITTANCE TO THE STATE BAR  
15 BY ONE DEAN KARNY, WHO THE DEFENSE KNOWS TO BE PROBABLY THE  
16 SIGNIFICANT PROSECUTION WITNESS.

17 IN DISCUSSION THIS MORNING, THERE ARE SOME ISSUES  
18 CONCERNING PRIVILEGES THAT COULD POSSIBLY BE ATTENDANT TO THOSE  
19 MATERIALS THAT MR. SWEET, THE STATE BAR REPRESENTATIVE, WOULD  
20 LIKE TO VOICE.

21 ADDITIONALLY, MR. WAPNER CALLS TO MY ATTENTION  
22 THAT MR. KARNY IS REPRESENTED HIMSELF BY COUNSEL WHO MAY WISH  
23 TO BE HEARD ON THE ISSUE OF ADMISSIBILITY OF THE DOCUMENTS.

24 WHAT I MIGHT SUGGEST, YOUR HONOR, IS IN AN EFFORT  
25 NOT TO INCONVENIENCE MR. SWEET, WOULD BE THAT THE MATERIALS  
26 BE LODGED WITH THE COURT AT THIS TIME. IF THE COURT FEELS  
27 IT IS APPROPRIATE, AND I WOULD HAVE A COMMENT ON ITS  
28 APPROPRIATENESS, THAT WE DELAY UNTIL MR. KARNY'S COUNSEL CAN

1 BE PRESENT.

2 WHAT CAN BE DONE IS THE OBJECTIONS FROM MR. SWEET  
3 COULD BE PUT ON THE RECORD AND WE COULD BE ADVISED AS TO  
4 WHETHER KARNY'S COUNSEL WOULD BE PRESENT AND THEN PROCEED WITH  
5 THE HEARING ON THE MOTION.

6 HOWEVER, IT IS ALSO MY POSITION, YOUR HONOR, THAT  
7 MR. KARNY DOES NOT HAVE STANDING TO HAVE COUNSEL ARGUE THE  
8 ADMISSIBILITY OF THE DOCUMENTS IN THIS SETTING BUT, RATHER,  
9 THE MATTERS ARE PROPERLY DISCOVERABLE BY THE DEFENSE AND ARE  
10 OF EXTREME SIGNIFICANCE TO THE DEFENSE.

11 THERE MAY WELL BE OBJECTIONS THAT REQUIRE DISCUSSION  
12 BY MR. SWEET BECAUSE SOME OF THE MATERIALS MAY REPRESENT  
13 STATE BAR WORK PRODUCT, ATTORNEY-CLIENT PRIVILEGE, VIS-A-VIS  
14 COUNSEL FOR THE STATE BAR WORKING WITH THE STATE BAR, ET  
15 CETERA, WHICH I WOULD DEEM POSSIBLY TO BE LEGITIMATE OBJECTIONS.

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1 BUT IN TERMS OF MR. KARNY, THROUGH COUNSEL VOICING  
2 OBJECTION, I DON'T THINK IT IS MERITORIOUS AT ALL AND THAT  
3 WE SHOULD MAKE OUR DETERMINATION NOW TODAY, BECAUSE THE  
4 DEFENSE NEEDS THE MATERIALS AT THIS JUNCTURE.

5 THE COURT: YES?

6 MR. WAPNER: IT IS INTERESTING THAT THEY SAY THEY NEED  
7 THE MATERIAL AND GOT ALL OF THE INFORMATION THAT IS SO  
8 RELEVANT TO THE DEFENSE, WHEN IN FACT, I DON'T THINK THE  
9 DEFENSE EVEN HAS A CLUE AS TO WHAT IS IN THERE.

10 IT IS BASICALLY A FISHING EXPEDITION. BUT THAT  
11 IS NOT THE BASIS FOR MY OBJECTION. FIRST OF ALL, AS COUNSEL  
12 HAS POINTED OUT, THERE IS COUNSEL HERE FROM THE STATE BAR  
13 AND IN AN INFORMAL DISCUSSION THAT WAS HAD BETWEEN  
14 MR. SWEET, THE COUNSEL FOR THE STATE BAR AND ALL COUNSEL IN  
15 THIS CASE, HE VOICED OBJECTIONS UNDER SEVERAL DIFFERENT  
16 SECTIONS OF THE EVIDENCE CODE TO TURNING OVER THOSE MATERIALS.

17 AND ALSO, MR. KARNY AS WAS POINTED OUT BY COUNSEL,  
18 DOES HAVE COUNSEL.

19 I WAS NOTIFIED I BELIEVE THURSDAY OR FRIDAY BY  
20 GLORIA ZANK, Z-A-N-K, AN ATTORNEY FOR THE STATE BAR THAT THEY  
21 HAD RECEIVED THIS SUBPOENA AND WERE GOING TO RESPOND.

22 I CONTACTED MR. KARNY'S COUNSEL BY CALLING HIS  
23 OFFICE. HE WAS NOT THERE.

24 I HAVE SINCE LEARNED HE IS OUT OF TOWN AND I THINK,  
25 DUE BACK THIS WEEK. I AM NOT SURE EXACTLY WHEN.

26 AND I THINK, CONTRARY TO WHAT MR. BARENS HAS  
27 STATED, THAT CLEARLY, MR. KARNY THROUGH HIS COUNSEL, HAS A  
28 RIGHT ON THE BASIS OF THE STATE AND FEDERAL RIGHT TO PRIVACY,

1 TO OBJECT TO THE DISCLOSURE TO THE DEFENSE OF ANY OF THOSE  
2 RECORDS.

3 AND I THINK THAT THROUGH HIS COUNSEL, HE HAS  
4 A RIGHT TO BE HEARD ON THAT ISSUE. LIKEWISE, I HAVE TALKED  
5 TO MR. SWEET AND THEY DID NOT BRING COPIES OF THE RECORDS.  
6 THE ONLY RECORDS THAT THEY HAVE ARE THE ORIGINALS.

7 MR. SWEET AND MS. ZANK CAME TO COURT IN RESPONSE  
8 TO THE SUBPOENA THAT THEY APPEAR AND BRING THE DOCUMENTS.  
9 AND I THINK THAT PERHAPS, WHAT WE CAN DO, IS TO -- SINCE THEY  
10 ONLY HAVE THE ORIGINALS RATHER THAN HAVE THEM LEAVE THE  
11 ORIGINALS WITH THE COURT, THAT WHAT WE CAN DO IS SET THIS  
12 FOR A DATE CERTAIN FOR A HEARING WHERE MR. KARNY'S COUNSEL  
13 CAN BE PRESENT AND MR. SWEET AND/OR MS. ZANK CAN RETURN.  
14 PERHAPS --

15 THE COURT: BECAUSE I ASSUME THAT THEY ARE INTENDED  
16 FOR THE PURPOSE OF CROSS-EXAMINATION OF MR. KARNY, WHEN HE  
17 TESTIFIES IN THE CASE. IS THAT WHAT I UNDERSTAND?

18 MR. BARENS: THERE IS NO QUESTION AS TO THAT.

19 THE COURT: I WAS WONDERING WHETHER OR NOT WE HAVE TO  
20 DECIDE THAT QUESTION AT THIS PARTICULAR TIME. WHY DON'T WE  
21 WAIT UNTIL MR. KARNY HAS TESTIFIED, BEFORE CROSS-EXAMINATION?  
22 WE CAN HAVE A HEARING AS TO THE ADMISSIBILITY OF THESE  
23 PARTICULAR RECORDS, IF THEY ARE.

24 MR. BARENS: WE ALSO NEED THE RECORDS AT THIS JUNCTURE  
25 YOUR HONOR, FOR INVESTIGATION MATERIALS IN ORDER TO ISSUE  
26 SUBSEQUENT SUBPOENAS FOR MATERIALS THAT DEVELOP.

27 THE COURT: YOU THINK IT OUGHT TO BE DONE NOW?

28 MR. BARNES: ABSOLUTELY.

1 THE COURT: WHY DON'T WE WAIT TO HAVE THE INPUT OF  
2 MR. KARNY'S COUNSEL? MEANTIME, WE CAN HEAR FROM MR. SWEET  
3 WITHOUT HAVING HIM COME BACK AGAIN.

4 I CAN HEAR HIM AT THIS PARTICULAR TIME AND HAVE  
5 HIM VOICE HIS OBJECTIONS OR HIS REASONS WHY THE RECORDS SHOULD  
6 NOT BE DISCLOSED.

7 MR. SWEET?

8 MR. BARENS: ALL RIGHT.

9 THE COURT: MR. SWEET, PLEASE COME FORWARD.

10 MR. SWEET: GOOD MORNING. I AM ROBERT SWEET, LAWYER  
11 FOR THE STATE BAR OF CALIFORNIA. I AM HERE PURSUANT TO A  
12 SUBPOENA WHICH IS DIRECTED TO THE CUSTODIAN OF RECORDS OF  
13 THE STATE BAR, WHICH CALLS FOR THE PRODUCTION OF CERTAIN  
14 DOCUMENTS RELATING TO THE APPLICATION OR ADMISSION OF DEAN  
15 KARNY.

16 LET ME GET MY FILE OPEN, HERE. I HAVE DEAN  
17 K-A-R-N-E-Y. WE DON'T HAVE ANY K-A-R-N-E-Y.

18 WE DO HAVE A K-A-R-N-Y, WHO HAS BEEN AN APPLICANT  
19 FOR ADMISSION.

20 THE COURT: IS THAT THE SAME ONE?

21 MR. BARENS: YES, YOUR HONOR.

22 THE COURT: ALL RIGHT. WE'LL ASSUME THAT IT IS THE  
23 SAME PERSON SUBPOENAED BY THE DEFENDANT.

24 MR. SWEET: THE DOCUMENTS THAT WE BROUGHT TODAY WITH  
25 US, WE HAVE SEGREGATED INTO SEVEN DIFFERENT CATEGORIES.

26 THE FIRST TWO OF THESE, WE BELIEVE TO BE PUBLIC,  
27 THE THIRD THROUGH SEVENTH OF WHICH WE BELIEVE TO BE PRIVATE  
28 AND CONFIDENTIAL UNDER VARIOUS PROVISIONS.

29 SHALL I ENUMERATE THOSE PROVISIONS AT THIS POINT?



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1 THE COURT: YES. FIRST, IMMUNITY PROVISIONS WHICH YOU  
2 THINK MAY BE MADE PUBLIC AND USED. WILL YOU DO THAT?

3 MR. SWEET: ALL RIGHT, YES.

4 WHAT I HAVE DONE, AND MAY ASSIST THE COURT AND  
5 COUNSEL, IS I HAVE PREPARED A LIST WHICH DESCRIBES GENERALLY  
6 THE CATEGORIES AND THE DOCUMENTS IN EACH AND WITHOUT  
7 IDENTIFYING THE NAMES OF PEOPLE AND IF I MAY SUBMIT ONE OF  
8 THOSE AS AN EXHIBIT OF SOME SORT AT THIS POINT.

9 THE COURT: ALL RIGHT, THAT WILL BE RECEIVED AS COURT'S  
10 EXHIBIT 1.

11 HAVE YOU GIVEN COUNSEL A COPY OF IT?

12 MR. SWEET: YES, I GAVE COPIES TO ALL OF COUNSEL.

13 THE COURT: THANK YOU, YES.

14 MR. SWEET: AS THE COURT CAN SEE -- DOES THE COURT WISH  
15 TO TAKE A MOMENT AND LOOK AT THAT?

16 THE COURT: YES, YOU MAY PROCEED TO ARGUE EACH ONE OF  
17 THEM.

18 MR. SWEET: THE COURT CAN SEE ON NUMBER 1, WE HAVE  
19 MATERIAL WHICH IS PUBLISHED, MOST OF WHICH COMES FROM NEWSPAPER  
20 AND MAGAZINE ARTICLES.

21 THE COURT: I ASSUME YOU HAVE COPIES OF THOSE, HAVEN'T  
22 YOU?

23 MR. BARENS: I DO NOT HAVE COPIES OF ITEMS 4 AND 5 --  
24 I AM SORRY -- APPARENTLY THE THIRD AND FOURTH ITEM IN FILE  
25 NUMBER 1, THEY ARE REFERENCING AN L.A. HERALD ARTICLE, AN  
26 ARTICLE OF MAY 21ST, 1986 AND THE DECEMBER --

27 THE COURT: WELL, THAT IS OBTAINABLE FROM THE NEWSPAPER,  
28 SO THEY DON'T HAVE TO FURNISH THAT TO YOU.

3-2  
1 MR. BARENS: I UNDERSTAND, YOUR HONOR.

2 YOU ASKED IF I HAD IT.

3 THE COURT: WELL, THEY ARE AVAILABLE TO YOU.

4 MR. BARENS: YES, YOUR HONOR.

5 THE COURT: WHAT IS NOT INVOLVED HERE ARE 1, 2, 3, 4  
6 ITEMS UNDER 1.

7 UNDER 2 ARE PUBLIC DOCUMENTS. NO CLAIM OF  
8 PRIVILEGE AS TO THAT; IS THAT CORRECT?

9 MR. SWEET: THAT IS CORRECT, YOUR HONOR, YES.

10 THE COURT: WELL, THERE ISN'T ANY QUESTION ABOUT NUMBER  
11 2, THAT WOULD BE MADE AVAILABLE; IS THAT RIGHT?

12 MR. SWEET: YES, IT WOULD.

13 THE COURT: ALL RIGHT, NOW NUMBER 3.

14 MR. SWEET: NUMBER 3 IS A COMPLAINT WHICH MR. KARNY MADE  
15 AGAINST AN ATTORNEY IN PRIVATE PRACTICE AND THE COMPLAINT IS  
16 STILL BEING INVESTIGATED AND WOULD BE CONFIDENTIAL, WE BELIEVE.

17 THE COURT: I DON'T KNOW HOW THAT WOULD BE MATERIAL  
18 HERE, DO YOU, MR. BARENS?

19 MR. BARENS: WELL, I DON'T KNOW IF IT MIGHT HAVE TO DO  
20 WITH SOME CHARGES HE HAS AGAINST AN ATTORNEY NAMED EISENBERG  
21 THAT WOULD BE VERY RELEVANT TO THIS CASE AS FAR AS HOW THIS  
22 RELATIONSHIP EVOLVED.

23 MR. SWEET: I SUPPOSE, YOUR HONOR, I CANNOT TELL YOU  
24 THE NAME OF THE ATTORNEY.

25 THE COURT: AND THAT YOU CLAIM IS CONFIDENTIAL; IS THAT  
26 CORRECT?

27 MR. SWEET: YES, WE DO, YOUR HONOR.

28 MR. BARENS: I WOULD SAY JUST FOR THE RECORD, YOUR

1 HONOR, THERE ARE MORE THAN ONE LAWYER WHO WAS A PARTICIPANT  
2 TO THE INVESTIGATION AND IMMUNITY TRANSACTION INVOLVING MR.  
3 KARNEY AND HIS ULTIMATE TESTIMONY WHICH WOULD BE OF EXTREME  
4 INTEREST TO THE DEFENSE.

5 IT IS ALSO QUITE CONCEIVABLE TO THE DEFENSE THAT  
6 IN ONE, IF NOT TWO INSTANCES, MR. KARNY WELL MIGHT HAVE SOUGHT  
7 ACTIONS AGAINST THOSE COUNSEL THAT REPRESENTED HIM EITHER  
8 DIRECTLY OR OBLIQUELY IN THE INCIPIENT STAGES OF THIS MATTER.  
9 IF ITEM NUMBER 3 HERE INVOLVED ONE OF THOSE TWO LAWYERS, WE  
10 WOULD HAVE AN EXTREMELY IMPORTANT INTEREST IN THAT.

11 THE COURT: DO YOU CLAIM CONFIDENTIALITY AS TO THAT,  
12 DO YOU?

13 MR. SWEET: WE DO, YOUR HONOR, UNDER EVIDENCE CODE  
14 SECTION 1040, UNDER THE STATE BAR RULES OF PROCEDURE NUMBER  
15 220 THROUGH 228.

16 AND WE ALSO BELIEVE THAT AN ATTORNEY WOULD HAVE  
17 A RIGHT OF PRIVACY UNDER ARTICLE 1 OF THE STATE CONSTITUTION.

18 THE COURT: ALL RIGHT. EXCEPT FOR ONE OR TWO, ALL THE  
19 OTHER CATEGORIES YOU CLAIM ARE PRIVILEGED?

20 MR. SWEET: WE DO, YOUR HONOR.

21 THE COURT: AND ARE CONFIDENTIAL?

22 MR. SWEET: FILE NUMBER 4 IS BASICALLY THE STATE BAR  
23 APPLICATION FILE OF DEAN L. KARNY AND THE CONTENTS ARE AS  
24 LISTED IN THERE.

25 THE COURT: YES.

26 MR. SWEET: THERE, THE PRIVILEGES WOULD BE AGAIN UNDER  
27 EVIDENCE CODE SECTION 1040 AND THE RIGHT OF PRIVACY OF PEOPLE  
28 WHO HAVE SUPPLIED INFORMATION TO US IN RESPONSE TO CONFIDENTIAL

3-4  
1 QUESTIONNAIRES.

2 THE COURT: YES.

3 MR. SWEET: THE RULES REGULATING ADMISSION TO PRACTICE  
4 LAW IN CALIFORNIA, 1061(2)J, RULE 10, SECTION 102(J) WHICH IS THE PRI-  
5 VACY OR CONFIDENTIAL PROVISIONS AND THE PRIVACY OF THE APPLICANT  
6 AND THE WORK PRODUCT OF MISS GLORIA ZANK, WHO WAS A LAWYER  
7 FOR THE STATE BAR AND WHO WORKS AS THE HEAD OF OUR MORAL  
8 CHARACTER INVESTIGATION UNIT AND HER REPORTS AND HER WORK  
9 PRODUCT, WE BELIEVE WOULD BE PROTECTED UNDER THE WORK PRODUCT  
10 CONCEPT.

11 ALSO, THERE IS ONE MORE THAT IS CALLED THE RULE  
12 OF MORGAN, WHICH IS A CASE DECIDED BY THE U.S. SUPREME COURT  
13 SOMETIME AGO WHICH HOLDS ESSENTIALLY THAT YOU MAY NOT GET INTO  
14 THE MENTAL PROCESSES OF JUDICATORY BODIES. YOU CAN'T LOOK  
15 AT THEIR STAFF REPORTS AND THAT KIND OF THING.

16 THE COURT: ALL RIGHT, I WILL HEAR FROM YOU.

17 MR. CHIER: YOUR HONOR, TO THE EXTENT THAT FILE NUMBER  
18 4 CONTAINS STATEMENTS OF THE WITNESS DEAN KARNY AND TO THE  
19 FURTHER EXTENT THAT THEY CONTAIN STATEMENTS OF THE WITNESS  
20 KARNY RELATING TO THE SUBJECT MATTER OF THIS LITIGATION, THE  
21 DEFENSE IS ABSOLUTELY ENTITLED TO THOSE STATEMENTS, REGARDLESS  
22 OF THE SETTING OR THE CONTEXT IN WHICH THEY WERE MADE.

23 THE COURT: WHICH ITEM ARE YOU TALKING ABOUT?

24 MR. CHIER: WELL, WE WOULD REFER TO THE LETTER FROM THE  
25 APPLICANT TO THE BAR EXAMINERS, THAT WOULD CERTAINLY BE  
26 DISCOVERABLE, YOUR HONOR, TO US.

27 THE COURT: WHY?

28 MR. CHIER: BECAUSE IT IS STATEMENTS OF A WITNESS RELATING

1 TO THE SUBJECT MATTER OF THE LITIGATION.

2 THE COURT: HOW DO YOU KNOW THAT?

3 MR. CHIER: HOW DO I KNOW THAT?

4 THE COURT: YES.

5 MR. CHIER: ONE DOESN'T HAVE TO BE CLAIRVOYANT TO  
6 ASSUME THAT, YOUR HONOR, WHEN HE HAS AN APPLICATION FOR  
7 ADMISSION TO THE STATE BAR PENDING AND HE IS IMPLICATED IN  
8 TWO MURDERS, I CAN SAFELY ASSUME THAT.

9 THE COURT: HOW DO YOU KNOW THIS PARTICULAR LETTER HAS  
10 ANY REFERENCE TO ANY ONE OF THESE MATTERS, WHETHER THE ONE  
11 WE HAVE HERE OR IN SAN FRANCISCO?

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1 MR. CHIER: WELL, I CAN SAFELY ASSUME THAT.

2 THE COURT: HOW CAN YOU SAFELY ASSUME THAT?

3 MR. CHIER: I ASSUME THAT.

4 THE COURT: I CAN'T ASSUME THAT JUST BECAUSE YOU DO.

5 MR. CHIER: WELL, I CAN ASSUME THAT.

6 MR. BARENS: MIGHT I MAKE A SUGGESTION THAT I MADE PRIOR  
7 TO ALL OF THIS? THAT IS, WHEN WE WERE IN SAN FRANCISCO, THERE  
8 WAS EXTENSIVE DISCUSSION BETWEEN THE ATTORNEY GENERAL AND  
9 MYSELF AND MR. CHIER ABOUT THE EFFORTS, SOME OF WHICH ENDED  
10 UP ON THE RECORD AT THE PRELIMINARY HEARING UP THERE,  
11 CONCERNING THE EVIDENCE OF THE ATTORNEY GENERAL'S OFFICE TO  
12 ASSIST MR. KARNY.

13 ONE OF THE WAYS WE MIGHT RESOLVE THIS, IF YOUR  
14 HONOR COULD --

15 THE COURT: IF I WERE TO LOOK AT THAT, THAT IS WHAT I  
16 WAS ABOUT TO SUGGEST.

17 MR. BARENS: -- IF YOUR HONOR COULD LOOK AT THAT IN  
18 CAMERA.

19 THE COURT: I WAS ABOUT TO SUGGEST I WOULD LOOK AT THAT  
20 IN CAMERA AND SEE WHETHER IT HAS ANY MATERIALITY TO THE ISSUES  
21 IN THIS CASE. DON'T YOU THINK THAT WOULD BE THE BETTER THING  
22 FOR ME TO DO?

23 MR. BARENS: WITH THE CAVEAT, YOUR HONOR, THAT ANY  
24 STATEMENTS -- AND WE ARE SAYING THAT IN THE MOST GENERALIZED  
25 FASHION -- THAT THE WITNESS MADE THAT WOULD HAVE FACTUAL  
26 RELEVANCY TO THE SITUATION BEFORE THE BENCH AND AT THIS POINT  
27 THAT WOULD BE OF ABSOLUTE INTEREST TO THE DEFENSE.

28 THE COURT: ALL RIGHT, I WILL DO THAT.

1           MR. BARENS: AS WOULD ANY MATTERS GOING TO SHOW PRIOR  
2 ACTS OF CRIMINALITY COMMITTED OR THAT COULD HAVE BEEN ASSERTED  
3 BY MR. KARNY.

4                       ONE OF THE CONTENTIONS OF THE DEFENSE WILL BE  
5 THAT IN CROSS-EXAMINATION OF MR. KARNY, HE HAD BEEN INVOLVED  
6 IN OTHER CRIMINAL ACTIVITIES THAT WERE WASHED OUT, SO TO SPEAK,  
7 THROUGH THE PROCESSES OF IMMUNITY.

8           THE COURT: DO YOU HAVE ANY REMARKS TO MAKE?

9           MR. WAPNER: JUST BRIEFLY.

10                      I DON'T HAVE ANY OBJECTION TO THE IN CAMERA  
11 PROCEDURE, IF THE STATE BAR DOES NOT, WITH THE UNDERSTANDING  
12 THAT THE SAME RULES THAT APPLY TO DISCOVERY IN CRIMINAL CASES  
13 GENERALLY, OBVIOUSLY WILL APPLY TO THIS CASE.

14                      MR. BARENS' STATEMENT WAS SOMEWHAT GENERAL TO THE  
15 EFFECT THAT IT WOULD BE OF INTEREST TO THE DEFENSE. CERTAINLY,  
16 THERE ARE LOTS OF THINGS THAT WOULD BE OF INTEREST TO THE  
17 DEFENSE THAT MAY NOT EITHER BE ADMISSIBLE EVIDENCE OR TEND  
18 TO LEAD TO THE DISCOVERY OF ADMISSIBLE EVIDENCE  
19 WHICH ARE THE RULES BY WHICH THE COURT MAKES A DETERMINATION  
20 AS TO WHETHER OR NOT TO TURN THEM OVER TO THE DEFENSE, SO IF  
21 THE COURT IS GOING TO FOLLOW THAT PROCEDURE THEN I HAVE NO  
22 OBJECTION TO AN IN CAMERA EXAMINATION OF THOSE ITEMS.

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1 THE COURT: ALL RIGHT. MR. SWEET, YOU MENTIONED THE  
2 MORGAN CASE. DO YOU HAVE THE CITATION TO THAT?

3 MR. SWEET: I DO HAVE A CITE, YOUR HONOR.

4 THE COURT: JUST LET ME SEE WHERE YOU ARE REFERRING TO IT.

5 MR. SWEET: IT IS UNITED STATES V. MORGAN.

6 THE COURT: WAIT A MINUTE. I AM TRYING TO -- WE ARE  
7 ON NUMBER 7. I HAVE THE MORGAN CASE.

8 MR. SWEET: IT IS UNITED STATES V. MORGAN, 313 US, 409.

9 THE COURT: 313 US?

10 MR. SWEET: 409.

11 THE COURT: WHAT HAS THE SUPREME COURT GOT?

12 MR. SWEET: WELL, I DON'T HAVE THE PARALLEL CITE.

13 THE COURT: YOU HAVE JUST GOT 313 US 409?

14 MR. SWEET: YES.

15 THE COURT: ALL RIGHT. I WILL READ THAT CASE.

16 MR. SWEET: I DO HAVE A CALIFORNIA SUPREME COURT CITE  
17 ADOPTING THAT RULE. IT IS STATE OF CALIFORNIA V. SUPERIOR  
18 COURT, 12 CAL.3D 237.

19 THE COURT: ALL RIGHT. THANK YOU VERY MUCH.

20 MR. SWEET: YOU ARE WELCOME.

21 ON THE IN CAMERA PROCEEDINGS, YOUR HONOR, I THINK  
22 IT WOULD CERTAINLY BE APPROPRIATE UNDER EVIDENCE CODE SECTION  
23 1040, THAT IT BE JUST YOU AND THE STATE BAR REPRESENTATIVES.  
24 OF COURSE, WE HAVE NO OBJECTION TO THAT.

25 MR. CHIER: YOUR HONOR, THE IN CAMERA PROCEEDINGS WOULD  
26 APPLY ONLY TO THOSE MATTERS IN CONNECTION WITH WHICH THEY  
27 ARE CLAIMING GOVERNMENTAL PRIVILEGE.

28 THE COURT: 3, 4, 5, 6 AND 7; IS THAT RIGHT?



A-2  
1 MR. SWEET: YES.

2 THE COURT: YES.

3 MR. CHIER: I JUST WANTED THAT REFLECTED FOR THE RECORD.

4 THE COURT: YES. THAT WILL BE JUST 3, 4, 5, 6 AND 7.

5 ALL RIGHT. I WOULD LIKE AN OPPORTUNITY OF DOING  
6 THAT.

7 MR. CHIER: YOU MEAN FILE NUMBER 3, 4, 5, 6 AND 7?

8 THE COURT: NO, HIS ITEMS WHICH ARE THE CONFIDENTIAL  
9 FILES. HE DOESN'T WANT TO DISCLOSE THOSE.

10 MR. CHIER: WE ARE NOT TALKING ABOUT FILE NUMBERS 3,  
11 4, 5 --

12 THE COURT: NO, HIS ITEMS 3, 4, 5, 6 AND 7.

13 MR. WAPNER: WELL, YOUR HONOR, MAYBE WE HAVE A  
14 DISTINCTION WITHOUT A DIFFERENCE BECAUSE WHEN YOU ARE TALKING  
15 ABOUT HIS ITEM, YOU ARE REFERRING TO THE LIST WHICH HAS BEEN  
16 MARKED COURT'S A.

17 THE COURT: YES, MR. SWEET'S ITEMS.

18 MR. WAPNER: WELL, YOU ARE CALLING THEM ITEMS.

19 MR. CHIER IS CALLING THEM FILE NUMBERS.

20 THE COURT: YES. I AM CALLING THEM ITEM NUMBER 3,  
21 COMPLAINT AGAINST AN ATTORNEY, OPEN FILE, PRIVILEGE CLAIMED  
22 ON EACH ONE OF THOSE.

23 MR. CHIER: NUMBER 4, BAR APPLICATION FILED, DEAN L.  
24 KARNY.

25 THE COURT: YES, THAT'S RIGHT.

26 MR. CHIER: WELL, HE DOES MENTION THE FILE NUMBER ON  
27 THE FAR LEFT OF THE DOCUMENT. THESE ARE NOT ALL SUBJECT TO  
28 IN CAMERA REVIEW, YOUR HONOR.

4A-3  
1                    ONLY THOSE MATTERS IN CONNECTION WITH WHICH HE  
2 IS CLAIMING A SPECIFIC --

3                    THE COURT: HIS FILE NUMBER 3, WHICH HE CLAIMS IS  
4 CONFIDENTIAL AND PRIVILEGED. IS THAT RIGHT? NUMBER 4 IS  
5 HIS FILE NUMBER WHERE THERE IS A SIMILAR CLAIM MADE AND 5,  
6 6 AND 7 WHERE SIMILAR CLAIMS ARE MADE. IS THAT RIGHT,  
7 MR. SWEET?

8                    MR. SWEET: THAT'S RIGHT. CERTAINLY, I THINK FOR ALMOST  
9 EVERYTHING IN THERE.

10                   MR. CHIER: IS HE CLAIMING THE PRIVILEGE IN THE  
11 ALTERNATIVE, THAT HE IS CLAIMING ALL OF THOSE THINGS APPLY  
12 TO ALL OF THIS STUFF OR CERTAIN THINGS APPLY --

13                   THE COURT: HE IS CLAIMING EVERY, SINGLE ITEM WHICH  
14 IS IN NUMBER 3, AS I UNDERSTAND IT.

15                   HE CLAIMS PRIVILEGE UNDER THIS CHRONICLE CASE.  
16 DO YOU HAVE THE CITATION FOR THAT?

17                   MR. SWEET: 54 CAL.2D. IT IS IN HERE SOMEWHERE.

18                   THE COURT: IF IT IS IN 54 CAL.2D, I WILL FIND IT.

19                   MR. SWEET: IT IS A 1960 CASE.

20                   THE COURT: WELL, I WILL FIND A CASE IN 54 CAL.2D.

21                   MR. SWEET: IT IS DISCUSSED AT SOME LENGTH IN JEFFERSON'S  
22 WORK AT SECTION 42, I THINK IT IS.

23                   THE COURT: ALL RIGHT. I WILL READ THE CASES, THEN.

24                   MR. CHIER: JUST SO I CAN BE CLEAR, MR. SWEET, ARE YOU  
25 CLAIMING THAT FOR EXAMPLE, WITH RESPECT TO FILE NUMBER 3,  
26 THAT THE CONTENTS ARE NOT DISCOVERABLE ON ALL THOSE GROUNDS  
27 SEPARATELY AND/OR THAT SOME CONTENTS ARE NOT SUBJECT TO  
28 EVIDENCE CODE 1040 AND OTHERS ARE SUBJECT TO RULES OF

4A- 4  
1 PROCEDURE? OR, ARE YOU CLAIMING ALL THESE PRIVILEGES APPLY  
2 TO THE ENTIRE FILE?

3 MR. SWEET: I AM CLAIMING THAT ALL OF THESE PRIVILEGES  
4 APPLY TO THIS ENTIRE FILE.

5 THE COURT: THAT IS THE COMPLAINT AGAINST ATTORNEY,  
6 OPEN FILE? IS THAT IT?

7 MR. SWEET: YES.

8 THE COURT: ALL RIGHT. I WILL EXAMINE THEM IN CAMERA.  
9 DO YOU WANT TO BE PRESENT WHEN I DO THAT YOU SAY, MR. SWEET?

10 MR. SWEET: YES I DO.

11 THE COURT: ALL RIGHT. YOU WILL HAND THEM TO ME IN  
12 CHAMBERS IN CAMERA.

13 MR. SWEET: YES.

14 THE COURT: WHEN DO YOU WANT TO DO THAT?

15 MR. SWEET: WHENEVER THE COURT WISHES.

16 THE COURT: ALL RIGHT.

17 MR. BARENS: YOUR HONOR, MIGHT I INQUIRE SO THAT I CAN  
18 UNDERSTAND SOME INSIGHT, EVEN THOUGH THE SUPREME COURT MAY  
19 SAY I AM NOT ENTITLED TO IT?

20 YOUR HONOR'S STATE OF MIND IS HOW THE DECISION  
21 IS GOING TO BE MADE, AS FAR AS ACCESSIBILITY TO THE DEFENSE --  
22 I TRIED TO MAKE OBVIOUS TO THE COURT WHAT WE ARE LOOKING FOR  
23 AND THE FACT THAT THIS IS ULTIMATELY OF SIGNIFICANCE TO THE  
24 DEFENSE IN EVALUATING THIS WITNESS.

25 THE COURT: ANY MATTERS WHICH ARE PROPERLY -- ON WHICH  
26 THIS WITNESS MAY PROPERLY BE CROSS-EXAMINED, IF THERE IS  
27 ANYTHING MATERIAL, EXCEPT IF IT IS SUBJECT TO CONFIDENTIALITY  
28 AND PRIVACY, YOU WILL BE -- IT WILL BE MADE AVAILABLE TO YOU.

4A-5  
1 MR. BARENS: NOW YOUR HONOR, THE COURTS HAVE GONE TO  
2 SOME EXTREME CONCERN TO BALANCE THOSE PRIVACY RIGHTS IN  
3 SOCIETY WITH THE RIGHTS OF DEFENDANTS TO A FAIR TRIAL.

4 THE COURT: YES. THAT IS TRUE.

5 MR. BARENS: I URGE THE UTMOST OF CAUTION IN INSURING  
6 A FAIR TRIAL IS OUTWEIGHING IN SOME INSTANCES, SOME SANITARY  
7 CONCERNS FOR PRIVACY THAT MR. KARNY MIGHT HAVE.

8 THE COURT: IF THERE ARE ANY DOUBTS ABOUT THAT, I WILL  
9 MAKE IT GENERALLY AVAILABLE FOR YOUR SUGGESTION ON ARGUMENT  
10 IN COURT.

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1 MR. BARENS: I WOULD APPRECIATE THAT OPPORTUNITY.

2 THE COURT: I WILL DO THAT.

3 MR. BARENS: I APPRECIATE THAT.

4 MR. CHIER: MAY I MAKE A REQUEST WITH RESPECT TO THE  
5 IN CAMERA PROCEDURE, THAT THE STATE BAR COPY THE ENTIRE FILE  
6 THAT IS BEING EXAMINED AND THEN THAT IT BE RETAINED BY THE  
7 CLERK OF THE COURT, UNDER SEAL, TO PROTECT OUR RECORD, IN  
8 THE EVENT THAT YOUR HONOR MIGHT BE UNDULY RESTRICTIVE WITH  
9 RESPECT TO WHAT WAS MADE AVAILABLE TO US? I THINK THAT WE  
10 ARE ENTITLED TO HAVE THAT.

11 MR. SWEET: I THINK I WOULD RATHER HAVE THE COURT LOOK  
12 AT IT FIRST.

13 THE COURT: I WILL LOOK AT IT FIRST. THEN IF THERE  
14 ARE ANY QUESTIONS ABOUT IT, I WILL RAISE THEM. ALL RIGHT?

15 BECAUSE THERE MIGHT BE A MASS OF MATERIALS WHICH  
16 WOULDN'T POSSIBLY BE RELATED TO ANY CROSS-EXAMINATION OF  
17 MR. KARNY. THOSE OF COURSE, CAN BE EXCLUDED.

18 ANY OTHER MATTERS WHICH THERE MIGHT BE SOME DOUBT,  
19 THEY WILL BE RETAINED.

20 MR. CHIER: IT IS DIFFICULT TO UNDERSTAND HOW YOUR HONOR  
21 CAN MAKE THAT EVALUATION, NOT EVEN KNOWING WHAT THE DEFENSE  
22 IS.

23 THE COURT: IT IS MY JOB. I MAKE DIFFICULT EVALUATIONS.  
24 I WILL DO IT. ALL RIGHT? ALL RIGHT?

25 MR. SWEET: SHALL I CONTINUE WITH THE CATEGORIES?

26 THE COURT: YES. WOULD YOU DO THAT, PLEASE?

27 MR. SWEET: ALL RIGHT. I THINK WE GOT UP TO 5. DID  
28 I STOP AT 5?

1 THE COURT: YES.

2 MR. SWEET: OR DID I STOP AT 4?

3 THE COURT: YES.

4 MR. SWEET: ALL RIGHT. THE FIFTH CATEGORY WOULD BE --  
5 OR FILE NUMBER 5, ARE LETTERS FROM CONFIDENTIAL INFORMANTS,  
6 PEOPLE WHO WE HAVE DESIGNATED CONFIDENTIAL INFORMANTS, WHO  
7 CONTACTED THE STATE BAR RELATIVE TO MR. KARNY'S MORAL  
8 CHARACTER OR THEIR VIEW OF IT.

9 AND THOSE COMMUNICATIONS, WE BELIEVE ARE PROTECTED  
10 BY EVIDENCE CODE SECTION 1040. AGAIN, THE RULES REGULATING  
11 THE ADMISSION TO PRACTICE LAW, RULE 10, SECTION 102J, THE  
12 PRIVACY OF THE WRITERS UNDER ARTICLE 1, SECTION 1, OF THE  
13 STATE CONSTITUTION.

14 AND I SUPPOSE AS TO CERTAIN --

15 THE COURT: WHERE WILL I GET THOSE RULES TO WHICH YOU  
16 MAKE REFERENCE?

17 MR. SWEET: I HAVE COPIES WITH ME.

18 THE COURT: WOULD YOU MAKE THEM AVAILABLE TO ME SO I  
19 CAN READ THEM AND SEE HOW APPLICABLE THEY MIGHT BE?

20 MR. SWEET: YES.

21 MR. CHIER: DO YOU HAVE COPIES FOR US, TOO?

22 MR. SWEET: YES.

23 MR. CHIER: WITH RESPECT TO 1040 OF THE EVIDENCE CODE,  
24 THE GOVERNMENTAL PRIVILEGE AND THE IDENTITY OF INFORMANT  
25 PRIVILEGE, THE SECTION MAKES PRIVATE AND CREATES A PRIVACY  
26 RIGHT WITH RESPECT TO THE IDENTITY OF THE INFORMANT BUT NOT  
27 THE CONTENTS OF THE COMMUNICATION.

28 AND THEREFORE, WE WOULD ASK THAT THE FILE BE

1 EDITED OR EDITED SO AS TO PUT -- TO CROSS OUT THE IDENTITY  
2 OF THE INFORMANT, IF IT OTHERWISE PASSES MUSTER AS AN  
3 INFORMANT, BUT THAT THE CONTENT OF THE COMMUNICATIONS BE MADE  
4 AVAILABLE BECAUSE THE QUESTION IS QUITE SPECIFIC IN  
5 PROTECTING THE IDENTITY, RATHER THAN THE CONTENT OF THE  
6 COMMUNICATION.

7 THE COURT: WELL, THE STATEMENT, THE BODY OF IT WILL  
8 INDICATE WHO THE PERSON IS. AND THEREFORE, THAT WOULD BE  
9 A VIOLATION OF THE SECTION.

10 MR. CHIER: THE SECTION ONLY PROVIDES IDENTITY, YOUR  
11 HONOR. IT DOES NOT --

12 THE COURT: WELL, I SAY THAT THE CONTENTS OF THE  
13 COMMUNICATION MIGHT DISCLOSE THE IDENTITY OF THE PERSON WHO  
14 WROTE THE LETTER, WHATEVER IT MIGHT BE.

15 MR. CHIER: BUT YOU MEAN, WE MIGHT BE ABLE TO  
16 CONSTRUCT THAT?

17 THE COURT: ONE MIGHT BE ABLE FROM READING IT TO FIGURE  
18 OUT WHO THE PERSON IS WHO WROTE IT.

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1 MR. CHIER: I DON'T THINK THAT IS COVERED BY THE  
2 PRIVILEGE, YOUR HONOR. IT IS ONLY THE IDENTITY.

3 THE COURT: I TOLD YOU IF THE IDENTITY CAN BE REVEALED  
4 FROM THE CONTENTS OF THE LETTER, THEN THE SAME CONFIDENTIALITY  
5 WOULD APPLY AND 1040 WOULD BE APPLICABLE.

6 MR. CHIER: THAT IS NOT THE LAW, YOUR HONOR. THAT IS  
7 THE FEDERAL STANDARD.

8 THE COURT: GIVE ME THE CITATION THAT HOLDS THAT ISN'T  
9 THE LAW.

10 MR. CHIER: THAT IS THE FEDERAL STANDARD. THAT IS THE  
11 ROVIARO STANDARD.

12 THE COURT: GIVE ME THE CITATION WHICH HOLDS THAT IF  
13 THE BODY OF THE LETTER REVEALS THE IDENTITY, NONETHELESS, IT  
14 CAN BE DISCLOSED.

15 MR. CHIER: I WILL HAVE TO SUBMIT IT. I DIDN'T BRING  
16 THAT. I DIDN'T KNOW WE WERE GOING TO GET INTO THIS, YOUR  
17 HONOR.

18 THE COURT: I WILL BE SURPRISED IF YOU CAN GIVE ME SUCH  
19 A CITATION.

20 MR. CHIER: ALL RIGHT.

21 THE COURT: ANYTHING ELSE?

22 MR. BARENS: NOT ON THIS POINT, YOUR HONOR, OTHER THAN  
23 I WISH TO AGAIN CAUTION THE COURT, OR EXPRESS MY CONCERN  
24 RATHER THAN CAUTION THE COURT, YOUR HONOR, THAT MANY OF THE  
25 PARTIES WHO WOULD BE SUBMITTING STATEMENTS IN THIS REGARD  
26 WOULD BE EMPLOYEES OF THE BBC AND CLOSELY INVOLVED IN THE  
27 WHOLE SETTING WHICH IS GOING TO BE LITIGATED IN THIS TRIAL  
28 AND THE INFORMATION THAT THOSE INDIVIDUALS HAD IN THEIR



1 COMMENTARY CONCERNING MR. KARNY AND HIS ACTIVITIES AND  
2 CHARACTER IS ABSOLUTELY OF CRUCIAL SIGNIFICANCE TO US.

3 THE COURT: YOU ARE SPECULATING. LET ME READ IT AND  
4 SEE IF THERE ARE ANY SUCH DOCUMENTS, ALL RIGHT?

5 MR. BARENS: I THINK WE CAN ALL FEEL SAFE IN THAT  
6 SPECULATION. I DARE SAY THE BAR WOULD HAVE INQUIRED INTO THOSE  
7 AREAS.

8 THE COURT: ALL RIGHT, GO AHEAD.

9 MR. SWEET: A LOT OF THIS MAY NOT PROVE TO BE RELEVANT,  
10 AS THE COURT WILL SEE WHEN YOU GET THE RECORDS.

11 THE NEXT ITEM IS NUMBER 6, WHICH IS PRIMARILY  
12 WORK PRODUCT.

13 THE COURT: YES.

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1 MR. SWEET: WELL, THE WORK PRODUCT OF MISS ZANK AND HER  
2 INVESTIGATOR, MR. GALINDO, THAT WOULD BE COVERED BY THE  
3 ATTORNEY WORK PRODUCT PRIVILEGE, EVIDENCE CODE SECTION 1040,  
4 RULE 10, SECTION 102(J), AND THE PRIVACY RIGHTS OF INFORMANTS  
5 CONTACTED BY EITHER MISS ZANK OR INVESTIGATOR GALINDO.

6 MR. CHIER: IS THERE A SPECIFIC SECTION THAT YOU REFERRED  
7 TO FOR THE INFORMANT PRIVACY?

8 MR. SWEET: YES, STARTING AT PAGE 28 IN THAT BOOKLET  
9 I GAVE YOU.

10 MR. WAPNER: YOUR HONOR, FOR THE RECORD, THAT BOOK THAT  
11 HE IS REFERRING TO IS ENTITLED "RULES REGULATING ADMISSION  
12 TO THE PRACTICE OF LAW IN CALIFORNIA."

13 THE COURT: YES, WE EACH HAVE A COPY OF IT.

14 MR. CHIER: OKAY, THANK YOU.

15 MR. BARENS: I DON'T THINK MR. SWEET'S COMMENTS, YOUR  
16 HONOR, WOULD APPLY TO THE LETTER FROM THE COUNTY OF SAN  
17 MATEO COURT, THAT IS THE LETTER GENERATED NOT BY THE STATE  
18 BAR OR FOR THEIR INVESTIGATOR.

19 THE COURT: ALL RIGHT, I WILL PUT A QUESTION MARK BY IT  
20 AND TAKE A LOOK AT IT AND SEE WHAT IT SAYS.

21 MR. BARENS: THANK YOU, YOUR HONOR.

22 THE COURT: NOW WE ARE ON NUMBER 7.

23 MR. SWEET: THE LAST FILE NUMBER, NUMBER 7 WHICH CONTAINS,  
24 WE BELIEVE, DOCUMENTS WHICH FALL WITHIN THE ATTORNEY-CLIENT  
25 PRIVILEGE WHICH ARE PRIMARILY, IF NOT TOTALLY, FROM MS. ZANK  
26 TO THE SUBCOMMITTEE ON MORAL CHARACTER AND THE COMMITTEE OF  
27 EXAMINERS OF THE STATE BAR. MISS ZANK IS AN ATTORNEY FOR THE  
28 STATE BAR AND REPRESENTS THE SUBCOMMITTEE ON MORAL CHARACTER

1 AND THE COMMITTEE OF BAR EXAMINERS IN INVESTIGATING THE MORAL  
2 CHARACTER OF APPLICANTS.

3 THE COURT: ANY COMMENT ON 7?

4 MR. BARENS: YOUR HONOR, ONE THING I WANT TO EXPRESS  
5 CATEGORICALLY: IF THERE WERE ANY STATE BAR HEARINGS WHICH  
6 MR. KARNY WAS A WITNESS AND TESTIFIED, I BELIEVE THE DEFENSE  
7 IS ABSOLUTELY ENTITLED TO THOSE MATERIALS.

8 THE COURT: WHY?

9 MR. BARENS: YOUR HONOR, HIS TESTIMONY IN THOSE INSTANCES  
10 WOULD OF NECESSITY --

11 MR. CHIER: THERE AREN'T ANY.

12 MR. BARENS: THERE HAVEN'T BEEN ANY, SO, NEVER MIND,  
13 I WON'T WASTE THE COURT'S TIME.

14 THEY DID IT ALL BY LETTER BUT THOSE LETTERS HAVE  
15 EVEN MORE SIGNIFICANCE, YOUR HONOR, FOR US TO SEE.

16 THE COURT: I WOULD SAY THAT A GREAT DEAL OF WHAT WE  
17 ARE ARGUING IS IN A VACUUM UNTIL I LATER SEE THOSE DOCUMENTS  
18 AND I WILL KNOW WHAT THEY ARE.

19 MR. BARENS: I TRUST YOUR HONOR IS GOING TO BE SENSITIVE  
20 TO THE CONCERNS OF DEFENSE THAT THIS WITNESS IS TESTIFYING  
21 THROUGH THESE LETTERS THAT ARE GOING TO BE THE SAME FACTS HE  
22 IS GOING TO TESTIFY IN THIS CASE; SO IT IS EXTREMELY IMPORTANT  
23 WE HAVE AN OPPORTUNITY TO EXAMINE THOSE.

24 THE COURT: THERE IS NO QUESTION ABOUT THAT, IF THERE  
25 ARE ANY MATTERS IN THERE OF WHICH HE WILL TESTIFY TO IN COURT  
26 AND THERE ARE ANY INCONSISTENT MATTERS, THEY WILL BE MATERIAL  
27 AND YOU HAVE AN ABSOLUTE RIGHT TO EXAMINE THOSE UNDER THE  
28 THEORY OF ANY PRIOR INCONSISTENT STATEMENTS.

1                   WHEN SHALL WE ARRANGE TO HAVE THOSE AVAILABLE?

2           MR. SWEET: WE CAN DO IT RIGHT NOW, IF THE COURT WISHES,  
3 TO MAKE THAT AVAILABLE.

4           THE CLERK: THERE ARE 76 JURORS.

5           MR. SWEET: WHEN DO YOU WANT US TO COME BACK?

6           THE COURT: I WILL TELL YOU WHAT WE CAN DO, WHY DON'T  
7 YOU COME BACK AT ABOUT 3:30 THIS AFTERNOON?

8           MR. SWEET: ALL RIGHT, YOUR HONOR.

9           THE COURT: WILL THAT BE ALL RIGHT, 3:30? I THINK WE  
10 CAN FINISH BY THEN.

11          MR. SWEET: I HAVE A DOCTOR'S APPOINTMENT WHICH I CAN  
12 CANCEL.

13          MR. BARENS: UNLESS WE WERE TO RESUME -- JUST AS A MATTER  
14 OF HOUSEKEEPING, WE HAVE OUR LIVESAY HEARING FOR WEDNESDAY.

15          THE COURT: YES.

16          MR. BARENS: AND I JUST WONDER IF YOU WANT TO HAVE BOTH  
17 OF THESE ON WEDNESDAY AND DO THOSE SORTS OF THINGS ON WEDNESDAY.

18          THE COURT: BOTH OF WHAT?

19          MR. BARENS: THE DETERMINATION ON MR. SWEET'S MATERIALS  
20 ON WEDNESDAY AND THE LIVESAY HEARING WEDNESDAY.

21          THE COURT: I CAN DO THAT THIS AFTERNOON AND FINISH WITH  
22 THE JURORS.

23          MR. WAPNER: I JUST HAVE ONE REQUEST. I HAVE NO OBJECTION  
24 TO HAVING THE COURT EXAMINING THE MATERIALS IN CAMERA THIS  
25 AFTERNOON BUT I WOULD ASK YOU TO RESERVE RULING ON DISCLOSURE  
26 OF THE INFORMATION UNTIL MR. KARNY'S COUNSEL HAS AN OPPORTUNITY  
27 TO BE PRESENT.

28          THE COURT: I AM NOT GOING TO REVEAL ANYTHING TODAY OR

1 TOMORROW OR THE DAY AFTER. I WANT AN OPPORTUNITY OF KNOWING  
2 WHAT ALL OF THE FACTS ARE AND DISCUSSING THAT WITH YOU AND  
3 I THINK I OUGHT TO HAVE AN INPUT FROM -- I AM SURE THAT MR.  
4 KARNY'S COUNSEL IS GOING TO REPEAT EXACTLY WHAT HAS BEEN SAID  
5 BY MR. SWEET AND URGE THE SAME GROUNDS THAT HE IS AND IT IS  
6 JUST MERE SUPERARROGATION FOR ME TO HEAR BOTH OF THEM ON THE  
7 SAME SUBJECT.

8 MR. BARENS: YOUR HONOR, I ONLY AGAIN, FOR THE RECORD,  
9 QUESTION THE PROPRIETY OF THE STANDING, IF ANY, THAT MR. KARNY'S  
10 COUNSEL HAS.

11 THE COURT: WELL, THERE IS NO HARM. IF THERE ARE ANY  
12 VITAL RIGHTS OF HIS, HE IS ENTITLED TO HAVE AN ATTORNEY VOICE  
13 THOSE RIGHTS. SO FOR WHATEVER REASON YOU ARE SEEKING TO  
14 CROSS-EXAMINE HIM IT WILL BE EITHER PERMITTED OR NOT PERMITTED  
15 AND I WILL GET INPUT FROM HIM. I DON'T SEE ANY REASON WHY  
16 NOT, SINCE HE HAS AN INTEREST IN THIS THING.

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1 MR. WAPNER: AND IN THE INTEREST OF SAVING THE COURT'S  
2 TIME AND COUNSEL FOR MR. KARNY, I WOULD ASK THE COURT TO ASK  
3 COUNSEL TO REVIEW ANY OTHER SUBPOENAS FOR INFORMATION  
4 REGARDING MR. KARNY THAT THEY MAY HAVE ISSUED AND FILE IT WITH  
5 THE COURT SO THAT PERHAPS MR. KARNY'S COUNSEL CAN RESPOND TO  
6 ALL OF THEM AT ONE TIME, RATHER THAN BEING REQUIRED TO RETURN  
7 ON SEVERAL OCCASIONS.

8 MR. BARENS: WE HAVE NOTHING ELSE ON FILE AT THIS MOMENT,  
9 YOUR HONOR.

10 THE COURT: ALL RIGHT. OR DO YOU INTEND --

11 MR. BARENS: I AM NOT SURE WHAT MY INTENTIONS ARE IN  
12 THAT REGARD, YOUR HONOR.

13 MR. WAPNER: MAY I HAVE A MOMENT WITH COUNSEL?

14 (UNREPORTED COLLOQUY BETWEEN COUNSEL.)

15 THE COURT: ALL RIGHT, ARE WE READY FOR THE HARDSHIP  
16 CASES?

17 MR. WAPNER: BEFORE WE START ON THE HARDSHIP CASES, I  
18 DISCUSSED SOMETHING WITH MR. BARENS THIS MORNING REGARDING  
19 WHEN WE SHOULD TELL THESE PEOPLE WHO ARE ACCEPTED TO RETURN.

20 THE COURT: SO FAR, WE HAVE TOLD THEM TO COME BACK ON  
21 THURSDAY.

22 MR. WAPNER: I UNDERSTAND THAT BUT I WAS JUST TRYING  
23 TO ESTIMATE IN MY MIND ROUGHLY ON THE HOVEY ASPECT OF THE  
24 VOIR DIRE, SINCE WE ARE GOING TO ASK THEM THE HOVEY QUESTIONS  
25 AND WE HAVE TO ASK THEM WHAT PUBLICITY, IF ANY, THEY HAVE  
26 BEEN EXPOSED TO. I USED A ROUGH ESTIMATE IN MY MIND THAT IF  
27 IT TOOK TEN MINUTES FOR EACH PERSON ON THE HOVEY ASPECT OF  
28 IT, WE COULD DO SIX AN HOUR AND WE GET ABOUT FOUR HOURS OF

1 COURT TIME, THAT IS 10:30 UNTIL 12:00 AND FROM 1:45 UNTIL 4:30,  
2 WITH A 15-MINUTE BREAK, SO IF WE DID SIX AN HOUR IN FOUR HOURS  
3 OF COURT TIME, WE WOULD DO 24 A DAY. I AM ESTIMATING THAT  
4 WE WOULD HAVE ROUGHLY A HUNDRED PEOPLE OF THE WHOLE PANEL  
5 AND I DON'T THINK WE SHOULD START WITH ANY LESS BECAUSE NOT  
6 ONLY ARE WE GOING TO LOSE THEM ON THE HOVEY PART BUT WE ARE  
7 GOING TO LOSE A FEW ANYWAY BECAUSE THEY HAVE READ ABOUT THIS  
8 CASE AND CAN'T DETERMINE IT FAIRLY. SO IT SEEMS TO ME THAT  
9 IF WE CAN DO 24 A DAY, IT IS GOING TO TAKE US -- I AM  
10 ESTIMATING -- IT WILL TAKE US A MINIMUM TO GO THROUGH THE  
11 HOVEY, FOUR DAYS AND AS IT IS NOW, WE HAVE ALL OF THEM COMING  
12 BACK ON THURSDAY SO I AM JUST THINKING OUT LOUD, WHETHER OR  
13 NOT MAYBE WE SHOULDN'T TELL SOME OF THESE PEOPLE WHO ARE  
14 EXCUSED TODAY TO COME BACK THE FOLLOWING DAY.

15 THE COURT: WHY DON'T WE HAVE THEM ALL COME BACK ON  
16 THURSDAY AND THEN WE WILL TELL THEM TO COME BACK AGAIN AT  
17 ANOTHER TIME?

18 MR. WAPNER: OKAY, THAT IS FINE.

19 MR. BARENS: YOUR HONOR, I WOULD JUST SAY I AGREE WITH  
20 MR. WAPNER, OUT OF A SENSE OF COURTESY.

21 THE COURT: ALL RIGHT, I DON'T WANT TO KEEP THEM WAITING  
22 AROUND EITHER.

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1 THE COURT: WHY DON'T WE HAVE THEM ALL COME BACK?

2 MR. CHIER: YOUR HONOR, APROPOS OF THIS MATTER OF  
3 PUBLICITY, I WANT TO ADVISE THE COURT THAT ON THURSDAY LAST,  
4 FOLLOWING THE COURT'S RECESS, I WAS CONTACTED BY A PROSPECTIVE  
5 JUROR AT THE FRONT DOOR TO THE COURTHOUSE ON THE FIRST FLOOR,  
6 WHO ADVISED ME THAT SHE HAD GONE TO HIGH SCHOOL WITH ME.

7 IT WAS THE JUROR WHOSE FIRST NAME WAS CYMA,  
8 C-Y-M-A.

9 THE COURT: IF SHE SURVIVES, I WILL ASK HER A QUESTION.  
10 I WILL ASK HER, DO YOU KNOW ANY OF THE COUNSEL IN THE CASE  
11 AND SHE WILL THEN TELL ME THAT SHE DOES. I WILL ASK HER  
12 FURTHER QUESTIONS ABOUT IT.

13 SHE MAY HAVE SUCH A PREJUDICE AGAINST YOU THAT  
14 WE MIGHT EXCUSE HER FOR THIS REASON. SHE MIGHT HAVE SUCH  
15 A PREDELICITION FOR YOU THAT WE MIGHT EXCUSE HER.

16 MR. CHIER: SHE DID EXPRESS A PREJUDICE TO ME. BUT  
17 SHE ALSO EXPRESSED TO ME THE FACT THAT THE ENTIRE PANEL WAS  
18 READING IN THE JURY ASSEMBLY ROOM --

19 THE COURT: I WOULD SUGGEST TO YOU THAT YOU HAD NO  
20 BUSINESS TALKING TO HER AT ANY TIME.

21 MR. CHIER: SHE HAD BEEN EXCUSED.

22 THE COURT: SHE HAD BEEN EXCUSED? ALL RIGHT.

23 THEN, YOU SHOULDN'T TALK TO ANY JUROR, PROSPECTIVE  
24 OR OTHERWISE, ABOUT ANY SUBJECT.

25 MR. CHIER: SHE HAD BEEN EXCUSED BY YOUR HONOR.

26 THE COURT: JUST DON'T ENGAGE IN ANY CONVERSATION.

27 MR. CHIER: THE ENTIRE JURY PANEL WAS READING A  
28 NEW YORK TIMES ARTICLE CONCERNING THIS CASE.



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1 THE COURT: WELL, THEY ARE NOT BLIND OR DEAF. WE  
2 EXPECT THAT THEY WILL.

3 THE ONLY QUESTION IS, WHETHER IT WOULD AFFECT  
4 THEM IN ANY WAY. THAT IS WHAT I AM GOING TO ASK ALL THE JURORS.

5 MR. CHIER: WELL, THE ENTIRE PANEL, YOUR HONOR, HAD  
6 THE ARTICLE IN THE JURY ASSEMBLY ROOM ON THURSDAY. I WANTED  
7 TO BRING THAT TO THE COURT'S ATTENTION.

8 THE COURT: YES. I WILL SEE THAT THERE IS NO PREJUDICE  
9 TO THE DEFENDANT.

10 MR. CHIER: WE WILL SUBMIT A COPY OF THE ARTICLE TO  
11 THE COURT TOMORROW.

12 THE COURT: WHICH ARTICLE?

13 MR. CHIER: THE ARTICLE THAT THEY WERE READING ON  
14 THURSDAY FROM THE NEW YORK TIMES. THERE WAS A --

15 THE COURT: NEW YORK TIMES?

16 MR. CHIER: IN THE NEW YORK TIMES, IT WAS IN THE JURY  
17 ASSEMBLY ROOM AND --

18 MR. WAPNER: TWO THINGS FOR THE RECORD, THE JUROR WHO  
19 HAS BEEN REFERRED TO, IS CYMA LEHMAN, C-Y-M-A L-E-H-M-A-N.

20 THE COURT: SHE WAS ONE OF THOSE WE EXAMINED FOR  
21 HARDSHIP, WASN'T SHE?

22 MR. WAPNER: EXAMINED FOR HARDSHIP. SHE WAS EXCUSED.

23 SHE ALSO INDICATED THAT HER DAUGHTERS KNOW EVAN  
24 DICKER, WHO IS GOING TO BE ONE OF THE WITNESSES IN THE CASE.

25 I THINK OUT OF AN ABUNDANCE OF CAUTION, IF WE  
26 WANT TO FIND OUT WHETHER OR NOT THERE ARE ANY ARTICLES ABOUT  
27 THE CASE IN THE JURY ROOM, THAT THEY SHOULD BE TAKEN OUT OR  
28 REMOVED SO SOMEHOW, YOU SHOULD TELL THEM OR TELL THE JURY

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1 COMMISSIONER TO HAVE THE JURORS NOT READ THOSE ARTICLES.

2 THE COURT: IS THAT AGREEABLE TO YOU?

3 MR. BARENS: I CERTAINLY THINK THAT WE SHOULD DO  
4 SOMETHING PROPHYLACTIC IN THAT AREA, YOUR HONOR.

5 THE COURT: ALL RIGHT.

6 MR. WAPNER: ALSO FOR THE RECORD, THE COURT ASKED ME  
7 TO PROVIDE IT WITH A COPY OF THE MEMO TO MR. LIVESAY,  
8 APROPOS OF THE LIVESAY HEARING. I AM PROVIDING IT TO THE  
9 CLERK RIGHT NOW.

10 THE COURT: ALL RIGHT.

11 MR. WAPNER: I HAVE ALREADY PROVIDED A COPY TO YOUR  
12 HONOR.

13 THE COURT: ALL RIGHT. WE WILL GET THE PROSPECTIVE  
14 JURORS IN AND I WILL INQUIRE ABOUT HARDSHIP.

15 (RECESS.)

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1 (WHEREUPON, THE FOLLOWING PROCEEDINGS WERE  
2 HELD WITHIN THE PRESENCE AND HEARING OF THE  
3 PROSPECTIVE JURORS:)

4 THE COURT: GOOD MORNING, LADIES AND GENTLEMEN, WE ARE  
5 IN THE PROCESS OF TRYING A VERY SERIOUS FELONY MATTER AND IT  
6 IS ANTICIPATED THAT THE CASE WILL TAKE ABOUT THREE MONTHS TO  
7 TRY.

8 THE PURPOSE OF HAVING YOU HERE IS TO TELL YOU  
9 AND ASK ANY JUROR WHO FEELS THERE WILL BE A HARDSHIP, ECONOMIC  
10 OR MEDICAL HARDSHIP FOR ANY OF YOU TO SERVE FOR THAT PERIOD  
11 OF TIME, I WANT YOU TO INDICATE THAT TO ME NOW.

12 (RAISING OF HANDS BY PROSPECTIVE JURORS.)

13 THE COURT: ALL RIGHT, WHICH OF YOU CAN, IF YOU ARE  
14 SELECTED, SERVE FOR THAT PERIOD OF TIME?

15 (RAISING OF HANDS BY PROSPECTIVE JURORS.)

16 THE COURT: ALL RIGHT, THOSE OF YOU WHO HAVE RAISED YOUR  
17 HANDS, WHAT I WILL ASK YOU TO DO IS TO COME BACK TO THE JURY  
18 ASSEMBLY ROOM ON THURSDAY AT 10:00 O'CLOCK, THAT IS 10:00  
19 O'CLOCK ON THURSDAY, AND THE REMAINING MEMBERS OF YOU WHO HAVE  
20 INDICATED THAT YOU WANT TO CLAIM A HARDSHIP, YOU STAY IN THIS  
21 COURTROOM AND THEN I WILL INTERROGATE YOU ONE BY ONE IN  
22 CHAMBERS AS TO YOUR REASON FOR SEEKING TO BE EXCUSED.

23 ALL RIGHT, ALL OF YOU WHO HAVE SAID THAT YOU COULD  
24 SERVE, COME BACK THURSDAY TO THE JURY ASSEMBLY ROOM AT  
25 10:00 O'CLOCK AND THE REST OF YOU WILL STAY.

26 WAIT A MINUTE. I WILL HAVE ALL OF YOU SWORN  
27 FIRST. RAISE YOUR RIGHT HANDS.

28 THE CLERK: IF YOU WOULD ALL STAND, PLEASE, AND RAISE

1 YOUR RIGHT HANDS TO BE SWORN.

2 EACH OF YOU DO SOLEMNLY SWEAR THAT YOU WILL WELL  
3 AND TRULY ANSWER SUCH QUESTIONS AS MAY BE ASKED OF YOU TOUCHING  
4 UPON YOUR QUALIFICATIONS TO ACT AS TRIAL JURORS IN THE CAUSE  
5 NOW PENDING BEFORE THE COURT, SO HELP YOU GOD?

6 (WHEREUPON, THE PROSPECTIVE JURORS ANSWERED  
7 AFFIRMATIVELY IN CHORUS.)

8 (WHEREUPON, THE COURT AND COUNSEL AND THE  
9 DEFENDANT EXITED THE COURTROOM TO GO INTO  
10 CHAMBERS.)

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1 THE COURT: I THINK WHAT WE'LL DO, IS TO START WITH  
2 THE FRONT ROW COMMENCING ONE BY ONE.

3 MR. BARENS: YES, YOUR HONOR.

4 THE COURT: THEN THEY CAN GIVE ME THE LIST OF THE NAMES  
5 OF THE JURORS.

6 THE COURT REPORTER: WE HAVE SUCH A LIST.

7 THE CLERK: YES. UNFORTUNATELY, THEY HAVE NOT ALL BEEN  
8 TYPED. I DID THIS WHILE WE WERE DOING OUR MORNING CALENDAR.  
9 SO THAT IS ONLY PART OF THEM. THE REST HAS NOT BEEN --

10 THE COURT: ALL RIGHT. WE WILL DO THE FIRST PART FIRST  
11 AND DO THE REST OF THEM LATER.

12 I HAVE INDICATED TO THE OTHER PROSPECTIVE JURORS  
13 THAT WE ARE GOING TO TRY A VERY SERIOUS CRIMINAL CASE, WHICH  
14 WILL TAKE ABOUT THREE MONTHS TO TRY.

15 DO YOU WANT TO STAY FOR THAT PERIOD OF TIME OR  
16 DO YOU HAVE ANY LEGAL REASON WHY YOU WANT TO BE EXCUSED,  
17 MR. WILLARD?

18 MR. WILLARD: I HAVE A REASON WHY I WANT TO BE EXCUSED.

19 THE COURT: ALL RIGHT. THEN PLEASE REMAIN HERE,  
20 MR. WILLARD.

21 WE WILL NOW CALL THE JURORS INTO CHAMBERS.

22 THOSE OF YOU WHOSE NAMES, LAST NAMES BEGIN WITH  
23 A THROUGH H, IN OTHER WORDS FROM ALVAREZ THROUGH HOEKSEMA  
24 PLEASE REMAIN HERE.

25 ALL OF THE REST OF YOU WILL COME BACK INTO THE  
26 COURTROOM THIS AFTERNOON AT 1:45 P.M. SO YOU DON'T HAVE TO  
27 WAIT AROUND FOR US.

28 (SETTING UP IN CHAMBERS.)

A-2

1 (PROSPECTIVE JUROR CATHERINE ALVAREZ  
2 ENTERED CHAMBERS.)

3 THE CLERK: THIS IS CATHERINE ALVAREZ.

4 THE COURT: IS IT MISS OR MRS.?

5 MRS. ALVAREZ: MRS.

6 THE COURT: WHERE DO YOU LIVE?

7 MRS. ALVAREZ: MANHATTAN BEACH.

8 THE COURT: YOU HAVE INDICATED THAT YOU WANT TO BE  
9 EXCUSED FOR GOOD REASON. WHAT IS YOUR REASON?

10 MRS. ALVAREZ: MY COMPANY PAYS FOR 22 DAYS JURY DUTY.

11 THE COURT: WHO DO YOU WORK FOR?

12 MRS. ALVAREZ: TRW.

13 THE COURT: ALL RIGHT. YOU WILL BE EXCUSED.

14 GO BACK TO THE JURY ASSEMBLY ROOM. THEY MIGHT  
15 HAVE SOME OTHER ASSIGNMENT FOR YOU, SOME OTHER CASE.

16 MRS. ALVAREZ: OKAY.

17 MR. WAPNER: COULD WE ASK MRS. ALVAREZ WHETHER OR NOT  
18 SHE IS AWARE OF WHETHER TRW MAKES ANY EXCEPTIONS TO THAT  
19 RULE?

20 MRS. ALVAREZ: I DON'T KNOW. MY BOSS, I TOLD HIM THAT  
21 THERE WAS A CASE THAT MIGHT RUN THREE MONTHS WHEN I WENT BACK  
22 TO WORK.

23 SHE SAID, "WELL, I HOPE THAT YOU DON'T GET ON  
24 THAT ONE. I PREFER YOU TO BE BACK AT WORK."

25 THE COURT: ALL RIGHT. YOU WILL BE EXCUSED. THANK  
26 YOU VERY MUCH.

27 (PROSPECTIVE JUROR ALVAREZ EXITED  
28 CHAMBERS.)

B-1  
1 THE CLERK: THIS IS NORMA ARONY.

2 (PROSPECTIVE JUROR ARONY ENTERED  
3 CHAMBERS.)

4 THE COURT: IS THAT MISS OR MRS.?

5 MISS ARONY: MISS.

6 THE COURT: WHERE DO YOU LIVE?

7 MISS ARONY: SANTA MONICA.

8 THE COURT: ALL RIGHT. YOU HAVE INDICATED THAT YOU  
9 WANT TO BE EXCUSED. WHAT IS YOUR REASON FOR WANTING TO BE  
10 EXCUSED?

11 MISS ARONY: OKAY. I HAVE A MEDICAL CONDITION THAT --

12 THE COURT: WHAT IS THAT?

13 MISS ARONY: IT IS MOOD SWING CONDITION.

14 THE COURT: WHAT IS THAT?

15 MISS ARONY: MOOD SWING CONDITION OR MANIC DEPRESSION  
16 OR THERE ARE SEVERAL DIFFERENT TERMS FOR IT.

17 IT IS STRESS RELATED. IT IS UNDER CONTROL THROUGH  
18 MEDICATION.

19 I FEEL THREE MONTHS IS TOO STRESSFUL FOR MY HEALTH.

20 THE COURT: ALL RIGHT.

21 MR. WAPNER: NO OBJECTION.

22 MR. BARENS: NO OBJECTION.

23 THE COURT: ALL RIGHT. THANK YOU VERY MUCH.

24 MR. CHIER: ARE YOU RELATED TO TED ARONY?

25 MISS ARONY: NO.

26 THE COURT: ALL RIGHT. THANK YOU VERY MUCH.

27 YOU GO TO THE JURY ASSEMBLY ROOM AND CHECK BACK  
28 IN WITH THEM.

1 (PROSPECTIVE JUROR ENTERS CHAMBERS.)

2 THE CLERK: THIS IS CARLETON BARTOSCH.

3 THE COURT: YES, MR. BARTOSCH, WHERE DO YOU LIVE, PLEASE?

4 MR. BARTOSCH: I AM SORRY. I DIDN'T HEAR YOU.

5 THE COURT: WHERE DO YOU LIVE?

6 MR. BARTOSCH: IN HAWTHORNE.

7 THE COURT: I BELIEVE YOU INDICATED YOU HAD A REASON

8 FOR NOT WANTING TO SERVE ON THIS JURY?

9 MR. BARTOSCH: YES.

10 THE COURT: WHAT IS THAT?

11 MR. BARTOSCH: MY COMPANY WON'T REIMBURSE ME FOR THIS  
12 PERIOD OF TIME.

13 THE COURT: WHICH COMPANY IS THAT?

14 MR. BARTOSCH: ROCKWELL.

15 THE COURT: ANY QUESTIONS?

16 MR. WAPNER: I WOULD LIKE TO ASK SOME QUESTIONS.

17 WHAT IS THE POLICY ON HOW MANY DAYS THEY  
18 REIMBURSE YOU?

19 MR. BARTOSCH: TEN.

20 MR. WAPNER: DO YOU KNOW, WOULD THEY MAKE ANY  
21 EXCEPTION TO THAT POLICY?

22 MR. BARTOSCH: I TRIED TO FIND OUT LAST WEEK, I ASKED  
23 THEM AND I DIDN'T GET A FIRM ANSWER BACK. I DON'T KNOW WHAT  
24 THE MAXIMUM WOULD BE. I HAVE HEARD THAT IT WAS TEN DAYS BUT  
25 I DID ASK MY SUPERVISOR IF THERE WAS A MAXIMUM AND THEY SEEM  
26 TO THINK THAT TEN WAS THE NORMAL PAY. THIRTY WAS A POSSIBILITY  
27 BUT NOTHING OVER THAT.

28 THE COURT: IS THAT ROCKWELL INTERNATIONAL?



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1 MR. BARTOSCH: YES.

2 THE COURT: THEY HAVE A NOTE HERE THAT THEY GIVE 25  
3 DAYS.

4 MR. BARTOSCH: THEY DO GIVE 25?

5 THE COURT: YES.

6 MR. BARTOSCH: OKAY, I WASN'T AWARE OF THAT.

7 MR. WAPNER: DO YOU KNOW WHAT HAPPENS IF YOU GET ON  
8 A CASE AND IT GOES PAST THE 25 DAYS OR THE 10 DAYS OR WHATEVER  
9 THEIR POLICY IS?

10 MR. BARTOSCH: I HAVE JUST HEARD THAT THEY DON'T  
11 REIMBURSE YOU.

12 LIKE I SAY, I HAVE TRIED TO CHECK INTO IT.

13 MR. WAPNER: YOUR HONOR, BECAUSE OF THE FACT THAT THIS  
14 MAY COME UP WITH OTHER PEOPLE FROM THESE LARGE EMPLOYERS,  
15 EVEN THOUGH IT LOOKS LIKE MR. BARTOSCH MAY BE EXCUSED, COULD  
16 WE ASK HIM TO CHECK WITH HIS EMPLOYER SO FOR ALL OF OUR SAKES  
17 WE CAN GET SOME CLARIFICATION AS TO WHETHER OR NOT THEY WOULD  
18 IN FACT PAY HIM AND ASK HIM TO COME BACK EITHER THIS AFTERNOON  
19 OR THURSDAY?

20 THE COURT: IF THEY HAVE A FIRM POLICY, THEY HAVE A  
21 FIRM POLICY AS TO HOW LONG THEY WILL REIMBURSE THEM FOR.

22 WHAT HE WANTS YOU TO DO IS TO GO BACK AND FIND  
23 OUT WHETHER THEY WILL PERMIT YOU TO SERVE FOR THREE MONTHS  
24 AND IF THEY WILL PAY YOU FOR THAT TIME.

25 MR. BARTOSCH: I HAVE ASKED FOR THE POLICY ON IT AND  
26 I HAVEN'T GOTTEN IT. I WAS HERE TWO DAYS, MONDAY AND  
27 TUESDAY LAST WEEK AND WEDNESDAY I WENT BACK TO WORK AND I  
28 ASKED FOR CLARIFICATION.

1 THE COURT: WHY DON'T YOU GO BACK AND ASK THEM, WOULD  
2 YOU DO THAT?

3 MR. BARTOSCH: SURE.

4 WHEN DO YOU WANT ME TO REPORT BACK?

5 THE COURT: YOU CAN REPORT BACK AFTER LUNCH AND TRY  
6 AND GET THAT INFORMATION.

7 MR. BARTOSCH: YOU MEAN GET THE INFORMATION TODAY?

8 THE COURT: YES, TRY AND DO THAT THIS AFTERNOON.

9 MR. CHIER: WERE YOU HERE LAST WEEK WHEN THE COURT  
10 INDICATED IT MAY BE A THREE-MONTH TRIAL?

11 MR. BARTOSCH: I DID HEAR THAT.

12 MR. CHIER: DID YOU HEAR THAT FROM THE COURT OR JUST  
13 FROM JUROR GOSSIP?

14 MR. BARTOSCH: I THINK THE JUDGE THAT INDOCTRINATED  
15 US ON MONDAY INDICATED THERE WAS A LONG PENDING CASE AND I  
16 THINK THAT IS WHERE I HEARD IT FROM AND SO THAT IS WHEN ON  
17 WEDNESDAY I WENT BACK TO WORK AND I SAID I NEED TO CLARIFY  
18 THE COMPANY'S POSSIBILITY ON A LONG PENDING CASE.

19 THE COURT: ALL RIGHT, THANK YOU VERY MUCH.

20 (PROSPECTIVE JUROR EXITED CHAMBERS.)

21 THE COURT: I DON'T THINK THERE IS ANY NECESSITY TO  
22 CHECK ON THEIR POLICY.

23 MR. WAPNER: MY ONLY QUARREL IS --

24 THE COURT: WE HAVE BEEN EXCUSING THOSE THAT HAVE A  
25 MAXIMUM.

26 MR. WAPNER: I AM TRYING TO FIND OUT IF IN FACT THEY  
27 ARE GOING TO MAKE ANY EXCEPTIONS TO THAT POLICY.

28 (PROSPECTIVE JUROR ENTERED CHAMBERS.)

1 THE CLERK: THIS IS MARY BRENNAN.

2 THE COURT: MARY BRENNAN?

3 MISS BRENNAN: THAT'S CORRECT.

4 THE COURT: IS THAT MISS BRENNAN OR MRS.? MISS, IS  
5 IT?

6 MISS BRENNAN: YES, IT IS.

7 THE COURT: MISS BRENNAN, WHERE DO YOU LIVE?

8 MISS BRENNAN: WOODLAND HILLS.

9 THE COURT: WOODLAND HILLS?

10 MISS BRENNAN: THAT'S CORRECT.

11 THE COURT: YOU HAVE ASKED TO BE EXCUSED BECAUSE OF  
12 HARDSHIP?

13 MISS BRENNAN: MY COMPANY HAS A LIMIT OF 25 DAYS FOR  
14 JURY DUTY.

15 THE COURT: WHAT COMPANY?

16 MISS BRENNAN: AEROSPACE CORPORATION.

17 MR. BARENS: NO OBJECTION.

18 MR. WAPNER: YOUR HONOR, I WILL JUST MAKE THE SAME  
19 OBSERVATION.

20 THE COURT: I AM NOT GOING TO DO IT IN EVERY SINGLE  
21 CASE, HAVE THEM GO BACK AND ASK THEM IF THEY CAN STAY THREE  
22 MONTHS. IF THEY HAVE A POLICY OF A CERTAIN NUMBER OF DAYS,  
23 THAT IS THE END OF IT.

24 MR. WAPNER: I JUST WANT TO KNOW IF THEY MAKE ANY  
25 EXCEPTIONS TO THE POLICY?

26 THE COURT: DO YOU KNOW WHETHER OR NOT THEY MAKE ANY  
27 EXCEPTIONS TO THE POLICY AS TO HOW LONG THEY WILL PAY YOU?

28 MISS BRENNAN: NO, THIS IS THE FIRST TIME I HAVE BEEN

1 ON JURY DUTY.

2 THE COURT: YOU HAVE NEVER HEARD OF THAT?

3 MISS BRENNAN: NO.

4 MR. CHIER: HAVE YOU HEARD OF EMPLOYEES BEING HELD OVER  
5 ON A CASE OVER THE 25 DAY LIMIT AND DO YOU KNOW WHETHER OR  
6 NOT THEY GET PAID OR NOT IF THEY GET HELD OVER?

7 MISS BRENNAN: ONE OF MY COLLEAGUES HAD A BAD EXPERIENCE.

8 THE COURT: HAD WHAT?

9 MISS BRENNAN: HAD A BAD EXPERIENCE WITH REGARD TO THAT.

10 THE COURT: STAYING OVER YOU MEAN?

11 MISS BRENNAN: YES.

12 THE COURT: YOU DON'T HAVE TO COME BACK AND TELL US.

13 ALL RIGHT, GO BACK TO THE JURY ASSEMBLY ROOM.

14 MISS BRENNAN: OKAY.

15 THE COURT: THEY WILL GIVE YOU FURTHER INSTRUCTIONS.

16 YOU CAN SIT FOR 10 OR 25 DAYS, CAN'T YOU?

17 MISS BRENNAN: TEN, YEAH.

18 THE COURT: ALL RIGHT, TEN DAYS AND YOU TELL THEM THAT,  
19 WILL YOU?

20 TELL THEM YOU ARE EXCUSED FROM THIS CASE.

21 MISS BRENNAN: THANK YOU.

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1 (PROSPECTIVE JUROR EXITED CHAMBERS.)

2 (PROSPECTIVE JUROR ENTERED CHAMBERS.)

3 THE CLERK: THIS IS MR. BARTOSCH AGAIN.

4 THE COURT: YES?

5 MR. BARTOSCH: I MADE A PHONE CALL AND I GOT HOLD OF  
6 MY SUPERVISOR AND THE POLICY IS 25 DAYS. AFTER THAT, IT IS  
7 OUT OF MY OWN POCKET.

8 THE COURT: ALL RIGHT, THANK YOU VERY MUCH.

9 THEY WON'T LET YOU STAY MORE THAN 25 DAYS, PAY  
10 FOR MORE THAN 25 DAYS?

11 MR. BARTOSCH: THEY WON'T PAY FOR MORE THAN 25 DAYS.

12 THE COURT: THANK YOU VERY MUCH. YOU ARE EXCUSED.

13 GO BACK TO THE JURY ASSEMBLY ROOM AND TELL THEM  
14 YOU ARE AVAILABLE FOR THAT TIME.

15 MR. BARTOSCH: ALL RIGHT.

16 THE COURT: TELL THEM YOU ARE EXCUSED FROM THIS CASE,  
17 THOUGH, MR. BARTOSCH.

18 MR. BARTOSCH: ALL RIGHT, THANK YOU.

19 (PROSPECTIVE JUROR EXITED CHAMBERS.)

20 (PROSPECTIVE JUROR ENTERED CHAMBERS.)

21 THE CLERK: THIS IS JULIANNA ROBBINS. SHE WAS ON OUR  
22 PANEL BEFORE AND THEY SENT HER BACK IN HERE BY MISTAKE.

23 MRS. ROBBINS: I WAS EXCUSED LAST TIME.

24 MR. WAPNER: THAT IS RIGHT.

25 THE COURT: YOU ARE STILL EXCUSED.

26 MRS. ROBBINS: THANK YOU. THEY HAVE GOT TO MAKE A NOTE  
27 ON THAT.

28 (PROSPECTIVE JUROR EXITED CHAMBERS.)

1 (PROSPECTIVE JUROR ENTERED CHAMBERS.)

2 THE CLERK: THIS IS SAMMY BYRON.

3 THE COURT: MR. BYRON, WHERE DO YOU LIVE?

4 MR. BYRON: I LIVE IN CULVER CITY, 11933 WASHINGTON.

5 THE COURT: YOU HAVE INDICATED YOU WANT TO BE EXCUSED  
6 FROM THIS CASE?

7 MR. BYRON: I DO.

8 THE COURT: WHAT IS YOUR REASON FOR IT?

9 MR. BYRON: I HAVE A HARDSHIP WITH MY ROOMMATE.

10 THE COURT: YOU HAVE WHAT?

11 MR. BYRON: HARDSHIP WITH MY ROOMMATE.

12 THE COURT: WHAT DO YOU MEAN?

13 MR. BYRON: HE IS NOT STABLE.

14 THE COURT: YOU HAVE TO TAKE CARE OF HIM?

15 MR. BYRON: AND BEING ON THIS JURY THAT LONG, I WOULDN'T  
16 PROBABLY HAVE NO PLACE TO STAY WHEN I GOT OFF JURY DUTY.

17 THE COURT: WHAT DO YOU MEAN, NO PLACE TO STAY?

18 MR. BYRON: WELL, YOU SEE, I AM UNEMPLOYED RIGHT NOW.

19 THE COURT: UNEMPLOYED?

20 MR. BYRON: YES, AND HE IS THE ONLY ONE WORKING AND  
21 I DON'T TRUST HIM TO PAY THE RENT, TO GET THINGS -- THINGS  
22 WOULDN'T GET DONE.

23 THE COURT: I SEE, SO YOU WANT TO GET A JOB AS FAST  
24 AS POSSIBLE?

25 MR. BYRON: THAT'S RIGHT.

26 THE COURT: SO YOU CAN MAKE YOUR CONTRIBUTION?

27 MR. WAPNER: I HAVE NO OBJECTION, YOUR HONOR.

28 MR. BARENS: NO OBJECTION.

1 THE COURT: ALL RIGHT, THANK YOU VERY MUCH. YOU ARE  
2 EXCUSED.

3 MR. BYRON: ALL RIGHT, THANK YOU VERY MUCH.

4 THE COURT: GO BACK TO THE JURY ASSEMBLY ROOM AND TELL  
5 THEM YOU ARE EXCUSED IN THIS CASE. THEY MIGHT WANT TO USE  
6 YOU IN SOME OTHER CASE.

7 MR. BYRON: OKAY, THANK YOU, YOUR HONOR.

8 (PROSPECTIVE JUROR EXITED CHAMBERS.)

9 THE CLERK: THIS IS ARLYNNE J. CAMIRE.

10 THE COURT: IS THAT MISS CAMIRE?

11 MISS CAMIRE: YES.

12 THE COURT: IS THAT MISS?

13 MISS CAMIRE: YES.

14 THE COURT: WHERE DO YOU LIVE?

15 MISS CAMIRE: I LIVE IN NORTH HOLLYWOOD.

16 THE COURT: HAVE YOU GOT SOME REASON WHY YOU WANT TO  
17 BE EXCUSED?

18 MISS CAMIRE: I HAVE ONLY BEEN AT MY JOB FOR SIX MONTHS  
19 AND IF I WOULD BE ON JURY DUTY FOR THREE MONTHS --

20 THE COURT: YOU THINK YOU WOULDN'T FIND YOUR JOB WHEN  
21 YOU GOT BACK?

22 MISS CAMIRE: NO. IT PROBABLY WOULD BE THERE.

23 I WORK FOR THE CITY OF BURBANK IN THE PLANNING  
24 DIVISION AND WE ARE ALSO UNDERSTAFFED BY TWO PLANNERS.

25 THE COURT: OTHERWISE, YOU COULD STAY FOR THREE MONTHS,  
26 COULDN'T YOU?

27 MISS CAMIRE: I AM SURE WORKING FOR A CITY -- I AM NOT  
28 SURE OF THEIR POLICY EXACTLY BUT I AM ASSUMING THAT ALL CITIES

1 ARE PROBABLY THE SAME.

2 THE COURT: WELL, WHO IS YOUR SUPERVISOR?

3 MISS CAMIRE: RICK PRIETS.

4 THE COURT: DO YOU WANT TO FIND OUT WHETHER OR NOT IF  
5 YOU WERE SELECTED AS A JUROR IN THIS CASE YOU COULD SIT FOR  
6 THREE MONTHS, IF THEY WOULD PERMIT YOU TO DO THAT?

7 MISS CAMIRE: OKAY, I WILL CALL HIM.

8 THE COURT: YOU REPORT BACK THIS AFTERNOON. OR DO YOU  
9 WANT TO CALL THEM UP NOW?

10 MISS CAMIRE: I COULD DO THAT, IF YOU LIKE, AND COME  
11 BACK IN.

12 THE COURT: ALL RIGHT. WHY DON'T YOU DO THAT AND COME  
13 BACK AND TELL US?

14 MISS CAMIRE: OKAY, THANK YOU.

15 (PROSPECTIVE JUROR EXITED CHAMBERS.)

16 (PROSPECTIVE JUROR ENTERED CHAMBERS.)

17 THE CLERK: THIS IS ROBERTA CHARBONEAU.

18 THE COURT: IS THAT MISS OR MRS.?

19 MRS. CHARBONEAU: MRS.

20 THE COURT: MRS. CHARBONEAU, YOU HAVE BEEN ON A JURY  
21 RECENTLY?

22 MRS. CHARBONEAU: A WEEK AGO MONDAY.

23 THE COURT: YES, YOU WERE IN HERE, WEREN'T YOU?

24 MRS. CHARBONEAU: YES.

25 THE COURT: WHERE DO YOU LIVE?

26 MRS. CHARBONEAU: STUDIO CITY.

27 THE COURT: YOU HAVE INDICATED YOU WANT TO BE EXCUSED;  
28 IS THAT RIGHT?



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WHAT IS YOUR REASON FOR IT?

MRS. CHARBONEAU: MY HUSBAND AND I HAVE OUR OWN SMALL BUSINESS, HE IS A PHOTOGRAPHER AND I DO ALL OF THE OFFICE WORK AND I AM HIS ASSISTANT.

THE COURT: ALL RIGHT. YOU TOLD US WHEN WE WERE IMPANELING THE JURY ON ANOTHER CASE, YOU TOLD US THAT.

MR. BARENS: NO OBJECTION WHATEVER.

MR. WAPNER: I HAVE NO OBJECTION.

THE COURT: ARE YOU A FOOD PHOTOGRAPHER?

MRS. CHARBONEAU: ALL KINDS.

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CA-1

1 THE CLERK: THIS IS NOREEN CULLEY.

2 (PROSPECTIVE JUROR CULLEY ENTERS CHAMBERS.)

3 THE COURT: NOREEN CULLEY, IS IT MISS OR MRS.?

4 MRS. CULLEY: MRS.

5 THE COURT: WHERE DO YOU LIVE?

6 MRS. CULLEY: WESTCHESTER.

7 THE COURT: YOU HAVE INDICATED THAT YOU HAVE A REASON  
8 FOR NOT WANTING TO SERVE AS A TRIAL JUROR FOR THREE MONTHS  
9 HERE IN THIS CASE. WHAT IS YOUR REASON?

10 MRS. CULLEY: MY EMPLOYER ONLY PAYS FOR 22 DAYS.

11 THE COURT: WHO IS YOUR EMPLOYER? NORTHROP?

12 MRS. CULLEY: HUGHES AIRCRAFT.

13 THE COURT: HUGHES AIRCRAFT?

14 MR. BARENS: NO OBJECTION.

15 MR. WAPNER: NO OBJECTION.

16 MR. CHIER: WHAT IS THE CITY OF YOUR RESIDENCE MA'AM?

17 MRS. CULLEY: WESTCHESTER.

18 THE COURT: THANK YOU VERY MUCH. YOU CAN GO BACK TO  
19 THE JURY ASSEMBLY ROOM. TELL THEM YOU ARE EXCUSED FROM DUTY  
20 IN THIS CASE BUT YOU CAN SERVE UP TO 22 DAYS IN ANOTHER CASE.  
21 THANK YOU.

22 (PROSPECTIVE JUROR CULLEY EXITS CHAMBERS.)

23 THE CLERK: THIS IS DAVID DIERS.

24 (PROSPECTIVE JUROR DIERS ENTERS CHAMBERS.)

25 THE COURT: MR. DIERS, WHERE DO YOU LIVE?

26 MR. DIERS: I LIVE IN EL SEGUNDO.

27 THE COURT: YOU INDICATED THAT YOU HAVE A GOOD REASON  
28 FOR NOT WANTING TO SERVE ON THIS JURY?

0A-2

1 MR. DIERS: TWO REASONS, YOUR HONOR. THE FIRST IS THAT  
2 THERE IS A FAMILY MEMBER WHO IS TERMINALLY ILL WITH CANCER.

3 THE NEXT TWO MONTHS IS GOING TO BE CRITICAL.  
4 THEY WERE JUST ADMITTED TO THE HOSPITAL.

5 AND THE SECOND IS THAT MY EMPLOYER DOESN'T PAY  
6 AFTER 25 DAYS OF JURY SERVICE.

7 MR. WAPNER: NO OBJECTION.

8 MR. BARENS: NO OBJECTION.

9 THE COURT: THANK YOU VERY MUCH. RETURN TO THE JURY  
10 ASSEMBLY ROOM AND TELL THEM YOU ARE EXCUSED IN THIS CASE.

11 IF YOU WANT TO SERVE IN SOME OTHER CASE, YOU MAY  
12 DO SO.

13 (PROSPECTIVE JUROR DIERS EXIT CHAMBERS.)

14 THE CLERK: THIS IS PEARL FIDERER.

15 (PROSPECTIVE JUROR FEDERER ENTERS CHAMBERS.)

16 THE COURT: MRS. FIDERER?

17 MRS. FIDERER: I WORK FOR THE UNITED STATES POST OFFICE.  
18 I WORK FOR A SMALL STATION. AND WHEN A CLERK TAKES TIME OUT  
19 FOR A SICK LEAVE OR JURY DUTY, THEY DO NOT REPLACE THEM.

20 ALSO, DURING THE MONTH OF NOVEMBER AND DECEMBER,  
21 THE VOLUME OF WORK GOES UP TREMENDOUSLY. IT IS A REAL HARD-  
22 SHIP TO THEM IF I AM OUT FOR A FEW MONTHS.

23 THE COURT: WHERE DO YOU LIVE, BY THE WAY?

24 MRS. FIDERER: I LIVE IN ENCINO IN THE SAN FERNANDO  
25 VALLEY.

26 THE COURT: ANY QUESTIONS?

27 MR. BARENS: WELL, I AM NOT QUITE SURE I UNDERSTAND WHAT  
28 THE HARDSHIP WAS.

DA-3

1 THE COURT: THE HARDSHIP IS IN HER EMPLOYMENT. THERE  
2 WAS NOBODY TO REPLACE YOU?

3 MRS. FIDERER: WHEN A CLERK TAKES TIME OUT FOR SPECIFIC  
4 LEAVE OR JURY DUTY, WE DO NOT GET REPLACED AND THE VOLUME  
5 OF WORK GOES ALL THE WAY UP DURING THE MONTHS OF NOVEMBER AND  
6 DECEMBER.

7 THE COURT: YOU DO GET PAID THOUGH, DON'T YOU?

8 MRS. FIDERER: YES. WE GET PAID.

9 MR. BARENS: COULD WE HAVE HER EXCUSED WHILE WE DISCUSS  
10 IT FOR A MOMENT?

11 THE COURT: YES. PLEASE WAIT OUTSIDE FOR A MOMENT.

12 (PROSPECTIVE JUROR FIDERER EXITS CHAMBERS.)

13 THE COURT: ALL RIGHT.

14 MR. BARENS: YOUR HONOR, HERE IS THE PROBLEM. FOR  
15 INSTANCE WITH THIS WOMAN, I WOULD LIKE TO RETAIN HER AS A  
16 JUROR, NOT HAVING HEARD A HARDSHIP WHERE SHE LOST ANY MONEY  
17 OR ANYTHING LIKE THAT OR FAMILY PROBLEMS OR STUFF LIKE THAT.

18 IF I SAY THAT, YOUR HONOR, I AM FOREVER DAMNED  
19 IN HER OPINION BECAUSE SHE WANTED TO LEAVE AND FRED GETS TO  
20 BE STOIC.

21 THE COURT: I WILL TELL HER THAT THAT IS NO LEGAL  
22 EXCUSE.

23 MR. BARENS: I WOULD PREFER IT YOUR HONOR IF, WHEN THOSE  
24 OCCASIONS ARISE, IF YOUR HONOR WOULD APPEAR TO BE MAKING THE  
25 DECISION, BECAUSE OTHERWISE, I AM CAST WITH ASPERSIONS --

26 THE COURT: ALL RIGHT. GIVE ME THE HIGH SIGN.

27 MR. CHIER: YOU CAN JUST ASK TO APPROACH THE BENCH.

28 MR. BARENS: THANK YOU.

1 THE COURT: ALL RIGHT. GET HER BACK IN.

2 MR. WAPNER: I TOLD YOU BEFORE THAT WE SHOULD BE DOING  
3 IT IN OPEN COURT.

4 MR. BARENS: I HEARD ENOUGH OF THAT.

5 (PROSPECTIVE JUROR FIDERER ENTERS CHAMBERS.)

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1 THE COURT: YOU SEE, UNFORTUNATELY, THAT IS NOT A LEGAL  
2 EXCUSE AND YOU WILL HAVE TO STAY.

3 THERE MIGHT BE A GOOD CHANCE THAT YOU MIGHT BE  
4 NOT ACCEPTED ON THIS PARTICULAR JURY OR BE EXCUSED FOR SOME  
5 OTHER REASON. DO YOU UNDERSTAND THAT?

6 MRS. FIDERER: YES.

7 THE COURT: SO IT ISN'T CERTAIN THAT YOU ARE GOING TO  
8 SERVE ON THE JURY IN THIS CASE BECAUSE IF WE SELECT 12 OR MAYBE  
9 16 OUT OF MAYBE 100, YOU SEE -- SO THEREFORE, THERE MAY BE  
10 A VERY GOOD CHANCE THAT YOU WOULDN'T BE SERVING IN THIS CASE.

11 MRS. FIDERER: ALL RIGHT.

12 THE COURT: SO ANYWAY, YOU COME BACK THURSDAY TO THE  
13 JURY ASSEMBLY ROOM. THAT WILL BE THURSDAY AT 10:00 O'CLOCK.

14 MRS. FIDERER: IT IS THIS THURSDAY AT 10:00 O'CLOCK IN  
15 THE JURY ASSEMBLY ROOM?

16 THE COURT: YES. WILL YOU DO THAT?

17 MRS. FIDERER: ALL RIGHT.

18 THE COURT: THANK YOU.

19 MRS. FIDERER: YOU ARE WELCOME.

20 (PROSPECTIVE JUROR FIDERER EXITS CHAMBERS.)

21 THE CLERK: THIS IS MISS CAMIRE AGAIN.

22 (PROSPECTIVE JUROR CAMIRE ENTERS CHAMBERS.)

23 MISS CAMIRE: I SPOKE TO THE ACTING CITY PLANNER. HE  
24 FELT IT WOULD BE A HARDSHIP ON OUR PLANNING DIVISION.

25 THE COURT: WELL YOU SEE, IT IS NOT A QUESTION OF WHETHER  
26 OR NOT IT IS A HARDSHIP ON YOUR EMPLOYER. THE QUESTION IS,  
27 WOULD YOU BE PAID BY THEM FOR THAT TIME. ARE THEY GOING TO  
28 PAY YOU?

A-6

1 MISS CAMIRE: I DIDN'T ASK THAT. I WILL.

2 THE COURT: I WANT TO BE SURE IT ISN'T AN ECONOMIC HARD-  
3 SHIP TO YOU THAT THEY MIGHT NOT PAY YOU FOR THE ENTIRE THREE  
4 MONTHS THAT YOU HAVE TO SERVE.

5 MISS CAMIRE: OKAY. I WAS NOT CLEAR ON THAT FACT. I  
6 DIDN'T KNOW EXACTLY.

7 THE COURT: YOU FIND OUT ABOUT THAT TOO, WILL YOU?

8 MISS CAMIRE: OKAY. THANK YOU.

9 THE COURT: THANK YOU VERY MUCH.

10 (PROSPECTIVE JUROR CAMIRE EXITS CHAMBERS.)

11 (PROSPECTIVE JUROR FRANDE ENTERS CHAMBERS.)

12 THE COURT: THAT MRS.?

13 MISS FRANDE: MISS.

14 THE COURT: WHERE DO YOU LIVE?

15 MISS FRANDE: EL SEGUNDO.

16 THE COURT: DO YOU AHVE A REASON WHY YOU CAN'T SERVE  
17 AS A TRIAL JUROR IN THIS CASE?

18 MISS FRANDE: MY EMPLOYER ONLY PAYS FOR 22 DAYS.

19 THE COURT: WHO IS YOUR EMPLOYER?

20 MISS FRANDE: HUGHES AIRCRAFT.

21 MR. BARENS: NO OBJECTION.

22 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. YOU WILL  
23 BE EXCUSED.

24 GO TO THE JURY ASSEMBLY ROOM AND TELL THEM YOU  
25 ARE EXCUSED IN THIS CASE BUT THAT YOU CAN SERVE IN SOME OTHER  
26 MANNER. THANK YOU VERY MUCH.

27 (PROSPECTIVE JUROR FRANDE EXITS CHAMBERS.)

28 THE CLERK: THIS IS JEANNINE GAYLORD.

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1 (PROSPECTIVE JUROR GAYLORD ENTERS CHAMBERS.)

2 THE COURT: IS IT MISS OR MRS.?

3 MISS GAYLORD: MISS.

4 THE COURT: MISS GAYLORD, WHERE DO YOU LIVE?

5 MISS GAYLORD: SANTA MONICA.

6 THE COURT: YOU HAVE INDICATED THAT YOU WANT TO BE  
7 EXCUSED FROM THIS CASE FOR A GOOD REASON. WHAT IS YOUR  
8 REASON?

9 MISS GAYLORD: MY COMPANY ONLY PAYS FOR TEN DAYS OF  
10 JURY.

11 THE COURT: WHO IS YOUR COMPANY?

12 MISS GAYLORD: ALL NIPPON AIRWAYS. THAT IS ALL NIPPON,  
13 N-I-P-P-O-N.

14 THE COURT: ALL RIGHT. THANK YOU VERY MUCH.

15 GO TO THE JURY ASSEMBLY ROOM AND TELL THEM THAT  
16 YOU ARE EXCUSED FROM THIS CASE, BUT YOU CAN SERVE UP TO TEN  
17 DAYS IN SOME OTHER CASE. THANK YOU.

18 MISS GAYLORD: THANK YOU.

19 (PROSPECTIVE JUROR GAYLORD EXITS CHAMBERS.)

20 (PROSPECTIVE JUROR GREENBERG ENTERS CHAMBERS.)

21 THE CLERK: THIS IS STEVEN GREENBERG.

22 THE COURT: HAVE A SEAT, PLEASE. MR. GREENBERG, WHERE  
23 DO YOU LIVE?

24 MR. GREENBERG: REDONDO BEACH.

25 THE COURT: YOU HAVE INDICATED THAT YOU HAVE A LEGAL  
26 REASON FOR NOT WANTING TO SERVE IN THIS CASE?

27 MR. GREENBERG: I WILL BE GETTING MARRIED IN JANUARY.  
28 I KNOW IT IS NOT A LEGAL REASON.



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1 MR. CHIER: IT IS A GOOD REASON.

2 THE COURT: YOU DON'T WANT TO POSTPONE YOUR HONEYMOON,  
3 IS THAT IT? YOU ARE GOING ON A HONEYMOON AND YOU DON'T WANT  
4 TO PUT OFF GETTING MARRIED?

5 MR. GREENBERG: YES.

6 MR. WAPNER: NO OBJECTION.

7 MR. BARENS: NO OBJECTION.

8 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. YOU CAN  
9 GO BACK TO THE JURY ASSEMBLY ROOM AND TELL THEM THAT YOU ARE  
10 EXCUSED IN THIS CASE, BUT YOU WILL BE AVAILABLE IN OTHER  
11 MATTERS.

12 MR. BARENS: YOU CAN PROCEED TO GET MARRIED.

13 MR. GREENBERG: THANK YOU. I WILL TELL MY FIANCE THAT  
14 EVERYTHING IS OKAY.

15 (PROSPECTIVE JUROR GREENBERG EXITS CHAMBERS.)  
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1 THE CLERK: THIS IS DEBBIE HALICK..

2 (PROSPECTIVE JUROR HALICK ENTERS CHAMBERS.)

3 THE COURT: MISS HALICK?

4 MISS HALICK: YES.

5 THE COURT: WHERE DO YOU LIVE?

6 MISS HALICK: HERMOSA BEACH.

7 THE COURT: YOU HAVE INDICATED THAT YOU HAVE A LEGAL  
8 REASON FOR NOT WANTING TO SERVE AS A TRIAL JUROR.

9 MISS HALICK: TWO REASONS. ONE, I DON'T KNOW HOW MUCH  
10 THEY PAY, THE COMPANY POLICY OF HOW LONG THEY WILL PAY.

11 THE COURT: WHERE DO YOU WORK?

12 MISS HALICK: KAISER HOSPITAL.

13 THE COURT: YES. WHAT IS YOUR OTHER REASON?

14 MISS HALICK: I AM ANTICIPATING REPERCUSSIONS FROM THE  
15 COMPANY BECAUSE WE ARE HAVING UNION PROBLEMS NOW. I AM  
16 INVOLVED WITH IT.

17 I ANTICIPATE THAT IF I AM GONE FOR A LONG PERIOD  
18 OF TIME --

19 THE COURT: YOU THINK IT WILL JEOPARDIZE YOUR JOB?

20 MISS HALICK: INDIRECTLY. I THINK IT WILL. BUT I DON'T  
21 KNOW. I AM JUST --

22 THE COURT: KAISER PERMANENTE?

23 MISS HALICK: YES.

24 THE COURT: UNLIMITED BUT PREFER 30 DAYS ONLY BECUASE  
25 OF JOB STAFFING PROBLEMS.

26 MR. CHIER: ARE YOU A NURSE?

27 MS. HALICK: RESPIRATORY THERAPIST.

28 MR. CHIER: ARE YOU A SHOP STEWARD?

1           MISS HALICK: NO. I AM JUST KIND OF ACTIVE. WE ARE  
2 HAVING PROBLEMS IN THE DEPARTMENT NOW.

3           THE COURT: WAIT OUTSIDE, PLEASE.

4                   (PROSPECTIVE JUROR HALICK EXITS CHAMBERS.)

5           MR. BARENS: I WISH TO RETAIN HER.

6           THE COURT: HOW DO YOU FEEL ABOUT IT?

7           MR. WAPNER: I DON'T KNOW. I AM NOT SURE WHETHER IT  
8 IS LEGAL CAUSE OR NOT.

9                   THE STATEMENT THAT THE COURT READ OUT OF THE BOOK,  
10 JIBES ALMOST EXACTLY WITH WHAT SHE SAID, WHICH IS THAT ALTHOUGH  
11 SHE DOESN'T KNOW EXACTLY HOW MUCH THEY PAY, THAT SHE FELT THAT  
12 THERE MIGHT BE REPERCUSSIONS.

13                   IF THAT IS THEIR STATED POLICY, WHICH IS THAT THEY  
14 WILL PAY UNLIMITED BUT PREFER 30 DAYS, I THINK IT SOUNDS  
15 LIKE --

16           THE COURT: WELL, I WILL HAVE HER ASK HER EMPLOYER  
17 WHETHER OR NOT THEY WOULD PAY HER IF SHE STAYED FOR THREE  
18 MONTHS. SHALL WE DO THAT?

19           MR. WAPNER: MAYBE THAT IS WHAT WE SHOULD DO.

20           MR. BARENS: I SUPPOSE. IT DOES SEEM TO BE THAT THEY  
21 WOULD PAY HER FROM THE LITERAL LANGUAGE OF WHAT YOU READ, YOUR  
22 HONOR.

23                   IT SAYS UNLIMITED PAY BUT PREFER 30 DAYS.

24           THE COURT: WELL, THE ONLY THING I AM CONCERNED ABOUT,  
25 IS WHETHER IT WOULD JEOPARDIZE HER EMPLOYMENT. SHE INDICATED  
26 THAT IT WOULD.

27           MR. BARENS: ALL RIGHT. I THINK HER UNION ACTIVITIES  
28 PROBABLY WILL GO FURTHER IN THAT REGARD.

1 THE COURT: HOW DO YOU MEAN?

2 MR. BARENS: WELL --

3 THE COURT: WELL, YOU MEAN THE UNION WON'T PERMIT HER  
4 TO BE FIRED? WELL, WHAT SHALL I TELL HER?

5 MR. WAPNER: I THINK THAT WE SHOULD CHECK -- WE SHOULD  
6 ASK HER TO CHECK WITH HER EMPLOYER AND SEE WHAT THEY SAY.

7 THE COURT: ALL RIGHT. OKAY.

8 (PROSPECTIVE JUROR HALICK REENTERS CHAMBERS.)

9 THE COURT: CHECK WITH YOUR EMPLOYER AND FIND OUT  
10 WHETHER OR NOT THEY WILL PERMIT YOU TO SERVE. LET US KNOW  
11 ABOUT IT.

12 MISS HALICK: OKAY.

13 (PROSPECTIVE JUROR HALICK EXITS CHAMBERS.)

14 THE CLERK: THIS IS MISS CAMIRE THAT WE ASKED TO COME  
15 BACK IN.

16 (PROSPECTIVE JUROR CAMIRE REENTERS CHAMBERS.)

17 MISS CAMIRE: IT WON'T BE AN ECONOMIC HARDSHIP. THEY  
18 WILL PAY ME FOREVER.

19 THE COURT: ALL RIGHT. THANK YOU.

20 YOU GO ON THURSDAY TO THE JURY ASSEMBLY ROOM AT  
21 10:00 O'CLOCK. THANK YOU VERY MUCH.

22 (PROSPECTIVE JUROR CAMIRE EXITS CHAMBERS.)

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1 (PROSPECTIVE JUROR ENTERED CHAMBERS.)

2 THE CLERK: THIS IS WILLOUGHBY HENSHAW.

3 IF YOU WOULD HAVE A SEAT HERE, PLEASE.

4 THE COURT: MR. HENSHAW, WHERE DO YOU LIVE?

5 MR. HENSHAW: HERMOSA BEACH.

6 THE COURT: WHAT IS YOUR REASON FOR WANTING TO BE  
7 EXCUSED?

8 MR. HENSHAW: I HAVE PURCHASED AIRPLANE TICKETS FOR  
9 MY WIFE AND MYSELF TO GO BACK TO SEE MY MOTHER, WHO IS ILL  
10 WITH CANCER.

11 MR. CHIER: EXCUSED.

12 MR. WAPNER: NO OBJECTION.

13 THE COURT: YOU WILL BE EXCUSED. YOU GO TO THE JURY  
14 ASSEMBLY ROOM.

15 WHAT DAY ARE YOU LEAVING?

16 MR. HENSHAW: CHRISTMAS, DECEMBER.

17 THE COURT: ALL RIGHT, YOU GO BACK TO THE JURY ASSEMBLY  
18 ROOM AND TELL THEM YOU ARE AVAILABLE FOR JURY DUTY BUT NOT  
19 ON THIS CASE.

20 MR. HENSHAW: OKAY, THANK YOU.

21 (PROSPECTIVE JUROR EXITED CHAMBERS.)

22 (PROSPECTIVE JUROR ENTERED CHAMBERS.)

23 THE CLERK: THIS IS FRANCIS HAI.

24 THE COURT: YES, MR. HAI, WHERE DO YOU LIVE?

25 MR. HAI: TORRANCE.

26 THE COURT: YOU HAVE INDICATED THAT YOU HAVE A LEGAL  
27 REASON FOR NOT WANTING TO SERVE?

28 MR. HAI: YES.

1 THE COURT: WHAT IS IT?

2 MR. HAI: THE COMPANY ONLY PAYS FOR 35 DAYS.

3 THE COURT: PARDON ME?

4 MR. HAI: THE COMPANY ONLY PAYS FOR 35 DAYS.

5 THE COURT: WHAT IS THE NAME OF THE COMPANY?

6 MR. HAI: AEROSPACE CORPORATION.

7 MR. BARENS: NO OBJECTION.

8 THE COURT: ALL RIGHT, THANK YOU VERY MUCH. YOU WILL  
9 BE EXCUSED.

10 (PROSPECTIVE JUROR EXITED CHAMBERS.)

11 (PROSPECTIVE JUROR ENTERED CHAMBERS.)

12 THE CLERK: THIS IS JOHN HELLY.

13 HAVE A SEAT HERE, PLEASE.

14 THE COURT: MR. HELLY, WHERE DO YOU LIVE?

15 MR. HELLY: I LIVE IN EL SEGUNDO.

16 THE COURT: YOU HAVE INDICATED YOU WANT TO BE EXCUSED.

17 MR. HELLY: YES, SIR.

18 THE COURT: WHAT IS YOUR REASON FOR IT?

19 MR. HELLY: ECONOMIC, SIR. MY EMPLOYER WILL ONLY PAY  
20 FOR 25 DAYS.

21 THE COURT: WHO IS YOUR EMPLOYER?

22 MR. HELLY: AEROSPACE CORPORATION.

23 MR. BARENS: NO OBJECTION.

24 THE COURT: YOU ARE SURE THEY WON'T GIVE YOU MORE?

25 MR. HELLY: I CALLED THEM, SIR. INITIALLY, I THOUGHT  
26 I WOULD NOT HAVE A HARDSHIP AND THEN LEFT WITH THE INITIAL  
27 CONTINGENT AND CHECKED WITH THEM AFTERWARDS TO MAKE SURE I  
28 HAD MADE THE RIGHT STATEMENT.

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1 THE COURT: ALL RIGHT, THANK YOU VERY MUCH.

2 MR. HELLY: THANK YOU.

3 (PROSPECTIVE JUROR EXITED CHAMBERS.)

4 (PROSPECTIVE JUROR ENTERED CHAMBERS.)

5 THE CLERK: THIS IS NANCY HOEKSEMA.

6 THE COURT: WHERE DO YOU LIVE?

7 MISS HOEKSEMA: WELL --

8 THE COURT: IS IT MISS OR MRS.?

9 MISS HOEKSEMA: MISS.

10 I LIVE IN HERMOSA BEACH.

11 THE COURT: HERMOSA BEACH?

12 MISS HOEKSEMA: YES.

13 THE COURT: YOU HAVE INDICATED YOU HAVE A REASON FOR  
14 NOT WANTING TO SERVE ON THIS CASE AS A JUROR.

15 MISS HOEKSEMA: IT IS A FINANCIAL HARDSHIP. I WOULD  
16 LIKE TO SERVE ON THIS JURY IF SOMEONE WOULD PAY MY RENT BUT  
17 I AM WORKING PART-TIME NOW AND I DON'T GET PAID FOR ANY JURY  
18 DUTY AT ALL AND I GUESS I COULD HAVE GOTTEN OUT OF THIS AND  
19 I WAS REALLY INTERESTED IN SEEING HOW IT WORKED OUT. SO IF  
20 YOU WILL PAY MY RENT, I WILL SERVE. I WILL SERVE PERMANENTLY  
21 BECAUSE THIS IS MORE FUN THAN WORK.

22 THE COURT: THESE ARE MUCH YOUNGER MEN HERE, THEY ARE  
23 IN A MUCH BETTER POSITION THAN I AM --

24 MR. CHIER: HOW MUCH IS YOUR RENT?

25 IT IS A GOOD DEAL.

26 THE COURT: THANK YOU VERY MUCH. YOU WILL BE EXCUSED.

27 MISS HOEKSEMA: THANK YOU.

28 THE COURT: YOU GO TO THE JURY ASSEMBLY ROOM AND TELL

1 THEM THAT YOU MIGHT SERVE IN SOME OTHER MATTER. FIND OUT  
2 IF ANYBODY THERE CAN PAY YOUR RENT.

3 MISS HOEKSEMA: OKAY.

4 THE COURT: THAT IS ALL WE HAVE FOR THIS MORNING.

5 THE CLERK: THE LAST PERSON OUT THERE IS STILL ON THE  
6 PHONE, DEBBIE HALICK.

7 MR. BARENS: YOUR HONOR, I AM ASKING MR. HUNT TO EXCUSE  
8 ME THIS AFTERNOON; DO YOU AGREE TO THAT, MR. HUNT?

9 THE DEFENDANT: YES.

10 THE COURT: ALL RIGHT, FINE.

11 (AT 12:15 P.M. A RECESS WAS TAKEN UNTIL  
12 1:45 P.M. OF THE SAME DAY.)

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1 SANTA MONICA, CALIFORNIA; MONDAY, NOVEMBER 10, 1986; 1:45 P.M.  
2 DEPARTMENT WEST C HON. LAURENCE J. RITTENBAND, JUDGE

3 (APPEARANCES AS NOTED ON TITLE PAGE  
4 EXCEPT MR. BARENS IS NOT PRESENT.)

5  
6 (THE FOLLOWING PROCEEDINGS WERE HELD  
7 IN CHAMBERS:)

8 (PROSPECTIVE JUROR HALICK ENTERED  
9 CHAMBERS.)

10 THE COURT: NOW, LET ME SEE. YOU ARE --

11 MISS HALICK: DEBBIE HALICK. I HAD TO CALL TO FIND  
12 OUT.

13 THE COURT: YES. WHAT HAPPENED?

14 MISS HALICK: FINALLY I GOT THROUGH. THEY SAID THAT  
15 THEY WILL FINANCIALLY REIMBURSE ME. THEY WILL SEND A LETTER  
16 STATING THAT THEY WOULD PREFER ME NOT TO BE ON A LONG TRIAL.

17 BUT THERE WAS JUST A NURSE ON A TWO-YEAR TRIAL.  
18 SO THEY COULDN'T TELL ME NOT TO. BUT THEY PREFER THAT I NOT  
19 TO. SO, I CAN TAKE IT.

20 THE COURT: YOU COME BACK HERE ON THURSDAY AND REPORT  
21 TO THE JURY ASSEMBLY ROOM AT 10 O'CLOCK. THANK YOU.

22 MISS HALICK: THANK YOU VERY MUCH.

23 (PROSPECTIVE JUROR HALICK EXITED  
24 CHAMBERS.)

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1 (PROSPECTIVE JUROR ENTERED CHAMBERS.)

2 THE CLERK: THIS GENTLEMAN IS ON THE FIRST SHEET, YOUR  
3 HONOR.

4 MR. CHIER: I ONLY HAVE THE FIRST SHEET, DIANE.

5 THE CLERK: THIS IS WILLIAM JOHNSON.

6 THE COURT: ALL RIGHT. WHAT IS YOUR NAME AGAIN?

7 MR. JOHNSON: WILLIAM JOHNSON.

8 THE COURT: WILLIAM?

9 MR. CHIER: THE SECOND ONE ON THE RIGHT-HAND SIDE, YOUR  
10 HONOR.

11 THE COURT: JOHNSON, IS THAT IT?

12 MR. JOHNSON: YES.

13 THE COURT: MR. JOHNSON, WHERE DO YOU LIVE?

14 MR. JOHNSON: I LIVE IN REDONDO BEACH.

15 THE COURT: AND YOU WANT TO BE EXCUSED?

16 MR. JOHNSON: YES, THAT'S RIGHT.

17 THE COURT: WHAT IS YOUR REASON FOR IT?

18 MR. JOHNSON: WELL, I WORK FOR HUGHES AIRCRAFT.

19 THE COURT: AND THEY GIVE YOU 22 DAYS?

20 MR. JOHNSON: THEY ONLY GIVE 22 DAYS.

21 THE COURT: AND IT IS THEIR POLICY NOT TO ALLOW ANY  
22 MORE THAN THAT?

23 MR. JOHNSON: THAT'S RIGHT.

24 THE COURT: THEY WON'T PAY YOU FOR IT; IS THAT RIGHT?

25 MR. JOHNSON: THAT'S RIGHT.

26 THE COURT: ALL RIGHT, THANK YOU VERY MUCH. YOU ARE  
27 EXCUSED.

28 MR. WAPNER: NO OBJECTION.

1 MR. CHIER: NO OBJECTION.

2 (PROSPECTIVE JUROR EXITED CHAMBERS.)

3 (PROSPECTIVE JUROR ENTERED CHAMBERS.)

4 THE CLERK: THIS IS NANCY KAISAKI.

5 IF YOU WOULD HAVE A SEAT HERE, PLEASE.

6 THE COURT: WHERE DO YOU LIVE?

7 MISS KAISAKI: WEST LOS ANGELES.

8 THE COURT: WEST LOS ANGELES?

9 MISS KAISAKI: YES.

10 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED FROM  
11 JURY DUTY IN THIS CASE.

12 MISS KAISAKI: YES.

13 THE COURT: WHAT IS YOUR REASON FOR IT?

14 MISS KAISAKI: WELL, I AM A RETIREE AND I HAVE A JOB  
15 WAITING FOR ME. EVEN NOW, I SHOULD HAVE GONE TO WORK BUT --

16 THE COURT: WHERE DO YOU HAVE A JOB WAITING FOR YOU?

17 MISS KAISAKI: RIGHT HERE AT LOUVRE DRAPES.

18 THE COURT: IT WILL BE AN ECONOMIC HARDSHIP FOR YOU  
19 IF YOU DON'T GET THE JOB?

20 MISS KAISAKI: YES.

21 MR. CHIER: NO OBJECTION.

22 THE COURT: ALL RIGHT, THANK YOU VERY MUCH.

23 MR. WAPNER: MAY I INQUIRE JUST BRIEFLY?

24 IS LOUVRE DRAPES GOING TO PAY YOU IF YOU ARE ON  
25 JURY DUTY?

26 MISS KAISAKI: NO, THEY DON'T.

27 I WORK PART TIME AND, YOU KNOW, I LIKE TO WORK  
28 BECAUSE I AM ONLY ON SOCIAL SECURITY.

1 MR. WAPNER: OKAY, THANK YOU. I HAVE NO OBJECTION.

2 (PROSPECTIVE JUROR EXITED CHAMBERS.)

3 (PROSPECTIVE JUROR ENTERED CHAMBERS.)

4 THE CLERK: THIS IS EUGENE LAVELLE.

5 HAVE A SEAT HERE.

6 THE COURT: MR. LAVELLE, WHERE DO YOU LIVE?

7 MR. LAVELLE: I LIVE IN MAR VISTA ON THE WEST SIDE OF  
8 LOS ANGELES.

9 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED FROM  
10 JURY DUTY.

11 MR. LAVELLE: YES, SIR, FOR THIS PARTICULAR CASE.

12 THE COURT: PARDON ME?

13 MR. LAVELLE: FOR THIS PARTICULAR CASE.

14 MY COMPANY WON'T PAY ME FOR THREE MONTHS TIME  
15 AWAY FROM WORK.

16 THE COURT: WHOM DO YOU WORK FOR?

17 MR. LAVELLE: I WORK FOR NEW CENTURY ENTERTAINMENT.  
18 IT IS A SMALL MOVIE PRODUCTION COMPANY.

19 THE COURT: YOU ARE SURE THEY WON'T PAY YOU?

20 MR. LAVELLE: I AM QUITE SURE.

21 THE COURT: ALL RIGHT, THANK YOU VERY MUCH. GO TO THE  
22 JURY ASSEMBLY ROOM AND TELL THE CLERK YOU ARE EXCUSED IN THIS  
23 CASE BUT CAN SERVE ON ANOTHER ONE.

24 MR. LAVELLE: I UNDERSTAND THAT. THANK YOU, YOUR HONOR.

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1 THE CLERK: THIS IS MISS CHI LE.

2 (PROSPECTIVE JUROR LE ENTERS CHAMBERS.)

3 THE COURT: WHAT IS YOUR NAME?

4 MISS LE: CHI LE.

5 THE COURT: IS IT MISS LE?

6 MISS LE: YEAH.

7 THE COURT: WHERE DO YOU LIVE?

8 MISS LE: HAWTHORNE.

9 THE COURT: DO YOU WANT TO BE EXCUSED FROM JURY DUTY  
10 IN THIS CASE?

11 MISS LE: YEAH.

12 THE COURT: WHAT IS YOUR REASON?

13 MISS LE: I AM ON A VERY TIGHT SCHEDULE AT WORK.

14 THE COURT: WHERE DO YOU WORK?

15 MISS LE: HUGHES AIRCRAFT.

16 THE COURT: THEY ONLY GIVE YOU 22 DAYS, DON'T THEY?

17 MISS LE: PARDON ME?

18 THE COURT: HOW MANY DAYS DO THEY GIVE YOU FOR JURY DUTY?

19 MISS LE: IT IS JUST THE PROJECT I AM ON, I HAVE TO  
20 COMPLETE IT BY THE END OF DECEMBER.

21 THE COURT: WELL, WHAT WOULD HAPPEN IF YOU DON'T?

22 MISS LE: I GUESS THAT WILL HURT THE COMPANY BECAUSE  
23 THEY CAN'T FIND A REPLACEMENT.

24 MR. WAPNER: NO OBJECTION. I THINK WE EXCUSED EVERYBODY  
25 ELSE WHO HAS BEEN HERE FROM HUGHES AIRCRAFT.

26 MR. CHIER: NO OBJECTION.

27 THE COURT: ALL RIGHT. YOU ARE EXCUSED.

28 GO TO THE JURY ASSEMBLY ROOM. TELL THEM THAT YOU

4-2  
1 ARE EXCUSED FROM JURY SERVICE IN THIS CASE BUT YOU CAN SERVE  
2 ON OTHER CASES FOR SHORTERS PERIODS. THANK YOU.

3 (PROSPECTIVE JUROR LE EXITS CHAMBERS.)

4 THE CLERK: THIS IS JOSEPH IVASKA.

5 (PROSPECTIVE IVASKA ENTERS CHAMBERS.)

6 THE CLERK: HE IS ON THE TOP OF THE LIST.

7 THE COURT: MR. IVASKA, WHERE DO YOU LIVE?

8 MR. IVASKA: SANTA MONICA, ON ALTA AVENUE.

9 THE COURT: ALL RIGHT. I UNDERSTAND YOU WANT TO BE  
10 EXCUSED FROM JURY DUTY?

11 MR. IVASKA: YES.

12 THE COURT: WHAT IS YOUR REASON?

13 MR. IVASKA: WELL, I HAVE A PARTICULAR PROBLEM THAT I  
14 NEED TO SOLVE OVER THESE COMING MONTHS. THAT IS THAT WE HAVE  
15 SOLD OUR HOUSE AND WE HAVE TO FIND OTHER HOUSING IN A FAIRLY  
16 SHORT TIME.

17 THE COURT: CAN'T YOUR WIFE DO THE LOOKING?

18 MR. IVASKA: WELL, IT IS RATHER A DIFFICULT THING FOR  
19 HER TO HANDLE ALONE.

20 THE COURT: WELL, IF YOU ARE ACCEPTED AS A JUROR AND  
21 YOU SERVE AS A JUROR HERE, YOU WILL BE OFF ON FRIDAYS, SATURDAYS  
22 AND SUNDAYS. YOU CAN DO YOUR LOOKING THEN.

23 MR. IVASKA: WELL, IF YOU FEEL THAT I SHOULD DO THAT --

24 THE COURT: YES. THEN, THERE IS ALSO A GOOD CHANCE THAT  
25 YOU MAY NOT BE ACCEPTED AS ONE OF THE JURORS. YOU GET THE  
26 IDEA?

27 MR. IVASKA: I DO UNDERSTAND.

28 THE COURT: IN WHICH CASE, YOU MIGHT BE EXCUSED.

5  
1 MR. WAPNER: MAY I INQUIRE?

2 THE COURT: GO AHEAD.

3 MR. WAPNER: ARE YOU UNDER SOME -- ARE YOU IN ESCROW  
4 ON YOUR HOUSE RIGHT NOW?

5 MR. IVASKA: NO. WE ARE OUT OF ESCROW. AND WE HAVE  
6 A CERTAIN --

7 MR. WAPNER: YOU WANT TO LOOK FOR ANOTHER HOUSE?

8 MR. IVASKA: WE HAVE A CERTAIN AMOUNT OF TIME. THE  
9 MARKET IS DIFFICULT AT THE MOMENT.

10 MR. CHIER: HOW MUCH TIME DO YOU HAVE, SIR?

11 MR. IVASKA: ACTUALLY, WE HAVE UNTIL JUNE 1ST TO MOVE.  
12 BUT WE NEED TO HAVE SOME CUSHION FROM THAT.

13 THE COURT: WELL, CAN'T YOUR WIFE DO THE LOOKING AROUND  
14 IF YOU SERVE ON THE JURY HERE? THERE MAY BE A GOOD CHANCE YOU  
15 MIGHT NOT BE ACCEPTED IN THE ACTUAL SELECTION OF THE JURY.  
16 YOU COULD BE EXCUSED FOR SOME OTHER REASON. THEN YOU WOULD  
17 HAVE FRIDAY, SATURDAY AND SUNDAY OFF, TO LOOK AT PLACES THAT  
18 YOUR WIFE HAS PICKED OUT FOR YOU IF YOU SERVE.

19 MR. IVASKA: WELL, THAT IS POSSIBLE THAT WE COULD DO  
20 THAT. BUT I FELT THAT IT WAS RATHER --

21 MR. WAPNER: BE INCONVENIENT?

22 MR. IVASKA: A RATHER SEVERE PROBLEM. MY WIFE IS NOT  
23 IN PERFECT HEALTH.

24 MR. CHIER: HOW HAVE YOU BEEN DOING IT UP TO NOW? ARE  
25 YOU BIRD-DOGGING FOR HER?

26 MR. IVASKA: WELL, YES. I HAVE BEEN DOING A GOOD DEAL  
27 OF THAT.

28 AND THEN ON WEEKENDS, WE HAVE BEEN WORKING TOGETHER.

1 MR. CHIER: IS YOUR WIFE EMPLOYED, SIR?

2 MR. IVASKA: NO. WE ARE BOTH RETIRED.

3 MR. CHIER: IF THIS GENTLEMAN WOULD BE DISTRACTED BY  
4 THIS, WE JUST BOUGHT A HOUSE, JUDGE AND IT IS CONSIDERED THE  
5 SECOND OR THIRD MOST STRESSFUL THING YOU CAN DO.

6 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. YOU ARE  
7 EXCUSED.

8 GO BACK TO THE JURY ASSEMBLY ROOM. YOU ARE  
9 EXCUSED ON THIS CASE BUT YOU COULD SERVE FOR A SHORT TIME ON  
10 SOME OTHER CASE.

11 MR. WAPNER: NO OBJECTION.

12 THE COURT: OKAY.

13 (PROSPECTIVE JUROR IVASKA EXITS CHAMBERS.)

14 THE COURT: THIS IS ROBERT LEUTWILER.

15 (PROSPECTIVE JUROR LEUTWILER ENTERS CHAMBERS.)

16 THE COURT: MR. LEUTWILER, WHERE DO YOU LIVE?

17 MR. LEUTWILER: I LIVE IN SANTA MONICA ON ALTA AVENUE.

18 THE COURT: I UNDERSTAND THAT YOU WANT TO BE EXCUSED  
19 FROM THIS CASE?

20 MR. LEUTWILER: YES.

21 THE COURT: WHAT IS YOUR REASON?

22 MR. LEUTWILER: I THINK IT WOULD BE A FINANCIAL HARDSHIP.  
23 I THINK MY COMPANY PROBABLY ONLY PAYS UP TO ABOUT FOUR WEEKS.

24 THE COURT: WHAT IS YOUR COMPANY?

25 MR. LEUTWILER: DATA PRODUCTS CORPORATION.

26 THE COURT: ALL RIGHT.

27 MR. WAPNER: ARE THEY ON THE LIST, JUDGE?

28 MR. CHIER: DO YOU KNOW THE LAST GENTLEMAN WHO LIVED



1 ON ALTA, ALSO?

2 MR. LEUTWILER: NO, I DON'T.

3 MR. WAPNER: DO YOU KNOW FOR SURE --

4 THE COURT: DATA WHAT?

5 MR. CHIER: PRODUCTS, YOUR HONOR.

6 THE COURT: THEY ARE NOT ON THE LIST.

7 MR. WAPNER: CAN YOU CHECK WITH THEM AND FIND OUT WHAT  
8 THE POLICY IS OR DO YOU KNOW FOR A FACT WHAT IT IS?

9 MR. LEUTWILER: THAT IS WHAT I WAS TOLD. I DON'T REALLY  
10 KNOW. THAT IS WHAT SOMEBODY TOLD ME.

11 THE COURT: ALL RIGHT. WE WILL EXCUSE YOU. THANK YOU  
12 VERY MUCH.

13 GO BACK TO THE JURY ASSEMBLY ROOM. YOU ARE EXCUSED  
14 FROM THIS CASE BUT AVAILABLE IN SOME OTHER CASE FOR A SHORTER  
15 PERIOD.

16 MR. LEUTWILER: YES.

17 (PROSPECTIVE JUROR LEUTWILER EXITS CHAMBERS.)

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1 THE CLERK: THIS IS CANDACE LINDSAY.

2 THE COURT: IS THAT MISS LINDSAY?

3 MISS LINDSAY: YES.

4 THE COURT: MISS?

5 MISS LINDSAY: YES.

6 THE COURT: WHERE DO YOU LIVE?

7 MISS LINDSAY: I LIVE IN MANHATTAN BEACH.

8 THE COURT: AND I UNDERSTAND YOU WANT TO BE EXCUSED  
9 FROM JURY DUTY?

10 MISS LINDSAY: MY EMPLOYER ONLY PAYS FOR ONE MONTH OF  
11 JURY DUTY.

12 THE COURT: WHO IS YOUR EMPLOYER?

13 MISS LINDSAY: PRICE-WATERHOUSE.

14 THE COURT: ALL RIGHT, THANK YOU. YOU ARE EXCUSED.

15 (PROSPECTIVE JUROR EXITED CHAMBERS.)

16 (PROSPECTIVE JUROR ENTERED CHAMBERS.)

17 THE CLERK: THIS IS CHARLES LINGLE.

18 IF YOU WOULD HAVE A SEAT, PLEASE.

19 THE COURT: HI, MR. LINGLE.

20 MR. LINGLE: HELLO.

21 THE COURT: WHERE DO YOU LIVE, MR. LINGLE?

22 MR. LINGLE: I LIVE IN HERMOSA BEACH.

23 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED FROM  
24 JURY DUTY?

25 MR. LINGLE: YES. THREE MONTHS, I DON'T THINK MY  
26 EMPLOYER WOULD PAY ME FOR THREE MONTHS ON JURY DUTY AND IF  
27 THEY DID, I WOULDN'T HAVE A JOB WHEN I GOT BACK THERE.

28 THE COURT: ALL RIGHT, THANK YOU VERY MUCH.

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1 MR. LINGLE: IS THAT EXCUSED?

2 THE COURT: DID THEY TELL YOU THEY WOULD FIRE YOU IF  
3 YOU STAYED OUT THAT LONG?

4 MR. LINGLE: NO. BUT THEY ARE REORGANIZING AT THE  
5 MOMENT. THEY JUST WON ONE CONTRACT AND LOST ANOTHER ONE AND  
6 NOW THEY ARE TRYING TO FIGURE OUT WHO TO KEEP. I WOULD RATHER  
7 STAY.

8 THE COURT: I CAN UNDERSTAND THAT AND WISH YOU LUCK.

9 MR. LINGLE: THANK YOU.

10 (PROSPECTIVE JUROR EXITED CHAMBERS.)

11 (PROSPECTIVE JUROR ENTERED CHAMBERS.)

12 THE CLERK: THIS IS ERIC LINNEMAN. THAT IS THE FIRST  
13 NAME, SECOND PAGE.

14 THE COURT: YES.

15 MR. LINNEMAN, WHERE DO YOU LIVE?

16 MR. LINNEMAN: I LIVE IN TORRANCE.

17 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED FROM  
18 JURY DUTY IN THIS CASE.

19 MR. LINNEMAN: YES, SIR.

20 THE COURT: WHAT IS YOUR REASON FOR IT?

21 MR. LINNEMAN: MY COMPANY ONLY PAYS FOR 22 DAYS.

22 THE COURT: WHO IS YOUR COMPANY?

23 MR. LINNEMAN: TRW.

24 AND MY JOB WILL INVOLVE A LOT OF TRAVEL ALSO SO  
25 I CAN'T GUARANTEE THAT I CAN TAKE THE TIME OFF AND I WOULDN'T  
26 BE PAID FOR ANYTHING BEYOND 22 DAYS.

27 THE COURT: ALL RIGHT, THANK YOU VERY MUCH. YOU ARE  
28 EXCUSED. YOU CAN TELL THE JURY ASSEMBLY CLERK IN THE JURY

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1 ROOM THAT YOU ARE EXCUSED FROM THIS CASE BUT YOU WILL SERVE  
2 22 DAYS ON SOME OTHER MATTER.

3 MR. LINNEMAN: OKAY.

4 (PROSPECTIVE JUROR EXITED CHAMBERS.)

5 (PROSPECTIVE JUROR ENTERED CHAMBERS.)

6 THE CLERK: THIS IS CORINE LIPSCOMB.

7 THE COURT: MRS. LIPSCOMB, WHERE DO YOU LIVE?

8 MRS. LIPSCOMB: I LIVE IN LOS ANGELES, WINDSOR HILLS.

9 THE COURT: WOODLAND HILLS?

10 MR. WAPNER: WOODLAND HILLS OR WINDSOR HILLS?

11 MRS. LIPSCOMB: WINDSOR HILLS.

12 THE COURT: WINDSOR HILLS?

13 MRS. LIPSCOMB: YES.

14 THE COURT: YOU WANT TO BE EXCUSED FROM JURY DUTY?

15 MRS. LIPSCOMB: YES.

16 THE COURT: WHAT IS YOUR REASON?

17 MRS. LIPSCOMB: THIS IS MY THIRD DAY AND MY COMPANY  
18 ONLY PAYS FOR TEN DAYS.

19 THE COURT: WHO IS YOUR COMPANY?

20 MRS. LIPSCOMB: I WORK FOR KDI, COMPOSITING.

21 THE COURT: ALL RIGHT, THANK YOU VERY MUCH. THERE ISN'T  
22 ANY CHANCE THEY WILL LET YOU OFF FOR THREE MONTHS AND PAY  
23 YOU, IS THERE?

24 MRS. LIPSCOMB: NO.

25 THE COURT: ALL RIGHT, THANK YOU VERY MUCH.

26 (PROSPECTIVE JUROR EXITED CHAMBERS.)

27 (PROSPECTIVE JUROR ENTERED CHAMBERS.)

28 THE CLERK: THIS IS DONNA MATERNA.

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1 THE COURT: THAT IS MRS. MATERNA?

2 MRS. MATERNA: HELLO.

3 THE COURT: WHERE DO YOU LIVE?

4 MRS. MATERNA: SHERMAN OAKS.

5 THE COURT: I UNDERSTAND YOU CANNOT SIT AS A JUROR IN  
6 THIS CASE FOR THREE MONTHS.

7 MRS. MATERNA: NO.

8 THE COURT: WHAT IS YOUR REASON?

9 MRS. MATERNA: I WORK FULL TIME.

10 THE COURT: WHO DO YOU WORK FOR?

11 MRS. MATERNA: UCLA MEDICAL CENTER, CARDIO-DIAGNOSTICS.

12 THE COURT: AND THEY WON'T GIVE YOU OR PAY YOU FOR THREE  
13 MONTHS?

14 MRS. MATERNA: I REALLY DON'T THINK SO. WE ARE SHORT  
15 OF OUR STAFF AS IT IS. WE JUST LOST OUR SECRETARY, SHE QUIT  
16 AND THEY ARE NOT HIRING ANYBODY NEW SO FOR A STAFF OF SIX,  
17 WE ARE DOWN TO FOUR IF I WASN'T THERE.

18 MR. WAPNER: DO YOU KNOW WHAT THEIR POLICY IS REGARDING  
19 PAYING YOU FOR THE ENTIRE TIME IF YOU ARE SELECTED TO SERVE  
20 ON JURY DUTY?

21 MRS. MATERNA: I REALLY DON'T KNOW.

22 MR. WAPNER: HAVE YOU TALKED TO ANYBODY THERE ABOUT  
23 SERVING FOR THIS LENGTH OF TIME ON A CASE?

24 MRS. MATERNA: NO, I HAVEN'T, BUT I HAVE WORKED WITH  
25 OTHERS IN OUR SAME DEPARTMENT AND THE LONGEST THEY HAVE  
26 SERVED HAS BEEN THREE WEEKS.

27 MR. WAPNER: WAS THAT BECAUSE OF SOMETHING THAT THE  
28 DEPARTMENT DID OR WAS THAT BECAUSE THEY JUST FINISHED THEIR

5-5 1 JURY DUTY AT THE END OF THREE WEEKS?

2 MRS. MATERNA: WELL, I THINK IT IS BECAUSE THEY WERE  
3 FINISHED BUT WE HAVE A VERY SMALL STAFF IN OUR OFFICE. IT  
4 IS NOT LIKE WE GET OTHER PEOPLE TO COVER. WE HAVE THREE  
5 NURSES, TWO TECHNICIANS AND A SECRETARY AND THE SECRETARY  
6 IS GONE. WE ARE A PATIENT CARE AREA AND WE HAVE RESPONSIBILITIES  
7 TO THE HOSPITAL.

8 THE COURT: YOU DON'T THINK THEY WILL PAY YOU FOR THREE  
9 MONTHS, DO YOU?

10 MRS. MATERNA: I CAN CHECK BUT --

11 THE COURT: GO ON AND CHECK AND LET US KNOW, WILL YOU?  
12 CALL THEM AND FIND OUT, WILL YOU?

13 MRS. MATERNA: OKAY. DO YOU WANT ME TO FIND OUT, CALL  
14 THEM RIGHT NOW?

15 THE COURT: SURE, CHECK WITH THEM.

16 MRS. MATERNA: SURE, I WILL CHECK. THEY ARE PROBABLY  
17 GOING TO FLIP THEIR LIDS WHEN I ASK THEM.

18 MR. CHIER: THEY WILL GIVE YOU A PHONE OUT IN THE  
19 COURTROOM.

20 THE COURT: YOU CAN CALL OUTSIDE IN THE COURTROOM, SHE  
21 WILL GIVE YOU THE PHONE.

22 MRS. MATERNA: IN THE COURTROOM. THANK YOU, OKAY.

23 (PROSPECTIVE JUROR EXITED CHAMBERS.)

24 (PROSPECTIVE JUROR ENTERED CHAMBERS.)

25 THE CLERK: THIS IS DANIEL MATSUGUMA.

26 THE COURT: MR. MATSUGUMA, WHERE DO YOU LIVE?

27 MR. MATSUGUMA: LOS ANGELES.

28 THE COURT: WHERE?

1 MR. MATSUGUMA: SOUTHWEST L.A.

2 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED FROM  
3 JURY DUTY IN THIS CASE.

4 MR. MATSUGUMA: YES.

5 THE COURT: WHAT ARE YOUR REASONS?

6 MR. MATSUGUMA: BECAUSE I AM DUE TO APPEAR IN COURT ON  
7 NOVEMBER 21ST.

8 THE COURT: FOR WHAT?

9 MR. MATSUGUMA: ON THE 21ST, FOR TRAFFIC.

10 THE COURT: YOU CAN DO THAT IN THE MORNING.

11 MR. MATSUGUMA: YEAH, I KNOW.

12 THE COURT: WHERE DO YOU WORK?

13 MR. MATSUGUMA: L.A. HARBOR-UCLA MEDICAL CENTER.

14 THE COURT: WILL THEY LET YOU TAKE OFF THREE MONTHS?

15 MR. MATSUGUMA: WE WORK ON A SKELETON CREW. I WORK  
16 IN THE EMERGENCY LAB SO IT WOULD BE KIND OF A HARDSHIP FOR  
17 THEM TO REPLACE ME.

18 THE COURT: HOW ABOUT FOR YOU?

19 MR. MATSUGUMA: NOT REALLY.

20 THE COURT: THEY WILL JUST GET SOMEBODY ELSE, WON'T  
21 THEY?

22 MR. MATSUGUMA: NO. THEY WILL HAVE TO HIRE SOMEBODY  
23 OR GIVE OVERTIME.

24 THE COURT: WELL, DO YOU WANT TO CALL THEM UP AND FIND  
25 OUT IF THEY WILL PAY YOU FOR THE THREE MONTHS THAT YOU MIGHT  
26 NEED TO BE A JUROR ON THIS CASE IF YOU ARE SELECTED?

27 MR. MATSUGUMA: THAT IS ALL RIGHT.

28 THE COURT: FIND OUT, WILL YOU, UNLESS YOU WANT TO

1 EXCUSE HIM.

2 MR. WAPNER: CAN I ASK HIM A QUESTION ABOUT THE TRAFFIC  
3 MATTER?

4 THE COURT: GO AHEAD.

5 MR. WAPNER: IS THAT LIKE A TRAFFIC TICKET OR IS IT  
6 LIKE DRIVING UNDER THE INFLUENCE TRIAL?

7 MR. MATSUGUMA: NO. IT IS A TRAFFIC TICKET BUT I WAS --  
8 YOU SEE IT IS LIKE A COURT DATE APPEARANCE WHERE THEY SUMMON  
9 THE OFFICER.

10 THE COURT: YOU ARE GOING TO HAVE A HEARING, YOU MEAN?

11 MR. MATSUGUMA: YES.

12 THE COURT: YOU PLED NOT GUILTY?

13 MR. MATSUGUMA: YEP.

14 MR. WAPNER: WHAT DAY OF THE WEEK IS THE 21ST, DO YOU  
15 KNOW?

16 MR. MATSUGUMA: FRIDAY.

17 THE COURT: WELL, THAT IS ALL RIGHT THEN.

18 MR. WAPNER: THAT IS NOT A PROBLEM.

19 THE COURT: WE WILL BE OFF ON FRIDAY.

20 MR. WAPNER: WE WON'T BE IN SESSION ON FRIDAY ANYWAY.

21 THE COURT: SO THERE IS NO PROBLEM.

22 MR. MATSUGUMA: SO I SHOULD CALL UP MY WORK AND FIND  
23 OUT?

24 THE COURT: FIND OUT IF THEY WILL PAY YOU FOR THREE  
25 MONTHS.

26 MR. MATSUGUMA: SHOULD I TALK TO MY SUPERVISOR?

27 THE COURT: YES.

28 MR. MATSUGUMA: OKAY. HE WON'T BE THERE UNTIL 3 O'CLOCK.



1 THE COURT: THAT IS ALL RIGHT, YOU CALL HIM UP AT  
2 3 O'CLOCK.

3 MR. MATSUGUMA: WHAT WILL HAPPEN ON THAT TRAFFIC TICKET?

4 THE COURT: THE TRAFFIC TICKET, YOU CAN GO. WE DON'T  
5 HOLD COURT IN THIS TRIAL ON FRIDAYS HERE. SO YOU ARE FREE  
6 ON FRIDAYS.

7 MR. MATSUGUMA: OKAY.

8 THE COURT: EVEN IF YOU ARE ON THE JURY YOU ARE FREE;  
9 DO YOU UNDERSTAND?

10 MR. MATSUGUMA: OKAY, ALL RIGHT.

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1 THE CLERK: THIS IS BRUCE MC GREGOR.

2 (PROSPECTIVE JUROR MC GREGOR ENTERS CHAMBERS.)

3 THE COURT: MR. MC GREGOR, WHERE DO YOU LIVE?

4 MR. MC GREGOR: PLAYA DEL REY.

5 THE COURT: I UNDERSTAND THAT YOU WANT TO BE EXCUSED  
6 FROM JURY DUTY?

7 MR. MC GREGOR: YES, SIR.

8 THE COURT: WHAT IS YOUR REASON?

9 MR. MC GREGOR: MY EMPLOYER IS HUGHES AIRCRAFT. THEY  
10 PAY ME FOR A 30-DAY PERIOD.

11 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. YOU WILL  
12 BE EXCUSED.

13 GO BACK TO THE JURY ASSEMBLY ROOM. TELL THE CLERK  
14 THERE THAT YOU ARE AVAILABLE FOR UP TO THAT 30-DAY PERIOD BUT  
15 NOT IN THIS CASE.

16 MR. MC GREGOR: YES.

17 (PROSPECTIVE JUROR MC GREGOR EXITS CHAMBERS.)

18 THE CLERK: THIS IS NORRIE MORRIS.

19 (PROSPECTIVE JUROR MORRIS ENTERS CHAMBERS.)

20 THE COURT: MISS MORRIS, THAT IT?

21 MISS MORRIS: YES.

22 THE COURT: WHERE DO YOU LIVE, MISS MORRIS?

23 MISS MORRIS: PACIFIC PALISADES.

24 THE COURT: AND I UNDERSTAND YOU WANT TO BE EXCUSED FROM  
25 JURY DUTY IN THIS CASE?

26 MISS MORRIS: I AM AFRAID SO. IT IS NOT THAT I WANT  
27 TO. I HAVE TO.

28 I AM GOING TO BRITAIN ON DECEMBER 2ND. IT IS GOING

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1 TO BE PRETTY HARD FOR ME TO CANCEL THE TRIP.

2 THE COURT: ALL RIGHT. YOU HAVE PAID FOR IT ALREADY?

3 MISS MORRIS: YES.

4 THE COURT: THANK YOU VERY MUCH. YOU ARE EXCUSED.

5 MISS MORRIS: THANK YOU.

6 THE COURT: WHAT DATE?

7 MISS MORRIS: PARDON ME?

8 THE COURT: WHAT DATE? DECEMBER WHAT?

9 MISS MORRIS: 2ND TO THE 16TH.

10 THE COURT: WELL, TELL THE JURY CLERK THAT YOU ARE  
11 EXCUSED IN THIS CASE BUT YOU COULD SERVE UNTIL THEN. ALL  
12 RIGHT?

13 MISS MORRIS: I CAN SERVE UNTIL THEN? RIGHT.

14 THE COURT: YES. THAT'S RIGHT. COULD YOU TELL HER THAT?

15 MISS MORRIS: THANK YOU VERY MUCH. GOOD AFTERNOON.

16 (PROSPECTIVE JUROR MORRIS EXITS CHAMBERS.)

17 THE CLERK: THIS IS SHIRLEY MORRIS.

18 (PROSPECTIVE JUROR MORRIS ENTERS CHAMBERS.)

19 THE COURT: YOUR NAME IS?

20 MRS. MORRIS: SHIRLEY MORRIS.

21 THE COURT: WHERE DO YOU LIVE, MS. MORRIS?

22 MRS. MORRIS: IN THE VALLEY, ENCINO.

23 THE COURT: I UNDERSTAND THAT YOU WANT TO BE EXCUSED  
24 FROM JURY DUTY?

25 MRS. MORRIS: YES BECAUSE I HAVE A 90-YEAR-OLD MOTHER  
26 WHO LIVES ALONE. I TAKE CARE OF HER. I DO THE COOKING AND  
27 THE SHOPPING. I AM AFRAID TO BE TIED UP FOR THAT LENGTH OF  
28 TIME. I TAKE HER TO THE DOCTOR QUITE OFTEN.

1 MR. WAPNER: NO OBJECTION.

2 THE COURT: ALL RIGHT. YOU CAN TELL THE JURY CLERK AT  
3 THE JURY ASSEMBLY ROOM THAT YOU HAVE BEEN EXCUSED IN THIS CASE.  
4 BUT YOU CAN SERVE FOR A SHORTER PERIOD?

5 MRS. MORRIS: YES. I CAN SERVE.

6 THE COURT: THANK YOU VERY MUCH.

7 (PROSPECTIVE JUROR SHIRLEY MORRIS EXITS  
8 CHAMBERS.)

9 THE CLERK: THIS IS LORI NELSON.

10 (PROSPECTIVE JUROR NELSON ENTERS CHAMBERS.)

11 THE COURT: IS IT MISS OR MRS. NELSON?

12 MRS. NELSON: IT IS MRS. LEVY. BUT I USE NELSON.

13 THE COURT: I SEE. WHERE DO YOU LIVE?

14 MRS. NELSON: SHERMAN OAKS.

15 THE COURT: I UNDERSTAND THAT YOU WANT TO BE EXCUSED  
16 FROM JURY DUTY?

17 MRS. NELSON: YES. I WOULD LIKE TO.

18 THE COURT: WHAT IS THE REASON?

19 MRS. NELSON: I DON'T BELIEVE MY EMPLOYER WILL PAY FOR  
20 IT. WHEN I INITIALLY CAME ON BOARD FOR JURY DUTY, I ASKED  
21 THEM HOW LONG THEY WOULD PAY ME FOR IT.

22 THEY SAID ALL MY TIME. THEN THE FIRST DAY THAT  
23 WE REPORTED IN, THEY WERE LOOKING FOR JURORS FOR A TWO OR  
24 THREE-MONTH TRIAL.

25 AND SO I WENT BACK AND TRIED TO OBTAIN CLARIFICATION  
26 ON THAT. APPARENTLY, THEY ONLY PAY FOR TEN DAYS OF JURY DUTY.

27 IF IT RUNS OVER A COUPLE OF DAYS, THEN THEY WILL  
28 PAY THAT, TOO.

1                   NOW, THIS IS MY THIRD DAY OF JURY DUTY.

2           THE COURT: I SEE. SO THEY ONLY PAY YOU FOR ANOTHER  
3 NINE DAYS?

4           MRS. NELSON: GIVE OR TAKE A FEW DAYS.

5           MR. WAPNER: CAN I INQUIRE AS TO WHAT COMPANY IT IS?

6           MRS. NELSON: I WORK FOR FRED S. JAMES & COMPANY,  
7 CORPORATE INSURANCE BROKERS IN LOS ANGELES.

8           THE COURT: THANKS VERY MUCH. YOU ARE EXCUSED.

9                   GO TO THE JURY ASSEMBLY ROOM AND TELL THEM THAT  
10 YOU ARE EXCUSED FROM BEING ON THIS CASE BUT YOU CAN SERVE FOR  
11 SHORTER PERIODS IN SOME OTHER CASE.

12           MRS. NELSON: THANK YOU.

13           THE COURT: THANK YOU.

14                   (PROSPECTIVE JUROR NELSON EXITS CHAMBERS.)

15           THE CLERK: THIS IS GREG NEWSOM.

16                   (PROSPECTIVE JUROR NEWSOM ENTERS CHAMBERS.)

17           THE COURT: MR. NEWSOM, WHERE DO YOU LIVE?

18           MR. NEWSOM: SANTA MONICA.

19           THE COURT: DO YOU WANT TO BE EXCUSED FROM JURY DUTY  
20 IN THIS CASE, DO YOU?

21           MR. NEWSOM: I THINK IT WOULD BE TOO LONG, SIR. YES.

22           THE COURT: WHERE --

23           MR. NEWSOM: WELL, THE HOSPITAL I WORK AT ONLY PAYS FOR  
24 TEN DAYS. AND I LIVE ALONE.

25                   I COULDN'T FINANCIALLY DO IT IF THEY DIDN'T PAY  
26 FOR IT.

27           MR. WAPNER: WHAT HOSPITAL?

28           MR. NEWSOM: SANTA MONICA HOSPITAL.

1 THE COURT: ALL RIGHT.

2 MR. CHIER: NO OBJECTION.

3 THE COURT: ALL RIGHT. THANK YOU VERY MUCH.

4 YOU WILL BE EXCUSED, MR. NEWSOM. TELL THE JURY  
5 CLERK THAT YOU ARE SERVING IN THIS CASE -- YOU ARE EXCUSED  
6 FROM SERVING IN THIS CASE BUT YOU CAN SERVE ON SOME OTHER CASE  
7 FOR A SHORTER PERIOD.

8 MR. NEWSOM: THANK YOU.

9 (PROSPECTIVE JUROR NEWSOM EXITS CHAMBERS.)  
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1 THE CLERK: THIS IS MIRIAM NICOLOSI.

2 (PROSPECTIVE JUROR NICOLOSI ENTERS CHAMBERS.)

3 MISS. NICOLOSI: HI.

4 THE COURT: MISS NICOLOSI, IS THAT RIGHT?

5 MISS NICOLOSI: YES.

6 THE COURT: WHERE DO YOU LIVE?

7 MISS NICOLOSI: I LIVE IN THE VALLEY.

8 THE COURT: I UNDERSTAND THAT YOU WANT TO BE EXCUSED  
9 FROM JURY DUTY IN THIS CASE?

10 MISS NICOLOSI: YES. VERY MUCH SO. I AM A TRAVEL AGENT.  
11 IT WOULD BE AN ECONOMICAL HARDSHIP FOR TO GO BECAUSE I HAVE  
12 A LOT OF PEOPLE THAT ARE GOING ON TRIPS AND THEY NEED MY  
13 SERVICES.

14 THE COURT: UH-HUH.

15 MS. NICOLOSI: SO IT IS VERY DIFFICULT.

16 THE COURT: DO YOU HAVE YOUR OWN COMPANY?

17 MISS NICOLOSI: YES. IT WOULD BE VERY DIFFICULT FOR  
18 ME TO BE AWAY THAT LONG. I WOULD LOSE A LOT OF BUSINESS.

19 THE COURT: ALL RIGHT. THANK YOU. YOU WILL BE EXCUSED.

20 MISS NICOLOSI: THANK YOU VERY MUCH.

21 THE COURT: YOU ARE WELCOME. HOW LONG CAN YOU BE AWAY  
22 FOR?

23 MISS NICOLOSI: THE PERIOD?

24 THE COURT: A WEEK? TWO WEEKS?

25 MISS NICOLOSI: YES.

26 THE COURT: YOU WILL GO BACK TO THE JURY ASSEMBLY ROOM  
27 AND TELL THE JURY CLERK THAT YOU CAN SERVE FOR THAT TIME IN  
28 SOME OTHER CASE. THANK YOU VERY MUCH.

1 MISS NICOLOSI: BYE NOW. GOOD LUCK.

2 (PROSPECTIVE JUROR NICOLOSI EXITS CHAMBERS.)

3 THE CLERK: THIS IS DANIEL MATSUGUMA AGAIN.

4 (PROSPECTIVE JUROR MATSUGUMA REENTERS  
5 CHAMBERS.)

6 THE COURT: YES? DID YOU FIND OUT?

7 MR. MATSUGUMA: I CALLED THE ADMINISTRATOR ABOVE MY  
8 SUPERVISOR. SHE SAID IT WOULD BE TOO HARD TO REPLACE ME. SO  
9 SHE SAID --

10 THE COURT: YOU MIGHT LOSE YOUR JOB?

11 MR. MATSUGUMA: POSSIBLY.

12 MR. WAPNER: WHAT DID THEY SAY ABOUT WHETHER THEY WOULD  
13 PAY YOU OR NOT?

14 MR. MATSUGUMA: SHE SAID THE COUNTY WILL COVER IT, BUT  
15 IT WILL BE SUCH A HARDSHIP ON THEM.

16 THE COURT: IT IS NOT ON THEM. IS IT GOING TO BE A HARD-  
17 SHIP ON YOU?

18 MR. MATSUGUMA: IT IS JUST THAT I LOSE MY DIFFERENTIAL  
19 PAY.

20 MR. WAPNER: WHICH IS WHAT?

21 MR. MATSUGUMA: I LOSE OUT ON ABOUT \$300 A MONTH.

22 MR. CHIER: NO OBJECTION.

23 THE COURT: ALL RIGHT. THANK YOU. YOU ARE EXCUSED.

24 GO BACK TO THE JURY ROOM AND TELL THEM THAT YOU  
25 ARE EXCUSED IN THIS CASE BUT YOU CAN SERVE FOR SHORTER PERIODS  
26 IN OTHER CASES.

27 MR. MATSUGUMA: OKAY. THANK YOU.

28 (PROSPECTIVE JUROR MATSUGUMA EXITS CHAMBERS.)



1 THE CLERK: THIS IS WILLIAM O'DONNELL. IT IS SPELLED  
2 WRONG ON THE LIST. IT IS O-'-D-O-N-N-E-L-L.

3 THE COURT: MR. O'DONNELL, WHERE DO YOU LIVE?

4 MR. O'DONNELL: PLAYA DEL REY.

5 THE COURT: I UNDERSTAND THAT YOU WANT TO BE EXCUSED?

6 MR. O'DONNELL: YES. I WOULD LIKE TO.

7 THE COURT: WHAT IS YOUR REASON?

8 MR. O'DONNELL: WELL, I HAVE BEEN UNDER MEDICAL ATTENTION.  
9 AND JUST -- I DON'T WANT TO SERVE BECAUSE I HAVE BEEN CALLED  
10 FIVE TIMES ALREADY.

11 EVEN ALREADY, I AM A NERVOUS WRECK JUST THINKING  
12 OF THIS.

13 THE COURT: MEDICAL REASONS, IS THAT IT?

14 MR. O'DONNELL: YES. BECAUSE I HAVE BEEN UNDER MEIDCA-  
15 TION NOW.

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1 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. YOU MAY  
2 BE EXCUSED.

3 MR. O'DONNELL: THANK YOU VERY MUCH.

4 THE COURT: YOU ARE EXCUSED.

5 (PROSPECTIVE JUROR O'DONNELL EXITS CHAMBERS.)

6 MR. WAPNER: DO YOU HAVE ANY OBJECTION TO THAT LAST ONE,  
7 MR. CHIER?

8 MR. CHIER: NO.

9 MR. WAPNER: I DON'T EITHER.

10 THE COURT: IF THE CONTRARY IS INDICATED, I WILL EXCUSE  
11 THEM WITH THE PERMISSION OF BOTH SIDES.

12 THE CLERK: THIS IS MICHELLE OLIVER.

13 (PROSPECTIVE JUROR OLIVER ENTERS CHAMBERS.)

14 THE COURT: IS IT MISS OLIVER?

15 MISS OLIVER: HI.

16 THE COURT: WHERE DO YOU LIVE?

17 MISS OLIVER: SANTA MONICA.

18 THE COURT: AND YOU WANT TO BE EXCUSED FROM JURY DUTY  
19 IN THIS CASE?

20 MISS OLIVER: YES.

21 THE COURT: WHAT IS YOUR REASON?

22 MISS OLIVER: I AM GOING TO NEW YORK ON THE 21ST.

23 THE COURT: A TRIP, YOU MEAN?

24 MISS OLIVER: YES.

25 THE COURT: YOU HAVE PAID FOR IT, HAVE YOU?

26 MISS OLIVER: YES.

27 THE COURT: ALL RIGHT.

28 MR. CHIER: NO OBJECTION.

1 MR. WAPNER: NO OBJECTION.

2 THE COURT: ALL RIGHT. THANK YOU. YOU ARE EXCUSED.  
3 YOU GO BACK TO THE JURY ASSEMBLY ROOM AND TELL THEM THAT YOU  
4 ARE NOT AVAILABLE IN THIS CASE BUT YOU MIGHT BE IN SOME OTHER  
5 CASE WHICH IS A SHORTER PERIOD.

6 MISS OLIVER: THANK YOU, YOUR HONOR.

7 (PROSPECTIVE JUROR OLIVER EXITS CHAMBERS.)

8 THE CLERK: THIS IS DENESH PATEL.

9 (PROSPECTIVE JUROR PATEL ENTERS CHAMBERS.)

10 THE COURT: MR. PATEL, WHERE DO YOU LIVE?

11 MR. PATEL: I LIVE IN WOODLAND HILLS.

12 THE COURT: AND I UNDERSTAND THAT YOU WANT TO BE  
13 EXCUSED FROM JURY DUTY?

14 MR. PATEL: YES, SIR.

15 THE COURT: WHAT IS YOUR REASON FOR IT?

16 MR. PATEL: I OWN AND RUN A COMPANY OF THREE MEN. I  
17 AM A SECURITIES BROKER. MY ATTENTION HAS TO BE THERE FOR THE  
18 RESEARCH DEPARTMENT. I DO RESEARCH.

19 MR. WAPNER: ARE YOU THE OWNER OF THE COMPANY?

20 MR. PATEL: NO. I AM A PARTNER. I AM A 50-PERCENT  
21 PARTNER.

22 MR. WAPNER: AND IF YOU ARE NOT THERE TO DO THE  
23 RESEARCH, I ASSUME THE COMPANY STANDS TO LOSE A SUBSTANTIAL  
24 AMOUNT OF MONEY?

25 MR. PATEL: YES. THAT IS WHAT I UNDERSTAND. BECAUSE  
26 THERE ARE ONLY TWO PEOPLE TRADING. AND I AM THE ONE DOING  
27 THE RESEARCH.

28 MR. WAPNER: NO OBJECTION.

1 MR. CHIER: NO OBJECTION.

2 THE COURT: ALL RIGHT. THANK YOU. YOU ARE EXCUSED.

3 GO TO THE JURY ASSEMBLY ROOM AND TELL THE CLERK  
4 YOU ARE NOT AVAILABLE IN THIS CASE BUT YOU CAN SERVE FOR A  
5 SHORTER PERIOD IN SOME OTHER CASE.

6 MR. PATEL: THANK YOU.

7 (PROSPECTIVE JUROR PATEL EXITS CHAMBERS.)

8 THE CLERK: THIS IS KENNETH PETERSON.

9 (PROSPECTIVE JUROR PETERSON ENTERS  
10 CHAMBERS.)

11 THE COURT: MR. PETERSON, WHERE DO YOU LIVE?

12 MR. PETERSON: RESEDA.

13 THE COURT: I UNDERSTAND THAT YOU WANT TO BE EXCUSED  
14 FROM JURY DUTY IN THIS CASE?

15 MR. PETERSON: YES, SIR.

16 THE COURT: WHAT IS YOUR REASON?

17 MR. PETERSON: MY COMPANY ONLY PAYS TEN DAYS.

18 THE COURT: WHO IS YOUR COMPANY?

19 MR. PETERSON: GARRETT-AIRESEARCH.

20 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. YOU WILL  
21 BE EXCUSED.

22 GO TO THE JURY ASSEMBLY ROOM AND TELL THE CLERK  
23 THAT YOU ARE AVAILABLE FOR A SHORTER PERIOD.

24 MR. PETERSON: THANK YOU.

25 (PROSPECTIVE JUROR PETERSON EXITS CHAMBERS.)

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7-1  
1 (PROSPECTIVE JUROR ENTERED CHAMBERS.)

2 THE CLERK: THIS IS KENNETH RICHARDS.

3 THE COURT: MR. RICHARDS --

4 MR. RICHARDS: HI.

5 THE COURT: -- WHERE DO YOU LIVE?

6 MR. RICHARDS: PARDON ME?

7 THE COURT: WHERE DO YOU LIVE?

8 MR. RICHARDS: HAWTHORNE.

9 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED FROM  
10 JURY DUTY. WHAT IS YOUR REASON FOR IT?

11 MR. RICHARDS: I DON'T GET PAID FOR BEING OFF FROM WORK.

12 THE COURT: AT ANY TIME FOR ANY PERIOD?

13 MR. RICHARDS: NO, TODAY INCLUDED.

14 THE COURT: WHO IS YOUR EMPLOYER?

15 MR. RICHARDS: TORRANCE HONDA.

16 THE COURT: ALL RIGHT, THANK YOU VERY MUCH.

17 MR. WAPNER: NO OBJECTION.

18 THE COURT: YOU WILL BE EXCUSED.

19 MR. CHIER: NO OBJECTION.

20 (PROSPECTIVE JUROR EXITED CHAMBERS.)

21 MR. WAPNER: TALK ABOUT YOUR BASIC UNFAIR POLICY.

22 MR. CHIER: THAT IS THE WORST I HAVE EVER HEARD.

23 THE COURT: THEY DON'T GIVE HIM ANY TIME.

24 (PROSPECTIVE JUROR ENTERED CHAMBERS.)

25 THE CLERK: THIS IS NANCY ROBERTSON.

26 THE COURT: IS THAT MISS OR MRS.?

27 MRS. ROBERTSON: MRS.

28 THE COURT: MRS.?

7-2  
1 MRS. ROBERTSON: MRS.

2 THE COURT: MRS. ROBERTSON, WHERE DO YOU LIVE?

3 MRS. ROBERTSON: WEST L.A.

4 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED FROM  
5 JURY DUTY, DON'T YOU?

6 MRS. ROBERTSON: YES.

7 THE COURT: WHAT IS YOUR REASON FOR IT?

8 MRS. ROBERTSON: I WORK AT HUGHES AIRCRAFT COMPANY AND  
9 THEY DON'T PAY BEYOND 22 DAYS.

10 THE COURT: ALL RIGHT, THANK YOU VERY MUCH. YOU WILL  
11 BE EXCUSED.

12 MRS. ROBERTSON: THANK YOU.

13 THE COURT: YOU CAN GO TO THE JURY ASSEMBLY ROOM AND  
14 TELL THEM YOU WILL BE AVAILABLE FOR SOME OTHER CASE, ALL RIGHT?

15 MRS. ROBERTSON: OKAY, THANK YOU. BYE-BYE.

16 (PROSPECTIVE JUROR EXITED CHAMBERS.)

17 (PROSPECTIVE JUROR ENTERED CHAMBERS.)

18 THE COURT: THIS IS JEROME RUDDINS.

19 MR. RUDDINS: RUDDINS.

20 THE COURT: THAT IS MR. ROBERTSON?

21 MR. RUDDINS: JEROME RUDDINS.

22 THE COURT: MR. RUDDINS, YOU WERE JUROR NO. 7 IN MY  
23 COURT, WEREN'T YOU?

24 MR. RUDDINS: THAT IS CORRECT, SIR, ON MONDAY A WEEK  
25 AGO TODAY.

26 THE COURT: THAT IS RIGHT, THAT WAS A WEEK AGO; IS THAT  
27 RIGHT?

28 MR. RUDDINS: RIGHT.

7-2  
1 THE COURT: WE DECLARED A MISTRIAL ON THAT CASE BECAUSE  
2 WE COULDN'T FINISH IT IN TIME.

3 MR. RUDDINS: I SEE.

4 THE COURT: ALL RIGHT. WHERE DO YOU LIVE?

5 MR. RUDDINS: I LIVE IN THE WESTCHESTER AREA, AIRPORT.

6 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED FROM  
7 JURY DUTY IN THIS CASE.

8 MR. RUDDINS: YES. I BELIEVE I HAVE A FINANCIAL  
9 HARDSHIP IN THAT HUGHES PAYS FOR 22 DAYS.

10 THE COURT: ALL RIGHT, YOU WILL GO BACK TO THE JURY  
11 ASSEMBLY ROOM AND TELL THE CLERK THAT YOU WILL BE AVAILABLE  
12 FOR THE BALANCE OF YOUR ALLOTTED JURY TIME.

13 MR. RUDDINS: ALL RIGHT, SIR.

14 THE COURT: THANK YOU.

15 (PROSPECTIVE JUROR EXITED CHAMBERS.)

16 (PROSPECTIVE JUROR ENTERED CHAMBERS.)

17 THE CLERK: THIS IS SYLVIA SCHNIAD.

18 THE COURT: MRS. SCHNIAD?

19 MRS. SCHNIAD: YES, SIR.

20 THE COURT: WHERE DO YOU LIVE?

21 MRS. SCHNIAD: SANTA MONICA.

22 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED FROM  
23 JURY DUTY IN THIS CASE.

24 MRS. SCHNIAD: YES, I DO.

25 THE COURT: WHAT ARE YOUR REASONS?

26 MRS. SCHNIAD: I AM HAVING AN EYE OPERATION IN ABOUT  
27 A MONTH.

28 MR. CHIER: NO OBJECTION.

7-4  
1 MR. WAPNER: NO OBJECTION.

2 THE COURT: CATARACT SURGERY?

3 MRS. SCHNIAD: YES.

4 THE COURT: WHO IS DOING IT IN SANTA MONICA?

5 MRS. SCHNIAD: IN SANTA MONICA. I DON'T KNOW JUST WHO  
6 THE SURGEON WILL BE.

7 THE COURT: ALL RIGHT, THANK YOU VERY MUCH. YOU WILL  
8 BE EXCUSED.

9 MRS. SCHNIAD: THANK YOU.

10 THE COURT: YOU TELL THE JURY ASSEMBLY ROOM CLERK, THE  
11 CLERK IN THE JURY ROOM THAT YOU WILL BE AVAILABLE FOR A SHORT  
12 PERIOD OF TIME BUT NOT IN THIS CASE.

13 MRS. SCHNIAD: OH, YES. THANK YOU.

14 THE COURT: ALL RIGHT, THANK YOU.

15 (PROSPECTIVE JUROR EXITED CHAMBERS.)  
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7-5  
1 (PROSPECTIVE JUROR ENTERED CHAMBERS.)

2 THE CLERK: THIS IS VIOLET SCHICK.

3 THE COURT: YES, MRS. SCHICK, WHERE DO YOU LIVE?

4 MRS. SCHICK: SHERMAN OAKS.

5 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED FROM  
6 JURY DUTY IN THIS CASE.

7 MRS. SCHICK: YES, FOR MEDICAL REASONS. MY HUSBAND  
8 IS JUST HOME WITH A BYPASS AND HE IS DOING FINE WITH THAT  
9 BUT HE HAS COMPLICATIONS.

10 THE COURT: YOU HAVE TO BE HOME TO TAKE CARE OF HIM?

11 MRS. SCHICK: I SHOULD BE.

12 MR. WAPNER: I HAVE NO OBJECTION.

13 MR. CHIER: NO OBJECTION.

14 THE COURT: THANK YOU VERY MUCH. YOU ARE EXCUSED.

15 MRS. SCHICK: YOU ARE WELCOME.

16 THE COURT: TELL THE CLERK IN THE JURY ASSEMBLY ROOM  
17 THAT YOU ARE EXCUSED FROM ALL JURY DUTY.

18 (PROSPECTIVE JUROR EXITED CHAMBERS.)

19 THE COURT: HOW MANY DO YOU FIGURE WE HAVE NOW IN THE  
20 POOL?

21 MR. WAPNER: I DON'T KNOW EXACTLY.

22 (PROSPECTIVE JUROR ENTERED CHAMBERS.)

23 THE CLERK: THIS IS KENNETH SCHWARTZ.

24 THE COURT: ALL RIGHT, MR. SCHWARTZ, WHERE DO YOU LIVE?

25 MR. SCHWARTZ: IN TARZANA.

26 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED FROM  
27 JURY DUTY IN THIS CASE?

28 MR. SCHWARTZ: THAT'S RIGHT.

7-6  
1 THE COURT: WHAT IS YOUR REASON?

2 MR. SCHWARTZ: FOR BUSINESS REASONS.

3 THE COURT: WHAT BUSINESS REASONS?

4 MR. SCHWARTZ: I AM A CPA-ATTORNEY. I AM A PARTNER  
5 IN CHARGE OF AN OFFICE OF AN ACCOUNTING FIRM AND I AM A  
6 DEFENDANT IN AN ACTION ON NOVEMBER 24TH IN FEDERAL COURT.  
7 I HAVE GOT SEVERAL BUSINESS MEETINGS OUT OF TOWN AND VARIOUS  
8 OTHER MEETINGS.

9 MR. CHIER: NO OBJECTION.

10 MR. WAPNER: I HAVE NO OBJECTION.

11 THE COURT: THANK YOU. YOU ARE EXCUSED.

12 MR. SCHWARTZ: THANK YOU.

13 THE COURT: TELL THE CLERK IN THE JURY ASSEMBLY ROOM  
14 YOU MIGHT BE AVAILABLE FOR A SHORT PERIOD BUT NOT IN THIS  
15 CASE.

16 MR. SCHWARTZ: THANK YOU.

17 (PROSPECTIVE JUROR EXITED CHAMBERS.)

18 (PROSPECTIVE JUROR ENTERED CHAMBERS.)

19 THE CLERK: MRS. LOIS SEUFERT.

20 THE COURT: ALL RIGHT, MRS. SEUFERT, WHERE DO YOU LIVE?

21 MRS. SEUFERT: I LIVE IN VAN NUYS.

22 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED FROM  
23 JURY DUTY IN THIS CASE?

24 MRS. SEUFERT: YES.

25 THE COURT: WHAT IS YOUR REASON?

26 MRS. SEUFERT: I WORK FOR KAISER HOSPITAL. WE ARE VERY  
27 SHORT-STAFFED. THEY HAVE CUT THE OFFICE STAFF DOWN TO THE  
28 BONE. I AM AN ACCOUNTS RECEIVABLE CLERK AND DO PATIENT

7-7  
1 VISITATION, DO INELIGIBLE BILLINGS AND THERE IS NO ONE TO  
2 TAKE MY PLACE.

3 THE COURT: AND THEY WON'T PAY YOU FOR THREE MONTHS  
4 ANYWAY?

5 MRS. SEUFERT: THEY WOULD PAY ME FOR THREE MONTHS BUT  
6 WE HAVE NO REPLACEMENT. WE HAVE CUT THE STAFF. THE STAFF  
7 HAS BEEN CUT DOWN TO THE BONE.

8 MR. WAPNER: WHAT WILL THEY DO IF YOU ARE ON JURY DUTY  
9 FOR THREE MONTHS?

10 MRS. SEUFERT: I HAVE NO IDEA BECAUSE I HAVE NO  
11 REPLACEMENT.

12 MR. WAPNER: WILL YOUR JOB BE THERE WAITING WHEN YOU  
13 COME BACK?

14 MRS. SEUFERT: I REALLY DON'T KNOW.

15 WE ARE IN THE PROCESS OF REALLY SLICING AWAY AND  
16 I DON'T KNOW IF MY JOB WOULD BE THERE. I DON'T IMAGINE THAT  
17 THEY COULD REPLACE ME ON A PERMANENT BASIS.

18 THE COURT: ALL RIGHT. NO OBJECTION?

19 MR. WAPNER: WELL, THE PROBLEM IS, AND MAYBE WE SHOULD  
20 DISCUSS IT WHEN SHE IS NOT HERE -- CAN WE JUST ASK HER TO  
21 WAIT OUTSIDE BRIEFLY?

22 MRS. SEUFERT: I ALSO HAVE A VERY SICK HUSBAND. I DON'T  
23 KNOW IF THAT IS ANY FACTOR BUT I LIVE RIGHT AROUND THE BLOCK  
24 FROM WHERE I WORK.

25 THE COURT: THAT IS A FACTOR.

26 MRS. SEUFERT: I CAN GET AWAY FROM WORK. HE IS A HEART  
27 PATIENT AND HE HAS BEEN HOSPITALIZED 20 TIMES.

28 MR. WAPNER: THANKS. YOU ARE EXCUSED.

7A-1

1 MR. CHIER: YOU SAID THE MAGIC WORD.

2 MRS. SCHICK: IT IS TRUE, UNFORTUNATELY.

3 (PROSPECTIVE JUROR SCHICK EXITS CHAMBERS.)

4 MR. WAPNER: THE ONLY THING I WAS TRYING TO DO WAS TO  
5 BE CONSISTENT. THE OTHER ONE FROM KAISER, WE TOLD HER SHE  
6 HAD TO STAY AND IT WAS BASICALLY THE SAME SITUATION.

7 MR. CHIER: I WAS TRYING TO GET HER TO STAY.

8 MR. WAPNER: BUT THIS IS OBVIOUSLY A DIFFERENT SITUATION  
9 BECAUSE OF HER HUSBAND'S HEALTH.

10 (PROSPECTIVE JUROR ENTERS CHAMBERS.)

11 THE CLERK: THIS IS DONNA MATERNA.

12 MRS. MATERNA: YOU ASKED ME TO CALL MY OFFICE.

13 THE COURT: YES.

14 MRS. MATERNA: I SPOKE TO THEM AND THEY SAID THEY WILL  
15 PAY BUT THEY PREFER TO HAVE ME BACK. THEY WILL HAVE TO TRAIN  
16 SOMEBODY TO DO MY JOB IF I DON'T GO BACK.

17 THE COURT: YOU WILL GET YOUR JOB BACK AFTER YOU HAVE  
18 GOTTEN FINISHED?

19 MRS. MATERNA: YES, I WILL HAVE MY JOB BACK.

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1 THE COURT: WELL, THEN WE WANT YOU TO STAY.

2 MRS. MATERNA: YOU DO?

3 THE COURT: IT MAY VERY WELL BE THAT WE MIGHT HAVE A  
4 JURY BEFORE YOUR NAME IS CALLED TO SIT ON THE JURY; DO YOU  
5 UNDERSTAND?

6 MRS. MATERNA: UH-HUH.

7 THE COURT: SO THEREFORE, THERE IS A VERY GOOD CHANCE  
8 YOU WON'T SERVE AS ONE OF THE JURORS.

9 MRS. MATERNA: OKAY.

10 THE COURT: HOWEVER, THAT IS A POSSIBILITY.

11 MRS. MATERNA: IT IS A POSSIBILITY THAT I WILL BUT IT  
12 IS A GREATER POSSIBILITY THAT I WON'T?

13 THE COURT: IT IS A GREATER POSSIBILITY THAT YOU WON'T.

14 MRS. MATERNA: OKAY. YOU SAY IT IS GOING TO LAST  
15 THREE MONTHS?

16 THE COURT: YES.

17 MRS. MATERNA: YOU HAD MENTIONED THAT IT WAS GOING TO  
18 LAST THREE MONTHS.

19 THE COURT: YES.

20 MRS. MATERNA: OKAY, WHATEVER YOU SAY.

21 THE COURT: AT ANY RATE, IF YOU ARE SELECTED YOU WILL  
22 FIND IT VERY INTERESTING.

23 MRS. MATERNA: OKAY.

24 THE COURT: OKAY, ALL RIGHT. THANK YOU.

25 I TELL YOU WHAT YOU DO, YOU COME BACK HERE  
26 THURSDAY MORNING AND GO TO THE JURY ASSEMBLY ROOM AT 10:00  
27 O'CLOCK.

28 MRS. MATERNA: OKAY.

1 THE COURT: YOU BE IN THE JURY ASSEMBLY ROOM AT 10:00  
2 O'CLOCK THURSDAY, WILL YOU?

3 MRS. MATERNA: OKAY.

4 DOES IT MAKE ANY DIFFERENCE LIKE RIGHT AT THIS  
5 PARTICULAR DATE, IT IS JUST REALLY NOT A GOOD TIME FOR MY  
6 EMPLOYER? IT IS A BAD TIME FOR THEM.

7 THE COURT: WE ARE NOT INTERESTED IN YOUR EMPLOYER. WE  
8 ARE INTERESTED IN YOU.

9 MRS. MATERNA: OKAY, BECAUSE LIKE DID I MENTION BEFORE,  
10 WE ARE ALREADY SHORT OF STAFF AND, YOU KNOW, MY SUPERVISOR  
11 ASKED ME TO MENTION THE FACT BECAUSE I AM WORKING, YOU KNOW,  
12 IN HEALTH CARE.

13 THE COURT: YOUR JOB WON'T BE JEOPARDIZED, WILL IT?

14 MRS. MATERNA: NO, IT IS NOT JEOPARDIZING THE JOB. THEY  
15 ARE GOING TO BE COMPLETELY INCONVENIENCED.

16 THE COURT: SO THEREFORE, WE CAN'T FIND A LEGAL EXCUSE  
17 FOR YOU NOT TO COME.

18 MRS. MATERNA: OKAY.

19 THE COURT: WE WILL LOOK FORWARD TO SEEING YOU.

20 MRS. MATERNA: WHATEVER YOU SAY. THANK YOU.

21 (PROSPECTIVE JUROR MATERNA EXITS CHAMBERS.)

22 MR. CHIER: SHE LOOKED VERY GOOD.  
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A-1  
1 (PROSPECTIVE JUROR SIMON ENTERED  
2 CHAMBERS.)

3 THE COURT: MR. SIMON?

4 MR. SIMON: YES.

5 THE COURT: MR. SIMON, WHERE DO YOU LIVE?

6 MR. SIMON: MANHATTAN BEACH.

7 THE COURT: I UNDERSTAND YOU WANT TO BE EXCUSED FROM  
8 JURY DUTY?

9 MR. SIMON: YES, SIR.

10 THE COURT: WHAT IS YOUR REASON?

11 MR. SIMON: FINANCIAL HARDSHIP. AND I HAVE ALSO GOT  
12 MEDICAL PROBLEMS.

13 THE COURT: WHO DO YOU WORK FOR?

14 MR. SIMON: TRW.

15 THE COURT: WHO?

16 MR. SIMON: TRW.

17 THE COURT: YES. THEY ONLY GIVE YOU A CERTAIN PERIOD,  
18 DON'T THEY?

19 MR. SIMON: WELL, THEY WILL COVER MY BASE SALARY.  
20 BUT I AM ON THE INCENTIVE PROGRAM. I HAVE A MAJOR PROPOSAL  
21 COMING UP THAT MY SALARY IS TIED TO.

22 THE COURT: ALL RIGHT. WHAT IS THE MEDICAL?

23 MR. SIMON: I HAVE SOME SKIN CANCER THAT I JUST UNDERWENT  
24 SURGERY ON. THEY ARE GOING TO EVALUATE IT. I HAVE AN  
25 APPOINTMENT ON FRIDAY TO FIND OUT WHETHER OR NOT THEY ARE  
26 GOING TO HAVE TO CUT OUT SOME MORE OF IT.

27 THE COURT: IS IT BASAL CELL, YOU MEAN?

28 MR. SIMON: SQUAMOUS.

1 THE COURT: SQUAMOUS? ALL RIGHT. THANK YOU. I HAVE  
2 ONE, TOO. I WISH YOU LUCK. YOU WILL BE EXCUSED.

3 MR. SIMON: THANK YOU. SAME TO YOU.

4 (PROSPECTIVE JUROR SIMON EXITED  
5 CHAMBERS.)

6 THE CLERK: THIS IS MICHAEL SOLYMAR.

7 (PROSPECTIVE JUROR SOLYMAR ENTERED  
8 CHAMBERS.)

9 MR. SOLYMAR: HI.

10 THE COURT: MR. SOLYMAR, WHERE DO YOU LIVE?

11 MR. SOLYMAR: RIGHT HERE IN SANTA MONICA ABOUT THREE  
12 BLOCKS AWAY.

13 THE COURT: SO IT WOULDN'T TAKE YOU VERY LONG TO GET  
14 HERE?

15 MR. SOLYMAR: NO. IT SURE DOESN'T.

16 THE COURT: THAT MEANS YOU WANT TO SERVE, DO YOU?

17 MR. SOLYMAR: I WOULD LIKE TO. BUT I COULDN'T SERVE  
18 FOR A LONG TIME.

19 THE COURT: WHAT IS THE REASON FOR THAT?

20 MR. SOLYMAR: BECAUSE MY WORK ONLY PAYS ME FOR TEN DAYS.

21 THE COURT: WHO DO YOU WORK FOR?

22 MR. SOLYMAR: GOLDEN ENGINEERED MAGNETICS IN HAWTHORNE.

23 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. YOU WILL  
24 BE EXCUSED.

25 MR. SOLYMAR: THANK YOU.

26 THE COURT: WHY DON'T YOU GO TO THE JURY ASSEMBLY ROOM  
27 AND TELL THE CLERK THERE THAT YOU CAN SERVE FOR TEN DAYS.

28 MR. SOLYMAR: RIGHT. THANK YOU.



8A-3

1 (PROSPECTIVE JUROR SOLYMAR EXITED  
2 CHAMBERS.)

3 MR. CHIER: MAY THE RECORD REFLECT THAT THERE WERE ONLY  
4 TWO BLACK PEOPLE OUT OF BOTH SHEETS OF JURORS?

5 THE COURT: IS THAT GOOD OR BAD?

6 MR. CHIER: IT IS A LITTLE LOW.

7 THE CLERK: THIS IS MARIE STROJEK.

8 (PROSPECTIVE JUROR STROJEK ENTERED  
9 CHAMBERS.)

10 THE COURT: HOW ARE YOU, MRS. STROJEK?

11 MRS. STROJEK: FINE, THANK YOU.

12 THE COURT: WHERE DO YOU LIVE?

13 MRS. STROJEK: IN ENCINO.

14 THE COURT: AND YOU WANT TO BE EXCUSED FROM JURY DUTY  
15 IN THIS CASE?

16 MRS. STROJEK: YES.

17 THE COURT: WHAT IS YOUR REASON?

18 MRS. STROJEK: THE COMPANY I WORK FOR, I AM THE COMPUTER  
19 SYSTEMS ADMINISTRATOR. AND MY BACKUP IS NOT QUALIFIED TO --

20 THE COURT: THEY WON'T PAY YOU FOR THREE MONTHS?

21 MRS. STROJEK: I AM NOT SURE. I DON'T KNOW.

22 BUT THE BACKUP THAT I HAVE IS NOT QUALIFIED TO  
23 HANDLE ANY TROUBLE-SHOOTING OR ANYTHING. SHE JUST BRINGS  
24 THE SYSTEM UP AND BRINGS IT DOWN.

25 AND I ALSO HAVE TO DO ALL OF THE MONTH-END CLOSING  
26 REPORTS.

27 MR. CHIER: WOULD IT MAKE A DIFFERENCE IF WE TOLD YOU  
28 THAT YOU ARE ONLY GOING TO BE IN COURT FROM 10:30 TO 4:30

8A-4  
1 AND THERE IS NO COURT ON FRIDAYS?

2 MRS. STROJEK: NOT REALLY. I ALSO HAVE GOT A VACATION  
3 SCHEDULED. WE ARE GOING ON A CRUISE. IT IS PAID FOR.

4 THE COURT: YOU PAID FOR IT?

5 MRS. STROJEK: YES.

6 MR. WAPNER: WHEN IS THAT?

7 MRS. STROJEK: DECEMBER 5.

8 THE COURT: WHEN IS IT?

9 MRS. STROJEK: DECEMBER 5.

10 THE COURT: YOU ARE EXCUSED. GO BACK TO THE JURY ASSEMBLY  
11 ROOM AND TELL THEM THAT YOU ARE AVAILABLE UNTIL DECEMBER 5.

12 MRS. STROJEK: OKAY. THANK YOU.

13 THE COURT: THANK YOU.

14 (PROSPECTIVE JUROR STROJEK EXITED  
15 CHAMBERS.)

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8B-1

1 THE CLERK: THIS IS JAMES SWAVELY.

2 (PROSPECTIVE JUROR SWAVELY ENTERED  
3 CHAMBERS.)

4 THE COURT: MR. SWAVELY, YOU WERE ONE OF THE JURORS  
5 IN THE OTHER CASE?

6 MR. SWAVELY: JUST A WEEK AGO.

7 THE COURT: MR. SWAVELY, WHERE DO YOU LIVE?

8 MR. SWAVELY: I LIVE IN NORTHRIDGE.

9 THE COURT: AND YOU WANT TO BE EXCUSED, DO YOU?

10 MR. SWAVELY: YES.

11 THE COURT: WHAT IS YOUR REASON?

12 MR. SWAVELY: WELL, I WORK FOR NASA IN CLEVELAND, OHIO.  
13 AND I RUN A ONE-MAN RESIDENT OFFICE HERE AT TELEDYNE SYSTEMS  
14 COMPANY.

15 I THINK PROBABLY THAT NASA WOULD PAY FOR ME IF  
16 I WERE TO BE ON THE JURY FOR THREE MONTHS.

17 BUT I THINK IT WOULD BE A SIGNIFICANT HARDSHIP  
18 OR A DISSERVICE TO NASA AND TO OUR CONTRACTOR.

19 NORMALLY, WHEN I HAVE GONE ON LEAVE FOR EXAMPLE,  
20 THEY WILL SEND OUT A SUBSTITUTE TO FILL IN FOR ME WHILE I  
21 AM GONE. AND I DON'T THINK THAT WE COULD HANDLE THAT FOR  
22 THREE MONTHS, PARTICULARLY NOW WHEN WE ARE VERY BUSY.

23 WE HAVE A COUPLE OF LAUNCHES COMING UP IN WHICH  
24 I AM HEAVILY INVOLVED.

25 I JUST DON'T THINK THEY COULD AFFORD THE MANPOWER.  
26 SO I JUST DON'T THINK IT WOULD BE PROPER.

27 MR. WAPNER: CAN WE ASK HIM TO CHECK WITH THEM; PRESENT  
28 THE SITUATION TO THEM AND GET BACK TO US MAYBE ON THURSDAY

8P-2  
1 OR LATER?

2 THE COURT: WELL, YOU KNOW, YOU DON'T NEED TO GET IN  
3 TOUCH WITH THEM? YOU KNOW IT?

4 MR. SWAVELY: I KNOW IT. I REALIZE MY CREDIBILITY IS  
5 QUESTIONABLE BUT --

6 THE COURT: NO.

7 MR. WAPNER: THAT WASN'T THE REASON FOR IT AT ALL.

8 MR. SWAVELY: NO. I AM SURE IT WOULD BE A PROBLEM FOR  
9 US IF I HAD TO BE GONE THREE MONTHS. I AM SURE THE GOVERNMENT  
10 COULD WORK OUT THE PROBLEM.

11 BUT I THINK IT REALLY WOULD BE KIND OF UNREASONABLE  
12 A BURDEN FOR ME TO ASK THEM TO ASSUME THAT. IF THERE IS ANY  
13 WAY OUT OF IT --

14 MR. WAPNER: WOULD IT JEOPARDIZE YOUR POSITION IF YOU  
15 WERE GONE?

16 MR. SWAVELY: NOT MY JOB, NO. I HAVE BEEN WITH NASA  
17 25 YEARS. I THINK THEY WOULD CARRY ME.

18 THE COURT: YOU DO THINK IT IS IMPORTANT TO THE PROGRAM  
19 THAT YOU STAY WITH THEM?

20 MR. SWAVELY: YES, VERY IMPORTANT.

21 MR. CHIER: THESE GUYS NEED ALL THE HELP THEY CAN GET  
22 GETTING OFF THE GROUND.

23 MR. SWAVELY: YES, ESPECIALLY AFTER CHALLENGER.

24 THE COURT: OKAY. DO YOU WANT TO STICK AROUND AND SEE  
25 WHETHER YOU COULD GET SOME OTHER JURY FOR A SHORTER PERIOD?

26 MR. SWAVELY: YES.

27 THE COURT: TELL THEM THAT IN THE JURY ASSEMBLY ROOM.

28 MR. SWAVELY: YES. THANK YOU.

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1 (PROSPECTIVE JUROR SWAVELY EXITED  
2 CHAMBERS.)

3 THE CLERK: THIS IS VERONIKA WEISSMULLER.

4 (PROSPECTIVE JUROR WEISSMULLER ENTERED  
5 CHAMBERS.)

6 THE COURT: MRS. WEISSMULLER?

7 MRS. WEISSMULLER: YES.

8 THE COURT: YOU HAVE A FAMOUS NAME?

9 MRS. WEISSMULLER: YES.

10 THE COURT: NO RELATION?

11 MRS. WEISSMULLER: A RATHER FAR RELATION.

12 THE COURT: WHERE DO YOU LIVE?

13 MRS. WEISSMULLER: TARZANA.

14 THE COURT: I UNDERSTAND THAT YOU WANT TO BE EXCUSED  
15 FROM JURY DUTY?

16 MRS. WEISSMULLER: YES. I HAVE BOOKED A TRIP ON THE  
17 17TH OF JANUARY FOR SOUTH AMERICA.

18 THE COURT: YOU HAVE PAID FOR IT?

19 MRS. WEISSMULLER: AS A MATTER OF FACT, MY COUSIN IN  
20 CANADA, BOOKED IT AND MADE A DOWN PAYMENT. WE ARE SUPPOSED  
21 TO GO TOGETHER WITH THEM.

22 THE COURT: YOU WOULD LOSE THAT IF YOU DON'T GO?

23 MRS. WEISSMULLER: YES. I GUESS SO.

24 THE COURT: ALL RIGHT. THANK YOU. YOU ARE EXCUSED.

25 TELL THEM IN THE JURY ASSEMBLY ROOM THAT YOU CAN  
26 SERVE THE REST OF THE MONTH OR SOMETHING.

27 MRS. WEISSMULLER: YES.

28 THE COURT: OKAY. THANK YOU.

1 (PROSPECTIVE JUROR WEISSMULLER EXITED  
2 CHAMBERS.)

3 THE CLERK: THIS IS JOHN WISSENBERG.

4 (PROSPECTIVE JUROR WISSENBERG ENTERED  
5 CHAMBERS.)

6 THE COURT: MR. WISSENBERG, WHERE DO YOU LIVE?

7 MR. WISSENBERG: I LIVE IN VENICE, CALIFORNIA.

8 THE COURT: I UNDERSTAND THAT YOU WANT TO BE EXCUSED  
9 FROM JURY DUTY IN THIS CASE?

10 MR. WISSENBERG: YES I DO.

11 THE COURT: TELL US YOUR REASON FOR IT.

12 MR. WISSENBERG: MY BUSINESS IS SALES RELATED. I WILL  
13 BE COMPENSATED FOR THE BASE PAY BUT NOT FOR THE COMMISSION  
14 OR BONUS.

15 THE COURT: SO THERE WOULD BE AN ECONOMIC HARDSHIP FOR  
16 YOU?

17 MR. WISSENBERG: YES.

18 THE COURT: WHO DO YOU WORK FOR?

19 MR. WISSENBERG: IBM.

20 THE COURT: ALL RIGHT. THANK YOU. YOU MAY BE EXCUSED.

21 MR. CHIER: NO OBJECTION.

22 THE COURT: YOU WILL BE EXCUSED. TELL THEM IN THE JURY  
23 ASSEMBLY ROOM THAT YOU CAN SERVE FOR A SHORT PERIOD OF TIME  
24 BUT YOU ARE EXCUSED FROM THIS CASE.

25 MR. WISSENBERG: OKAY. THANK YOU.

26 (PROSPECTIVE JUROR WISSENBERG EXITED  
27 CHAMBERS.)

28 THE CLERK: THIS IS KUNG YEH.

1 (PROSPECTIVE JUROR YEH ENTERED  
2 CHAMBERS.)

3 THE COURT: MR. KUNG YEH, WHERE DO YOU LIVE?

4 MR. YEH: I LIVE IN PACIFIC PALISADES.

5 THE COURT: AND I UNDERSTAND THAT YOU WANT TO BE  
6 EXCUSED FROM JURY DUTY IN THIS CASE?

7 MR. YEH: YES.

8 THE COURT: WHAT IS YOUR REASON FOR THAT?

9 MR. YEH: I WOULD BE IN A BIG FINANCIAL PROBLEM IF I  
10 HAVE TO SERVE FOR MORE THAN SAY 10 OR 15 DAYS. I ONLY  
11 PLANNED ON SERVING FIVE OR SIX DAYS.

12 I HAVE TWO CHILDREN IN COLLEGE. AND ONE SON IS  
13 UNDER PSYCHIATRIC TREATMENT. AND MY EMPLOYER ONLY ALLOWS  
14 10 WORKING DAYS.

15 THE COURT: WHO IS YOUR EMPLOYER?

16 MR. YEH: RAND CORPORATION.

17 THE COURT: WHAT?

18 MR. YEH: RAND CORPORATION.

19 THE COURT: RAND CORPORATION?

20 MR. YEH: ACROSS THE STREET.

21 MR. CHIER: ACROSS THE STREET?

22 MR. YEH: YES.

23 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. YOU WILL  
24 BE EXCUSED.

25 GO TO THE JURY ASSEMBLY ROOM AND TELL THE CLERK  
26 THERE THAT YOU CAN SERVE FOR TEN DAYS BUT YOU ARE EXCUSED  
27 FROM THIS CASE.

28 MR. YEH: THANK YOU.

1 THE COURT: ALL RIGHT.

2 (PROSPECTIVE JUROR YEH EXITED  
3 CHAMBERS.)

4 THE CLERK: THIS IS CHARLES WILLARD.

5 (PROSPECTIVE JUROR WILLARD ENTERED  
6 CHAMBERS.)

7 THE COURT: HE WAS NOT SWORN.

8 THE CLERK: HE WAS SITTING OVER THERE WITH THE REST  
9 OF THE JURORS. PLEASE STAND AND RAISE YOUR RIGHT HAND.

10 YOU DO SOLEMNLY SWEAR THAT YOU WILL WELL AND TRULY  
11 ANSWER SUCH QUESTIONS AS MAY BE ASKED OF YOU, TOUCHING UPON  
12 YOUR QUALIFICATIONS TO ACT AS A TRIAL JUROR IN THE CAUSE NOW  
13 PENDING BEFORE THIS COURT, SO HELP YOU GOD?

14 MR. WILLARD: I DO.

15 THE CLERK: OKAY. HAVE A SEAT.

16 THE COURT: ALL RIGHT. MR. WILLARD, WHERE DO YOU LIVE?

17 MR. WILLARD: HERMOSA BEACH.

18 THE COURT: ALL RIGHT. I UNDERSTAND THAT YOU WANT TO  
19 BE EXCUSED FROM JURY DUTY IN THIS CASE?

20 MR. WILLARD: YES I DO.

21 THE COURT: WHAT IS YOUR REASON?

22 MR. WILLARD: I AM UNEMPLOYED AND SEEKING EMPLOYMENT  
23 RIGHT NOW.

24 THE COURT: AND YOU NEED EMPLOYMENT TO GET ALONG?

25 MR. WILLARD: THAT'S RIGHT.

26 THE COURT: DO YOU HAVE ANY PROSPECTS OF GETTING ANY  
27 JOB?

28 MR. WILLARD: WELL, NOT REALLY AT THIS POINT. BUT I



1 HOPE SOON.

2 THE COURT: DO YOU THINK THREE MONTHS WOULD BE TOO LONG  
3 FOR YOU TO STAY OUT OF WORK?

4 MR. WILLARD: DEFINITELY.

5 THE COURT: ALL RIGHT. THANK YOU VERY MUCH. YOU WILL  
6 BE EXCUSED.

7 GO BACK TO THE JURY ASSEMBLY ROOM AND TELL THE  
8 CLERK THERE THAT YOU ARE EXCUSED IN THIS CASE AND YOU CAN  
9 BE IN SOME OTHER CASE FOR A SHORT PERIOD.

10 MR. WILLARD: THANK YOU.

11 THE COURT: THAT EXHAUSTS THE LIST.

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1 THE COURT: I WILL TELL YOU WHAT WE WILL DO. 93 WILL BE  
2 COMING BACK.

3 MR. CHIER: WILL THEY BE NAILED IN SOME OTHER CASE?

4 MR. WAPNER: NO. THOSE 93 ARE ON THIS CASE, THOSE ARE  
5 THE PEOPLE THAT HAVE ALREADY BEEN IN HERE.

6 MR. CHIER: THERE IS NO POSSIBILITY THEY WILL BE CALLED  
7 ON SOME OTHER CASE?

8 THE COURT: NO, NO.

9 MR. WAPNER: NO. THEY HAVE BEEN ASSIGNED TO THIS CASE.

10 THE COURT: ALL RIGHT, WE WILL GET THEM IN AND START  
11 THE WITHERSPOON.

12 INCIDENTALLY, THE UNITED STATES SUPREME COURT --

13 MR. CHIER: THE WITT CASE.

14 THE COURT: IN WAINRIGHT V. WITT, THAT CASE HELD THAT  
15 THE PROTEST FOR EXCLUSION OF A PROSPECTIVE JUROR BECAUSE OF  
16 BIAS AGAINST THE DEATH PENALTY IS, AND I QUOTE THIS "WHETHER  
17 THE JUROR'S VIEWS ON THAT SUBJECT WOULD PREVENT OR  
18 SUBSTANTIALLY IMPAIR PERFORMANCE OF DUTIES AS A JUROR AND NOT  
19 THE WITNERSPOON V. ILLINOIS TEST THAT RESTRICTED FOR CAUSE -  
20 EXCUSE TO CASES IN WHICH THE JUROR'S VIEWS WOULD RESULT IN AN  
21 AUTOMATIC VOTE AGAINST THE DEATH PENALTY OR WOULD IMPAIR A  
22 FINDING OF GUILT".

23 MR. CHIER: THE QUESTION, JUDGE, IS WHETHER OR NOT  
24 CALIFORNIA FOLLOWS WITHERSPOON OR WHETHER THEY WILL FOLLOW  
25 WITT.

26 THE COURT: WITT OBVIOUSLY CAME AFTER WITHERSPOON. I  
27 AM TELLING YOU NOW THAT THE UNITED STATES SUPREME COURT  
28 APPARENTLY HAS MODIFIED THE WITHERSPOON RULING.

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1 MR. CHIER: YES, BUT CALIFORNIA HAS ITS OWN STANDARD  
2 WITH RESPECT TO EXCLUDABLES, YOUR HONOR.

3 THE COURT: WELL, HAVEN'T WE BEEN FOLLOWING WITHERSPOON  
4 AND NOT CALIFORNIA, HAVEN'T WE?

5 MR. WAPNER: I THINK WE HAVE, ALTHOUGH I TEND TO AGREE  
6 WITH MR. CHIER AND I AM GOING TO HAVE TO DO SOME MORE  
7 CHECKING ON THE CASE BUT --

8 THE COURT: YOU MEAN THERE IS A CALIFORNIA SUPREME COURT  
9 CASE WHICH HAS ITS OWN STANDARDS AND WE DON'T GO BY WITHERSPOON,  
10 IS THAT WHAT YOU ARE TELLING ME?

11 MR. CHIER: THE CASE IS TOO NEW FOR THAT.

12 THE COURT: WHAT IS THE NAME OF THAT CASE?

13 MR. CHIER: THERE IS NO CASE BUT WITT IS TOO NEW AND  
14 THERE IS NO CALIFORNIA DECISION ON IT YET.

15 BUT THE MAJORITY OF THE TRIAL JUDGES, IF NOT ALL  
16 OF THEM THAT I HAVE HEARD OF, ARE FOLLOWING THE WITHERSPOON  
17 EXCLUDABLE RULE RATHER THAN THE WITT CASE AT THIS POINT.

18 THE COURT: ARE YOU GOING TO STIPULATE THAT WE FOLLOW  
19 WITHERSPOON INSTEAD OF WITT?

20 MR. CHIER: I WOULD LIKE A DAY OR TWO TO REVIEW THIS  
21 AND TO CONSULT OTHER PEOPLE WHO DO THIS A LOT, JUDGE.

22 THE COURT: I JUST THOUGHT I WOULD CALL THIS TO YOUR  
23 ATTENTION. I JUST GOT THIS AND I JUST READ IT THIS MORNING.  
24 I WILL GET THE WITT CASE AND SEE WHAT IT SAYS.

25 MR. WAPNER: AS FAR AS SCHEDULING IS CONCERNED, I NEED  
26 TO ASK COUNSEL, HAVE THE COURT ASK COUNSEL ABOUT WHETHER WE  
27 ARE GOING TO PROCEED WITH THE ARCE HEARING BECAUSE TENTATIVELY,  
28 I HAVE MR. ARCE COMING BACK ON THURSDAY, WHICH IS THE SAME

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1 DAY THAT ALL OF THE JURORS ARE COMING BACK.

2 UNLESS WE, COUNSEL SAID THEY WOULD LET ME KNOW  
3 ON MONDAY --

4 MR. CHIER: YES.

5 MR. WAPNER: -- ABOUT HOW HE WAS GOING TO PROCEED  
6 BASED ON THE ANSWERS FROM THE DIFFERENT JURORS.

7 THE COURT: I KNOW ON THIS PARTICULAR DISTRICT, WHAT WE  
8 HAVE BEEN FOLLOWING IS THE POST-WILLIAMS CASE WHERE WITHIN THE  
9 RADIUS OF 20 MILES FROM THE COURTHOUSE, THESE JURORS ARE  
10 SELECTED. NOW, IF THAT BE A FACT AND WE CAN GET THE JURY  
11 SUPERVISOR HERE OF THE WEST DISTRICT TO TESTIFY TO THAT, WE  
12 DON'T NEED ARCE TO COME IN HERE AND TESTIFY TO ANYTHING THAT  
13 MIGHT RELATE GENERALLY TO THE ENTIRE COUNTY.

14 MR. WAPNER: WELL, FIRST OF ALL, THAT WAS MY UNDERSTAND-  
15 ING ORIGINALLY AND I PUT THAT ON THE RECORD WHEN WE FIRST  
16 DISCUSSED THAT.

17 SINCE THEN, I HAVE TALKED TO MR. ARCE AND WHAT  
18 HAPPENED IS THAT THE WILLIAMS CASE WAS ACCEPTED BY THE  
19 SUPREME COURT. SINCE THAT MADE THE APPELLATE -- BASICALLY,  
20 THAT VACATED THE APPELLATE DECISION AND WILLIAMS, THEREFORE,  
21 WAS NOT THE LAW.

22 THE COURT: WAS NOT THE LAW?

23 MR. WAPNER: CORRECT, BECAUSE IT HAS BEEN ACCEPTED BY  
24 THE SUPREME COURT.

25 MR. CHIER: ONCE THEY GRANT A PETITION --

26 THE COURT: YOU MEAN THEY GRANTED A HEARING, DID THEY?

27 MR. WAPNER: THEY GRANTED A HEARING, SO THAT SANTA  
28 MONICA AS WELL AS ALL OF THE DISTRICTS IN THE REST OF THE

1 COUNTY HAVE GONE BACK TO THE METHOD OF JURY SELECTION THEY  
2 WERE USING BEFORE THE WILLIAMS DECISION CAME DOWN.

3 THE COURT: AND WHAT WAS THAT?

4 MR. CHIER: THE NEAREST TO THE COURTHOUSE, JUDGE.

5 THE COURT: IT IS OBVIOUS FROM THESE QUESTIONS WHICH  
6 I HAVE ASKED EACH ONE OF THESE PROSPECTIVE JURORS THAT CAME  
7 IN AND SOUGHT TO BE EXCUSED, WHEN I ASKED THEM AS TO WHERE  
8 THEY LIVED, IT SEEMED TO ME THEY ALL LIVE WITHIN A 20-MILE  
9 AREA OF THE COURTHOUSE AND IT IS NOT LIMITED TO SANTA MONICA  
10 ALONE, OBVIOUSLY.

11 MR. WAPNER: WELL, I JUST WANT TO KNOW FROM MR. CHIER  
12 WHETHER HE STILL WANTS A HEARING ON THE ISSUE.

13 MR. CHIER: I DO.

14 THE COURT: WELL, I MIGHT NOT GRANT IT TO YOU.

15 MR. CHIER: WELL, JUDGE, IF YOU DON'T GRANT IT THEN I  
16 CAN'T FORCE YOU TO GRANT IT.

17 THE COURT: I AM NOT GOING TO GRANT IT. I THINK IT  
18 IS A WASTE OF TIME.

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1 MR. WAPNER: YOUR HONOR, WITH ALL DUE RESPECT --

2 THE COURT: IT IS A WASTE OF TIME. I AM NOT GOING TO  
3 HEAR IT.

4 MR. WAPNER: I THINK WE SHOULD AT LEAST HAVE A HEARING  
5 AND HAVE MR. ARCE HERE SO WE CAN HAVE A RECORD SO THE COURT  
6 CAN HEAR IT.

7 THE COURT: A RECORD OF WHAT?

8 MR. WAPNER: THAT THERE WAS A MOTION MADE AND HEARD.

9 THE COURT: IN THIS CASE?

10 MR. WAPNER: IN THIS CASE.

11 THE COURT: THERE HAS BEEN A MOTION MADE AND I HAVE  
12 TAKEN JUDICIAL NOTICE OF THE FACT THAT ALL OF THESE JURORS  
13 COMING IN CAME FROM A RADIUS OF 20 MILES.

14 MR. CHIER: THERE HAS BEEN NO TESTIMONY AS TO THAT.

15 THE COURT: I ASKED THEM, DIDN'T IT? I PUT IT ON THE  
16 RECORD JUST BECAUSE YOU WANTED TO FIND OUT WHERE THEY LIVED  
17 AND I ASKED THEM ABOUT IT.

18 MR. WAPNER: I WOULD LIKE TO JOIN BASICALLY WITH  
19 MR. CHIER AND HAVE MR. ARCE HERE.

20 THE ONLY REASON TO RAISE THE ISSUE IS BASICALLY  
21 A QUESTION OF SCHEDULING BECAUSE WE HAVE THESE JURORS COMING  
22 BACK ON THURSDAY AND I UNDERSTAND WE WERE GOING TO HAVE  
23 MR. ARCE HERE ON THURSDAY.

24 THE COURT: YOU SAY YOU WANT TO GO AHEAD WITH ARCE?

25 MR. WAPNER: I DO WANT TO HAVE A HEARING.

26 THE COURT: WHAT IS THIS HEARING GOING TO ESTABLISH?

27 MR. WAPNER: WELL, THERE IS NO POINT --

28 THE COURT: TELL ME THE PURPOSE OF THE HEARING.

1 MR. WAPNER: THE PURPOSE OF THE HEARING IS TO HAVE A  
2 HEARING BECAUSE THE MOTION WAS MADE.

3 THE COURT: YES, THAT IS WHAT I WANT TO UNDERSTAND.  
4 WHAT IS THE PURPOSE OF THE MOTION AND WHAT IS THE PURPOSE  
5 OF THE HEARING?

6 MR. WAPNER: THE PURPOSE OF THE MOTION, AS I UNDERSTAND  
7 IT, IS THAT THE JURORS IN THE SANTA MONICA JUDICIAL DISTRICT  
8 DO NOT REPRESENT A FAIR CROSS SECTION OF THE AVAILABLE JURY  
9 POPULATION IN THE COUNTY OF LOS ANGELES, THAT IS THE THRUST  
10 OF THE MOTION.

11 MR. CHIER: IT IS AND THERE ARE SOME OTHER BASES.

12 THE COURT: THAT MEANS YOU AGREE WITH THEIR MOTION THAT  
13 IF THEY ARE TAKEN FROM A RADIUS OF 20 MILES THAT, THEREFORE,  
14 IT IS TOO RESTRICTIVE; IS THAT WHAT YOU ARE SAYING?

15 MR. WAPNER: NO, THAT IS NOT WHAT I AM SAYING AT ALL.  
16 I DON'T AGREE WITH THEIR POSITION.

17 THE COURT: I AM TALKING NOW ABOUT THE ENTIRE COUNTY.

18 MR. WAPNER: YOUR HONOR, I AM NOT SAYING I AGREE WITH  
19 THEIR POSITION. I WANT TO MAKE IT CLEAR I DISAGREE  
20 COMPLETELY WITH THEIR POSITION AND I THINK MR. ARCE'S  
21 TESTIMONY WILL SUBSTANTIATE THE PEOPLE'S VIEW THAT THIS IS  
22 IN FACT A FAIR CROSS SECTION.

23 ALL I AM SAYING IS THAT ONCE THE MOTION IS MADE  
24 THAT --

25 THE COURT: IS ARCE, OR WHATEVER HIS NAME, GOING TO  
26 TESTIFY AS TO THE COMPOSITION OF THE JURORS HERE IN  
27 SANTA MONICA --

28 MR. WAPNER: IN SANTA MONICA.

1 THE COURT: -- THAT ARE CALLED IN?

2 MR. WAPNER: IN SANTA MONICA, HOW THEY ARE PICKED AND  
3 WHAT THAT MEANS IN TERMS OF THE REST OF THE COUNTY AND THE  
4 JURY POPULATION AVAILABLE FOR THE REST OF THE COUNTY.

5 MR. CHIER: IT IS STATISTICS, YOUR HONOR.

6 THE COURT: IF YOU WANT IT AND YOU THINK THERE IS A  
7 POSSIBILITY THERE MIGHT BE REVERSIBLE ERROR, I WILL GO ALONG  
8 WITH YOU BUT I THINK IT IS A WASTE OF TIME.

9 MR. WAPNER: SINCE WE ALL HAVE THESE JURORS COMING BACK  
10 ON THURSDAY, MAY I SUGGEST THE FOLLOWING: INSTEAD OF HAVING  
11 TO CALL 80 OR 90 JURORS AND TELL THEM TO COME ON A DIFFERENT  
12 DAY, LET ME CALL MR. ARCE AND ASK HIM IF HE CAN BE HERE ON  
13 MONDAY, A WEEK FROM TODAY. CAN WE TAKE THAT DAY OFF FROM  
14 THE JURY SELECTION AND TELL SOME OF THE JURORS TO COME BACK  
15 THE FOLLOWING TUESDAY AND THEN WE CAN HAVE THE ARCE HEARING  
16 A WEEK FROM TODAY?

17 IN OTHER WORDS, MR. ARCE IS SUPPOSED TO HAVE BEEN  
18 BACK HERE THE SAME DAY THAT ALL OF THE JURORS ARE SUPPOSED  
19 TO BE COMING BACK. WE CAN'T BEGIN THE WITHERSPOON UNLESS  
20 YOU WANT TO HAVE ALL OF THE JURORS HERE ON THURSDAY AND THEN  
21 JUST EXCUSE THEM UNTIL NEXT WEEK SOMETIME. BUT IT SEEMS LIKE  
22 A WASTE OF THEIR TIME TO BRING THEM ALL BACK HERE.

23 THE COURT: HOW LONG IS ARCE GOING TO BE?

24 MR. WAPNER: I DON'T KNOW HOW LONG HE IS GOING TO BE.  
25 YOU WILL REALLY HAVE TO ASK MR. CHIER ABOUT THAT. BUT THESE  
26 MOTIONS CAN TAKE ANYWHERE FROM AN HOUR TO A DAY, BASICALLY.

27 THE COURT: WHAT IS IT YOU PROPOSE TO DO, MR. CHIER,  
28 IF YOU HAVE ARCE HERE?



1 MR. CHIER: I WOULD PROPOSE TO ELICIT FROM HIM THE  
2 DEMOGRAPHICS FOR LOS ANGELES COUNTY, THE DEMOGRAPHICS FOR  
3 THE SANTA MONICA JUDICIAL DISTRICT.

4 THE COURT: I THOUGHT YOU SAID HE HAD ALREADY DONE THAT  
5 IN THE CASE IN THE VALLEY.

6 MR. CHIER: THAT WAS IN THE VALLEY.

7 I WAS TALKING ABOUT THE SANTA MONICA JUDICIAL  
8 DISTRICT.

9 THE COURT: YOU MADE THAT PART OF YOUR MOTION, DIDN'T  
10 YOU?

11 MR. CHIER: I WAS GOING TO, YOUR HONOR, BUT IT GOT TOO  
12 COMPLICATED SO I THINK WE HAD JUST BETTER DO IT.

13 THE COURT: YOU WANT ME TO READ THE RECORD IN THAT  
14 PARTICULAR CASE?

15 MR. CHIER: NO, YOUR HONOR, NO.

16 THE COURT: WELL, HE IS GOING TO REPEAT EXACTLY WHAT  
17 HE SAID IN THAT CASE.

18 MR. CHIER: TO SOME EXTENT HE MIGHT, YOUR HONOR, BUT --

19 THE COURT: HOW DIFFERENT WOULD THE QUESTIONS BE?

20 MR. CHIER: THEY WOULD BE DIFFERENT INSOFAR AS THIS  
21 JUDICIAL DISTRICT IS CONCERNED. THERE WERE NO QUESTIONS  
22 ADDRESSED TO THIS DISTRICT. THEY WOULD BE DIFFERENT IN TERMS  
23 OF THAT.

24 THE COURT: WHY DID YOU MAKE YOUR MOTION ON THE BASIS  
25 OF THE ARCE HEARING, THAT IS, THE TESTIMONY THAT ARCE MADE  
26 IN THE SAN FERNANDO CASE? WHY DID YOU MAKE THAT IF IT WASN'T  
27 MATERIAL AND RELEVANT IN THIS CASE?

28 MR. CHIER: WHAT I WAS GOING TO TRY TO USE WAS TO USE

1 IT LIKE AN S.O.T. PLUS, YOUR HONOR, BUT IT GOT TOO COMPLICATED  
2 AT SOME POINT AND IT WASN'T CLEAR WHAT WAS GOING TO RESULT  
3 FROM IT SO WE BASICALLY WITHDREW THE REQUEST TO SUBMIT THAT.

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1 THE COURT: WELL, I THINK I INDICATED TO YOU AT THE TIME  
2 THAT I TALKED ABOUT THE PARTICULAR MOTION, THAT THERE WERE  
3 NO GROUNDS OR FACTS STATED IN THAT MOTION IN WRITING, ON THE  
4 BASIS OF WHICH YOU ARE SEEKING TO HAVE THE ENTIRE PANEL  
5 DISQUALIFIED. THAT SAME DEFECT IS STILL PRESENT NOW.

6 I HAVE NOT GOT ANY IDEA AS TO WHAT THE FACTS ARE  
7 ON WHICH YOU ARE RELYING FOR THE PURPOSE OF SAYING THAT THE  
8 PANEL THAT WE HAVE HERE, IS NOT PROPERLY CONSTITUTED.

9 MR. CHIER: THE FACTS WILL COME OUT THROUGH MR. ARCE'S  
10 TESTIMONY.

11 THE COURT: WELL, WHAT WILL HIS TESTIMONY SHOW?

12 MR. CHIER: HIS TESTIMONY WILL SHOW ONE, THAT THE JURORS  
13 THAT ARE CONSCRIPTED IN SERVICE IN THIS JUDICIAL DISTRICT,  
14 DO NOT REPRESENT A FAIR CROSS-SECTION OF THE COMMUNITY THAT  
15 THE COMMUNITY CONSISTS OF.

16 THE COURT: HOW DO YOU MEAN THEY DON'T REPRESENT A FAIR  
17 CROSS-SECTION? HOW DO YOU MEAN THAT? WHAT DO YOU MEAN?

18 MR. CHIER: RACIALLY, THAT THEY ARE NOT REPRESENTATIVE.  
19 THEY DO NOT --

20 THE COURT: WE DO NOT HAVE RACIAL QUESTIONS INVOLVED  
21 IN THIS CASE.

22 MR. CHIER: THERE DOESN'T HAVE TO BE A RACIAL QUESTION.

23 THE COURT: YES, THERE IS. THERE IS ONLY -- IT IS ONLY  
24 WHEN YOU HAVE SOMEBODY, A DEFENDANT WHO MIGHT BE BLACK OR YOU  
25 HAVE A CHICANO OR SOMETHING THAT MIGHT BE INVOLVED --

26 MR. CHIER: THAT IS NOT THE LAW.

27 THE COURT: MERELY BECAUSE YOU HAVE GOT A --

28 MR. CHIER: THAT IS NOT THE LAW. THE SUPREME COURT

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1 HAS SAID IN PETERS V. KIFF THAT YOU DO NOT HAVE TO BE A MEMBER  
2 OF A CLASS THAT IS EXCLUDED IN ORDER TO COMPLAIN OF THAT.

3 THE COURT: BUT THERE IS NO CLASS EXCLUDED. YOU NOTICE  
4 THAT WE HAVE BLACKS COMING IN HERE.

5 MR. CHIER: THERE ARE BLACKS BUT IT IS FAR BELOW THEIR  
6 REPRESENTATIVE --

7 THE COURT: NO, ABOUT 18 PERCENT.

8 MR. CHIER: WELL, THERE WERE ONLY TWO.

9 THE COURT: NO. MANY MORE THAN THAT. YOU WEREN'T HERE  
10 AT THE TIME WE HAD SOME OF THEM.

11 MR. CHIER: I HAVE HERE TWO LISTS SUBMITTED BY THE  
12 CLERK AND OUT OF THAT --

13 THE COURT: THAT IS TODAY ONLY. BUT HOW ABOUT THE OTHER  
14 DAYS WE WERE HERE? THERE WERE A NUMBER OF BLACKS WHO WERE  
15 IN HERE.

16 MR. CHIER: IF I AM WRONG, THEN I AM WRONG. BUT I AM  
17 ENTITLED TO MAKE A MOTION.

18 THE COURT: YOU CAN MAKE THE MOTION. BUT I WON'T TAKE  
19 DAYS HEARING IT. I AM TELLING YOU THAT RIGHT NOW.

20 YOU JUST ASK HIM POINT BLANK WHAT THE COMPOSITION  
21 OF THE JURY IS AND HOW THEY ARRIVED. THAT IS AS FAR AS I WILL  
22 LET YOU GO.

23 MR. WAPNER: I DON'T KNOW HOW LONG IT IS GOING TO TAKE  
24 TO HEAR THE MOTION.

25 BUT RATHER THAN HAVE JURORS SITTING IN THE HALLWAY,  
26 WAITING TO SEE WHETHER OR NOT THEY ARE GOING TO GET IN, IT  
27 SEEMS TO ME THAT WOULD BE --

28 THE COURT: WHAT ARE YOU GOING TO HAVE -- WHEN IS ARCE

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1 COMING HERE?

2 MR. WAPNER: WELL, I WAS PLANNING TO DO IT ON THURSDAY.  
3 BUT I THINK MONDAY IS NOW BETTER BECAUSE WE HAVE THE JURORS  
4 COMING BACK ON THURSDAY.

5 THE COURT: WELL, YOU HAVE JURORS COMING BACK ON  
6 THURSDAY. I AM TELLING YOU THAT I AM NOT GOING TO TAKE A DAY  
7 OR TWO TO HAVE MR. ARCE UP ON THE STAND. YOU CAN SIMPLY ASK  
8 HIM ABOUT THE COMPOSITION OF THE JURY, HOW IT IS CONSTITUTED  
9 IN THIS COUNTY.

10 MR. WAPNER: WELL, I DON'T THINK THERE IS A SIMPLE  
11 EXPLANATION. I MEAN, I DON'T KNOW HOW LONG IT IS GOING TO  
12 TAKE. BUT IF YOU WANT TO ASK MR. ARCE TO COME ON MONDAY MORNING  
13 AND HAVE THE JURORS COME ON MONDAY AFTERNOON --

14 THE COURT: NO. YOU HAVE HIM COME ON THURSDAY MORNING.  
15 WE'LL GET THAT OUT OF THE WAY.

16 YOU HAVE ARCE COME IN ON THURSDAY MORNING AT  
17 10:00 O'CLOCK. WE WILL START WITH THE MOTION. WE WERE  
18 SUPPOSED TO DO IT ON THURSDAY ANYWAY.

19 MR. WAPNER: HE IS AT THE MOMENT, COMING ON THURSDAY.

20 THE COURT: COMING ON THURSDAY?

21 MR. CHIER: I WILL JOIN WITH MR. WAPNER.

22 THE COURT: WELL, I WON'T DO IT THAT WAY. I WANT TO HAVE  
23 HIM HERE ON THURSDAY MORNING AND SEE HOW LONG IT TAKES.

24 IF IT LOOKS LIKE IT IS GOING TO TAKE TOO LONG,  
25 THEN I WILL JUST EXCUSE THE JURORS.

26 MR. WAPNER: FINE.

27 THE COURT: ALL RIGHT. WHAT IS THE CITATION ON THAT  
28 CASE, PETERS V. KIFF?

1 MR. CHIER: I DON'T KNOW YOUR HONOR. I CAN GET IT FOR  
2 YOU IF YOU LET ME GO TO MY BRIEFCASE. I WILL GET IT FOR YOU.

3 THE COURT: GET IT FOR ME.

4 MR. WAPNER: WE ARE IN RECESS, THEN?

5 THE COURT: YES.

6 (RECESS.)

7 (IN CAMERA HEARING REPORTED, BUT NOT  
8 TRANSCRIBED.)

9 (PROCEEDINGS WERE ADJOURNED UNTIL WEDNESDAY,  
10 NOVEMBER 12, 1986 AT 10:30 A.M.)

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1 (THE PRIOR GAG ORDER HAVING BEEN RESCINDED  
2 THE FOLLOWING PROCEEDINGS ARE NOW INCLUDED  
3 IN THE RECORD:)

21 4 (THE FOLLOWING IN CAMERA HEARING WAS HELD  
5 IN CHAMBERS IN THE PRESENCE OF THE COURT,  
6 ROBERT M. SWEET, CHIEF ASSISTANT GENERAL  
7 COUNSEL FROM THE STATE BAR OF CALIFORNIA  
8 AND GLORIA A. ZANK, MORAL CHARACTER COUNSEL  
9 AND OFFICE OF TRIAL COUNSEL, THE STATE BAR  
10 OF CALIFORNIA. THE DEFENDANT AND COUNSEL  
11 WERE NOT PRESENT.)

12 THE COURT: WELL, OFF THE RECORD.

13 (UNREPORTED COLLOQUY BETWEEN THE COURT  
14 AND COUNSEL PRESENT.)

15 THE COURT: IN THAT CASE, THE CHRONICLE, THEY HELD THAT  
16 COMPLAINTS ARE CONFIDENTIAL; IS THAT RIGHT?

17 MR. SWEET: YES, YOUR HONOR.

18 THE COURT: UNLESS THEY RESULT IN DISCIPLINARY ACTION  
19 AGAINST THE ATTORNEY?

20 MR. SWEET: YES.

21 THE COURT: THAT IS THE CHRONICLE CASE AT 54 CAL.2D,  
22 548, WHICH MR. SWEET CITED TO ME WHICH HE INDICATES HOLD  
23 THAT DISCIPLINARY PROCEEDINGS BEFORE THE STATE BAR, UNLESS  
24 THEY RESULT IN A DISCIPLINARY ACTION AGAINST THE ATTORNEY,  
25 ARE CONFIDENTIAL AND CANNOT BE DISCLOSED, ALL RIGHT?

26 NOW WE START WITH NUMBER 3, COMPLAINT AGAINST  
27 AN ATTORNEY, AN OPEN FILE. WHAT DO WE HAVE ON THAT?

28 MR. SWEET: MAY THE RECORD SHOW THAT WE ARE HANDING

1 THE JUDGE A FILE WE MARKED FILE NUMBER 3? THIS BEING 1 OF  
2 7 FILES.

3 THE COURT: YES, THE RECORD WILL INDICATE THE COURT  
4 IS EXAMINING THE FILE.

5 (PAUSE IN PROCEEDINGS.)

6 THE COURT: THERE IS A NOTE HERE ON YELLOW PAPER "MET  
7 WITH GALINDO ON THE DATE OF DECEMBER 10, 1085" -- WHAT DOES  
8 IT SAY? DOES IT SAY "WITH APPLICANT"? WHAT DOES THAT MEAN?

9 MS. ZANK: "CW" MEANING COMPLAINING WITNESS.

10 THE COURT: THE COMPLAINING WITNESS IS AN APPLICANT.  
11 WHO IS THE COMPLAINING WITNESS?

12 MS. ZANK: MR. KARNY.

13 THE COURT: MR. WHO?

14 MS. ZANK: MR. KARNY.

15 THE COURT: THE COMPLAINING WITNESS, IS HE THE  
16 COMPLAINING WITNESS?

17 MS. ZANK: YES --

18 THE COURT: WHO IS BEING INVESTIGATED FOR MORAL  
19 FITNESS: "COMPLAINING WITNESS, ACCORDING TO DANNY'S  
20 INFORMATION, IS INVOLVED IN TWO MURDERS, NUMEROUS FRAUDS,  
21 ET CETERA."

22 WHAT DOES THAT MEAN? DOES THAT MEAN KARNY IS  
23 INVOLVED IN TWO MURDERS, IS THAT IT?

24 MS. ZANK: THAT IS PART OF THE INVESTIGATION INTO HIS  
25 BACKGROUND AS A BAR APPLICANT.

26 THE COURT: WHERE DID THIS INFORMATION COME FROM?

27 MS. ZANK: IT CAME FROM DANNY GALINDO. WHEN HE REQUESTED  
28 THE FILE, ANY FILE THAT WE HAD ON MR. KARNY --



1 THE COURT: WHO IS GALINDO?

2 MS. ZANK: MY INVESTIGATOR.

3 THE COURT: THIS IS IN CONNECTION WITH THE INVESTIGATION  
4 OF KARNY?

5 MS. ZANK: MR. KARNY. WE REQUESTED THE FILE ON HIS  
6 COMPLAINT, MR. KARNY'S COMPLAINT AGAINST AN ATTORNEY.

7 THE COURT: WHO IS THE ATTORNEY?

8 MS. ZANK: MR. JOHNSON.

9 THE COURT: OH, YES.

10 MR. SWEET: THIS IS THE ATTORNEY THAT MR. KARNY COMPLAINED  
11 ABOUT.

12 THE COURT: YOU WERE INVESTIGATING JOHNSON, IS THAT  
13 IT?

14 MS. ZANK: THE DISCIPLINARY SECTION WAS INVESTIGATING  
15 MR. JOHNSON.

16 THE COURT: I SEE.

17 MS. ZANK: WE JUST PULLED THAT FILE TO SEE WHAT IT MIGHT  
18 HAVE IN IT FOR OUR INVESTIGATION.

19 THE COURT: I SEE. AND KARNY HAD MADE A COMPLAINT  
20 AGAINST JOHNSON, IS THAT THE IDEA?

21 MS. ZANK: YES, SIR.

22 THE COURT: AND THE LETTER WAS SENT TO HIM BY THE STATE  
23 BAR UNDER DATE OF JANUARY 22, 1985, TELLING HIM OR REPORTING  
24 TO HIM ABOUT THE RESULT OF THE INVESTIGATION?

25 MS. ZANK: I THINK IT IS TELLING HIM THAT IT WILL BE  
26 PROCESSED LATER BECAUSE OF THE BIG BACKLOG THAT THEY HAD IN  
27 THE DISCIPLINARY CASES.

28 I WOULD POINT OUT THAT THE ATTORNEY WHO QUESTIONED

1 MR. JOHNSON --

2 THE COURT: ALL RIGHT. THIS HAD TO DO WITH THE COMPLAINT  
3 THAT HE HAD, MR. KARNY HAD; IS THAT RIGHT?

4 MS. ZANK: AGAINST MR. JOHNSON, BUT IT WAS NOT THAT  
5 MR. JOHNSON REPRESENTED HIM IN THIS CRIMINAL MATTER. IT WAS  
6 A DIFFERENT MATTER.

7 THE COURT: HE HAD NOTHING TO DO WITH THAT?

8 MS. ZANK: THAT'S RIGHT.

9 THE COURT: SO AM I CORRECT IN CONCLUDING THAT THIS  
10 PARTICULAR FILE HAS NOTHING TO DO WITH KARNY VIS A VIS THESE  
11 MURDER INVESTIGATIONS?

12 MS. ZANK: YES, SIR, THAT'S CORRECT.

13 THE COURT: AND I HAVE GONE THROUGH THE FILE.

14 MS. ZANK: IT SEEMS TO ME THAT IT WAS MORE OF A FEE  
15 DISPUTE THAN ANYTHING.

16 THE COURT: A FEE DISPUTE, THERE WAS A RETAINER AGREEMENT  
17 THAT THEY HAD. BUT THIS IS NOT IN CONNECTION WITH ANY OF  
18 KARNY'S PROBLEMS IN THIS INVESTIGATION?

19 MS. ZANK: NO. IT WAS IN A CIVIL LITIGATION.

20 THE COURT: ALL RIGHT. WITH RESPECT TO FILE NUMBER 3,  
21 THE COURT HAS EXAMINED THE FILE AND CONCLUDES THERE IS NOTHING  
22 IN THAT FILE WHICH IN ANY WAY WOULD BE REMOTELY APPLICABLE  
23 TO THE PROSECUTION UNDERWAY OR IN ANY WAY IMPEACHING OF THE  
24 TESTIMONY OF KARNY IN THE CRIMINAL TRIAL.

25 MR. SWEET: JUDGE, WOULD YOU LIKE US TO MAKE COPIES  
26 OF THIS STUFF SO WE CAN ATTACH IT TO THE SEALED PART OF THE  
27 TRANSCRIPT?

28 THE COURT: WELL, THAT MIGHT BE INDICATED, YES. I THINK

1 IT WOULD BE A GOOD IDEA, DON'T YOU?

2 MS. ZANK: YES, SIR. WE WILL COPY THESE FILES.

3 THE COURT: YES.

4 NOW THAT COVERS 3, DOESN'T IT?

5 NOW WE GO TO 4, THE BAR APPLICATION FILE.

6 MR. SWEET: MAY THE RECORD SHOW WE HAVE HANDED HIS HONOR  
7 FILE NUMBER 4?

8 THE COURT: YES.

9 (PAUSE IN PROCEEDINGS.)

10 THE COURT: WELL, THE APPLICATION WOULD INDICATE THAT  
11 IT WAS MADE ON 11-07-84, THE DATE FILED. BUT ALSO INDICATE  
12 HE WAS EMPLOYED BY THE LAW FIRM OF DICKER AND DICKER AS THE  
13 LAW CLERK FOR A PERIOD OF SIX MONTHS FROM OCTOBER, 1982 TO  
14 MARCH, 1983 AND THAT HE LISTED A NUMBER OF REFERENCES,  
15 ET CETERA, INCLUDING A SUPERIOR COURT JUDGE.

16 THIS IS A COPY OF THAT?

17 MS. ZANK: NO.

18 ONE IS FOR THE FEBRUARY BAR AND ONE WAS FOR THE  
19 JULY BAR.

20 THE COURT: HE MADE TWO APPLICATIONS, DID HE?

21 MS. ZANK: YES, SIR.

22 MR. SWEET: FOR 1985?

23 MS. ZANK: I THINK THEY WERE BOTH 1985. I THINK HE  
24 WITHDREW FROM THE FEBRUARY BAR.

25 THE COURT: HE DIDN'T TAKE THE BAR ON THAT ONE AND THEN  
26 HE HAD TO MAKE A NEW APPLICATION, IS THAT IT?

27 MS. ZANK: YES, SIR, A REQUEST.

28 THE COURT: AND THIS IS A NEW APPLICATION?

1 MS. ZANK: YES.

2 THERE IS SOME INFORMATION IN THERE OF SOME  
3 LITIGATION UNDER THE MORAL CHARACTER SECTION.

4 THE COURT: UNDER WHAT?

5 MS. ZANK: THE MORAL CHARACTER SECTION.

6 THE COURT: WHICH ONE IS THAT NOW?

7 MS. ZANK: THE NEXT PAGE HAS THE CIVIL LITIGATION.

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1 MR. SWEET: WE ARE REFERRING TO WHICH NOW?

2 THE COURT: THE SECOND ONE.

3 MS. ZANK: WHEN THE INFORMATION IS ON BOTH APPLICATIONS,  
4 IT -- WELL IT IS IN THE SAME PLACES.

5 THE COURT: AND ALL HE HAD WERE TRAFFIC VIOLATIONS,  
6 IS THAT RIGHT?

7 MS. ZANK: YES. THE APPLICATION --

8 THE COURT: IT DID NOT INVOLVE ALCOHOL OR DRUGS.

9 MS. ZANK: THE APPLICATION REQUIRES ONLY CONVICTION  
10 INFORMATION BE DISCLOSED.

11 THE COURT: HE HAD NO CONVICTIONS?

12 MS. ZANK: CORRECT. THAT IS THE CIVIL LITIGATION PAGE.

13 THE COURT: ALL RIGHT. ON THIS APPLICATION IT INDICATES  
14 THIS LITIGATION THAT HE WAS ENGAGED IN WITH MR. JOHNSON.

15 MS. ZANK: YES, SIR.

16 THE COURT: THE ISSUES WERE THEN PENDING AT THIS TIME.  
17 THERE WAS ALSO A LAWSUIT FOR THE BROKERAGE HOUSE NAMED  
18 CANTOR AND FITZGERALD. AT THAT TIME THE SUITS WERE IN  
19 LITIGATION.

20 (OFF THE RECORD DISCUSSION.)

21 THE COURT: DID YOU FIND OUT WHAT HAPPENED TO THE CIVIL  
22 LITIGATION?

23 MS. ZANK: MY INFORMATION IS THAT IT IS STILL PENDING.

24 THE COURT: ALL RIGHT. WHAT DOES THIS REPRESENT?

25 MS. ZANK: THAT IS A REFERRAL SHEET SENDING IT OVER  
26 TO ME FROM THE COMMITTEE OF LAW EXAMINERS.

27 THE COURT: OKAY. THIS IS CONFIDENTIAL INFORMATION  
28 THAT YOU SENT TO OTHER PEOPLE ABOUT THE APPLICANT, ISN'T IT?

1 MS. ZANK: CONFIDENTIAL QUESTIONNAIRES SENT TO THE  
2 REFERENCES HE LISTED ON HIS APPLICATION FORM.

3 THE COURT: UH-HUH.

4 MR. SWEET: THOSE ARE ONE OF THE THINGS -- THE ONLY  
5 THING I AM REALLY CONCERNED ABOUT HERE IN TERMS OF THE STATE  
6 BAR, THAT WE ARE SERIOUSLY CONCERNED ABOUT.

7 THAT IS THE IDENTITY OF THE PEOPLE WHO GAVE US  
8 THE -- WHO RESPONDED IN CONFIDENCE TO US.

9 THE COURT: SURE. WELL, I WON'T DISCLOSE THAT OR ANY  
10 INQUIRIES THAT YOU MADE OF THEM.

11 THIS LETTER OF JANUARY 10, 1986, YOU SENT TO  
12 MRS. ZANK, WAS THAT EVER REPLIED TO?

13 MS. ZANK: NO. HE RETAINED COUNSEL AND THEN THE NEXT  
14 THING THAT I RECEIVED WAS THE FOLLOWING LETTER FROM HIS COUNSEL.

15 THE COURT: ALL RIGHT. THAT TAKES CARE OF FILE NUMBER 4.

16 WOULD IT BE TOO MUCH TROUBLE FOR YOU TO REPRODUCE  
17 THOSE?

18 MR. SWEET: NOT AT ALL.

19 THE COURT: ALL RIGHT. THANK YOU.

20 NOW, WE'LL TAKE NUMBER 5.

21 MS. ZANK: HERE, YOUR HONOR.

22 THE COURT: THIS IS THE REPORT FROM GALINDO, IS THAT  
23 CORRECT -- NO. NO, THERE WAS A LETTER ADDRESSED TO THE  
24 COMMITTEE OF BAR EXAMINERS IN WHICH THEY EXPRESSLY ASK THAT  
25 THE LETTER BE KEPT CONFIDENTIAL.

26 MS. ZANK: YES.

27 THE COURT: NOW, THIS LETTER OF DECEMBER 6, RECITES  
28 CERTAIN TRANSACTIONS HAD BY MR. KARNY WITH THE WRITERS, WHICH

1 THE COURT WILL RULE IS CONFIDENTIAL BECAUSE IT IS REQUESTED  
2 THAT IT BE SO.

3 THERE IS THE REPLY TO THAT LETTER FROM THE STATE  
4 BAR OF CALIFORNIA WHICH IS ALSO CONFIDENTIAL, SIGNED BY  
5 MR. GALINDO.

6 THERE IS ANOTHER LETTER WHICH ENCLOSSES A COPY  
7 OF AN ARTICLE IN THE LOS ANGELES MAGAZINE, WHICH IS A MATTER  
8 OF PUBLIC RECORD AND ALL INTERESTED PARTIES IN THE CASE HAD  
9 COPIES OF IT.

10 MR. GALINDO IN REPLY TO A LETTER OF THE ATTORNEY  
11 WHO WROTE THE LETTER ON BEHALF OF THESE PEOPLE WHO WERE  
12 ALLEGED VICTIMS -- HE EXPRESSLY REFERS TO THE MURDER  
13 INVESTIGATION.

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1 THE COURT: IN ANY EVENT, THE CORRESPONDENCE BETWEEN  
2 MR. GALINDO AND THESE ATTORNEYS REPRESENTING THESE PEOPLE  
3 ARE DEEMED BY YOU TO BE CONFIDENTIAL; IS THAT TRUE?

4 MR. SWEET: YES, YOUR HONOR, THEY ARE.

5 WHAT I MIGHT SUGGEST THERE IS THAT WE MAKE A COPY  
6 AND BLOCK OUT THE NAME AND ADDRESS OF THE PEOPLE WHO WROTE  
7 TO US. GLORIA, DO YOU THINK THAT WOULD DO IT?

8 THE COURT: WHAT IS IN THERE?

9 MS. ZANK: IT IS JUST AN ENVELOPE, YOUR HONOR.

10 THE COURT: ALL RIGHT, THAT MIGHT BE A GOOD IDEA.

11 MR. SWEET: CAN YOU REMEMBER TO DO THAT?

12 MS. ZANK: WHEN WE COPY THEM TO BE SEALED, HAVE THE  
13 NAMES DELETED?

14 MR. SWEET: ONLY THOSE WE TALKED ABOUT AND MENTIONED.

15 MS. ZANK: YES.

16 THE COURT: OF THOSE ATTORNEYS, YOU KNOW.

17 MS. ZANK: YES.

18 THE COURT: THEY WERE WRITING ABOUT THE VICTIMS THEY  
19 REPRESENTED.

20 MR. SWEET: THAT IS OKAY, YOUR HONOR.

21 THE COURT: SURE, FINE.

22 MR. SWEET: SO JUST AS TO FILE NUMBER 5, QUERY AS TO  
23 FILE NUMBER 5: WHEN YOU MAKE COPIES, BLACK OUT THE NAME AND  
24 ADDRESS OF THE PEOPLE WHO WROTE TO US.

25 MS. ZANK: YES, I WILL DO THAT.

26 AND THE PEOPLE DANNY IS WRITING TO, DANNY  
27 BEING MR. GALINDO.

28 THE COURT: ALL RIGHT. NOW NUMBER 6 LOOKS LIKE ALL



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1 WORK PRODUCT, DOESN'T IT?

2 MR. SWEET: I THINK ALL EXCEPT THE LAST ITEM.

3 THE COURT: YES, I WILL TAKE A LOOK AT THAT.

4 (PAUSE IN PROCEEDINGS.)

5 THE COURT: NOW, THIS IS A MEMORANDUM TO THE FILE BY  
6 MR. GALINDO RE KARNY RELATING TO THE CORRESPONDENCE THAT WAS  
7 HAD WITH THE ATTORNEY REPRESENTING THESE ALLEGED VICTIMS.

8 LET'S GO OFF THE RECORD FOR A MINUTE.

9 (UNREPORTED COLLOQUY BETWEEN THE COURT  
10 AND COUNSEL.)

11 THE COURT: THIS INTERVIEW OF DEAN KARNY DATED  
12 SEPTEMBER 20, 1984, THERE IS A TRANSCRIPT OF THAT HEARING?

13 MS. ZANK: OF THE INTERVIEW, YOUR HONOR. I UNDERSTAND  
14 IT WAS ATTACHED IN ORDER TO GET THE ARREST WARRANT UP IN THE  
15 CASE UP NORTH.

16 THE COURT: NOW THIS IS A MATTER OF PUBLIC RECORD, ISN'T  
17 IT?

18 MS. ZANK: I WAS INFORMED IT WAS, SIR, YES. THAT IS  
19 WHY WE PUT IT INTO THE NUMBER 2 FOLDER.

20 THE COURT: I SEE, THIS IS IN THE NUMBER 2 FOLDER.

21 MS. ZANK: YES, SIR.

22 THE COURT: OH, I SEE, YES. SO THIS WOULD BE  
23 AVAILABLE, AS YOU SAID.

24 MR. SWEET: OH, YES.

25 MS. ZANK: YES, SIR.

26 THE COURT: OH, FINE.

27 I DON'T KNOW WHAT ELSE THEY WOULD NEED THAN THAT.

28 MS. ZANK: THEY MAY HAVE MADE A TAPE WHILE THEY WERE

1 TAKING THE INTERVIEW BUT I DO NOT HAVE A COPY OF THE TAPE.

2 MR. SWEET: I JUST DIDN'T WANT THEM TO HAVE MR. GALINDO'S  
3 MEMO, UNLESS THE COURT OVERRULED MY OBJECTION.

4 THE COURT: THAT RECORD THAT YOU GAVE ME, WAS THAT  
5 BEFORE JUDGE JAMES O. MILLER?

6 MR. SWEET: DO YOU KNOW, GLORIA?

7 THE COURT: THAT WASN'T IN REDWOOD CITY, WAS IT?

8 MS. ZANK: NO.

9 I WILL TELL YOU WHAT THAT WAS, YOUR HONOR. THE  
10 ATTORNEY IN THE CIVIL MATTER, OPPOSING COUNSEL IN THE CIVIL  
11 MATTER HAD PROVIDED ME WITH A COPY OF THE DEPOSITION IN THE  
12 CIVIL CASE.

13 THE COURT: I SEE.

14 MS. ZANK: AND HE WANTED TO KNOW WHAT WAS GOING ON IN  
15 THE MURDER CASE UP NORTH AND I TOLD HIM THIS AFFIDAVIT WAS  
16 A MATTER OF PUBLIC RECORD AND I GAVE HIM THE CASE NUMBER AND  
17 TOLD HIM TO TRY AND GET IT AND HE APPARENTLY DID BUT FOR SOME  
18 REASON OR ANOTHER, IT WAS NOT PROVIDED TO HIM. HE ASKED ME  
19 FOR IT AND I DIDN'T FEEL THAT I COULD GIVE HIM MY COPY. I  
20 TOLD HIM HE WOULD HAVE TO GO TO THE COURT TO GET THE COPY.

21 THE COURT: ALL RIGHT, THANK YOU.

22 NOW THE LAST ONE IS AN ATTORNEY-CLIENT COMMUNICATION.

23 MR. SWEET: JUDGE, DID YOU WANT ANY OF NUMBER 6 COPIED?

24 THE COURT: YES, I WOULD LIKE IT, THAT MIGHT BE  
25 DESIRABLE TO DO SO.

26 MR. SWEET: WHAT I WOULD LIKE TO DO HERE WOULD BE TO  
27 COPY EVERYTHING EXCEPT THE FIRST TWO, WHICH ARE GALINDO'S  
28 MEMOS OF DECEMBER, 1985.

1 MR. SWEET: ALSO, I WOULD LIKE TO COPY THE FIRST ITEM  
2 ON THE NEXT PAGE, SIX PAGES OF HANDWRITTEN NOTES. THERE IS  
3 ONE PAGE OF ZANK TYPEWRITTEN NOTES.

4 THE COURT: YES.

5 MR. SWEET: AND ALSO, I WOULD LIKE NOT TO COPY THREE  
6 PAGES OF HANDWRITTEN GALINDO NOTES, TWO SMALL NOTES.

7 THE COURT: ALL RIGHT, YOU KEEP THESE OUT.

8 MR. SWEET: THANK YOU.

9 THE COURT: I HAVE EXAMINED THEM. I DON'T THINK THERE  
10 IS ANYTHING IN THERE THAT WOULD BE REMOTELY ADMISSIBLE OR  
11 PRODUCTIVE.

12 MS. ZANK: WOULD YOU MAKE THOSE NOTES?

13 MR. SWEET: THANK YOU, YOUR HONOR.

14 THE COURT: ALL RIGHT. NOW, THE LAST FILE?

15 MR. SWEET: JUDGE, BEFORE YOU LOOK AT THAT, I HAVE A  
16 LITTLE PROBLEM WITH THIS ONE BECAUSE I THINK IT IS WITHIN  
17 THE ATTORNEY-CLIENT PRIVILEGE.

18 AND I THINK THAT THE COURT IS PROBABLY NOT ENTITLED  
19 TO LOOK AT IT IN ORDER TO RULE ON THE PRIVILEGE.

20 THE COURT: WHO WAS THE ATTORNEY-CLIENT PRIVILEGE BETWEEN,  
21 WHOM AND WHOM?

22 MR. SWEET: THE ATTORNEY WOULD BE GLORIA ZANK AND THE  
23 CLIENT WOULD BE THE STATE BAR COMMITTEE ACTING THROUGH THE  
24 COMMITTEE OF BAR EXAMINERS.

25 THE COURT: ALL RIGHT. DO YOU REPRESENT TO ME THAT  
26 THESE CONTAIN COMMUNICATIONS BETWEEN MS. ZANK AND THE  
27 COMMITTEE?

28 MR. SWEET: I DO. THEY ARE CONFIDENTIAL COMMUNICATIONS

1 BETWEEN THE ATTORNEY AND CLIENT.

2 THE COURT: IS THAT IT?

3 MR. SWEET: YES. I WILL CHECK ONE MORE TIME. THERE  
4 ARE THREE OF THEM. THERE ARE OUR MEMOS ON THE SUBJECT  
5 COMMITTEE ON MORAL CHARACTER AND THEN FOUR IS A MEMO TO THE  
6 COMMITTEE AND THE EXECUTIVE DIRECTOR. IS THAT RIGHT?

7 MS. ZANK: YES, SIR.

8 THE COURT: ALL RIGHT. YOU DO NOT HAVE TO PRODUCE THOSE.  
9 HAVE THEM COPIED.

10 NOW, U.S. V. MORGAN, WHAT WAS THE HOLDING IN THAT  
11 CASE? I DO NOT HAVE THE U.S. REPORTER AT THE MOMENT.

12 MR. SWEET: PRETTY MUCH JUDGE, IT HOLDS THAT IN THE  
13 ABSENCE OF AN INITIAL SHOWING -- LET ME BACK UP. IT HOLDS  
14 BASICALLY THAT YOU CANNOT GO BEHIND THE FINDINGS OF FACT AND  
15 CONCLUSIONS OF LAW OF A JUDICIAL OR QUASI - JUDICIAL BODY  
16 AND ENTER OR GET INTO THE THOUGHT PROCESSES OF THE FINDERS  
17 OF FACT.

18 THE COURT: ALL RIGHT. I WILL READ IT. ALL RIGHT.  
19 I THINK THAT ABOUT CONCLUDES IT, DOESN'T IT?

20 MR. SWEET: YES.

21 THE COURT: ALL RIGHT. I CAN'T THINK OF ANYTHING ELSE.

22 (AT 3:40 P.M. AN ADJOURNMENT WAS TAKEN  
23 UNTIL TUESDAY, NOVEMBER 11, 1986, AT  
24 10:30 A.M.)

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