

Straight Talker

Judge Derek W. Hunt's bluntness jars some attorneys, but others find his directness endearing.

By Don J. DeBenedictis
Daily Journal Staff Writer

SANTA ANA — Last year, when Orange County Superior Court judges gathered in Temecula for their annual educational retreat, a panel of law school educators spoke. After the talk, the panel took questions.

Don't you know that you're all doing a terrible job? came the first question. How is it that new lawyers know nothing of history or even good grammar?

The question came from Judge Derek W. Hunt, an 11-year veteran of the court and one who likes to ask the first question.

The educators appreciated Hunt's question, according to one of them. Dean John Eastman of Chapman University School of Law said it gave them a chance to tell what they're doing to improve the drooping general-education level of their students.

Many judges, however, were not appreciative. Hunt said some of his colleagues supported his question but others criticized him for being rude to the speakers or worse. They certainly distanced themselves from his remarks.

Hunt didn't mind the distancing. "I'm a maverick," he acknowledged proudly.

He might not be an original thinker, he said. But neither is he a conventional thinker.

Most everyone who has worked with him would agree that he is not conventional.

For instance, along with his staid, traditional three-piece suits, he wears bow ties.

He doesn't watch television, and he doesn't play golf. When the judges take Saturday afternoon off to golf during the educational retreats, Hunt puts on productions of Shakespearean plays. Another judge makes costumes. Other non-golfers take parts or just watch.

As a lawyer, he was never active in bar associations. "I'm not overly Rotarian," Hunt explained.

On the court, he eschews involvement in committees and administrative work. "God bless the people who do it," he said. "I was on the student council ... I got it out of my system then."

He doesn't even much like to chip in information about his cases when statistically minded colleagues try to compile data on case flow or outcomes.

"I am a constitutional officer. I work for the people of the state of California. I don't work for [the presiding judge]. ... So all these rules that they have, they're sort of advisory."

The result is that many judges and many lawyers see Hunt as eccentric.

"He's not a hail fellow well met," said Jones Day litigator Thomas R. Malcolm, who considers Hunt an outstanding judge. "He's odd, but he's endearing."

On the other hand, there are experienced litigators who avoid him at all costs. Former Los Angeles County Bar Association President John J. Collins said his firm, Collins, Collins, Muir & Stewart in Pasadena and Newport Beach, has a blanket note to "paper" Hunt in every case.

Collins, now retired from tort defense work, conceded that he has never appeared before the judge. "I heard from everybody else," he said.

A tort plaintiffs' attorney who requested anonymity said Hunt is considered "overly rules-oriented and not experienced in the practical realities." The judge "doesn't show much practical understanding" of how lawyers deal with clients and cases, the attorney said.

Another plaintiffs' lawyer, Edward Susolick of Callahan & Blaine in Santa Ana, said Hunt is "precisely down the middle in his views, and he calls them as he sees them."

But "he can be tough on lawyers," Susolick said.

Hunt responded that he simply does the very best job he can. "It doesn't seem like I'm supposed to cut corners on that," he said.

If he is demanding of lawyers, it is because he assumes they are competent and

doing the best they can, too.

On the bench, Hunt said, he most enjoys hearing complex business cases, which were the kind he tried as a lawyer.

Lawyers who have been before him with those kind of cases seem to like him better than the tort lawyers.

"He gets it right and doesn't play favorites," Malcolm said. "He knows the law."

Daniel Livingston of Payne & Fears in Irvine said that while Hunt "doesn't suffer fools," he is "highly intelligent, careful, methodical and tries very hard to get the right answer."

Hunt is "fastidious," said Richard E. McCain of Justin, who often defends Disneyland in court. "He's very hardworking, very punctual and very well informed."

McCain and others noted that Hunt keeps detailed notes about each of the cases in his inventory. That means he knows his cases well, and he expects attorneys to do the same.

"He does demand that you know your case," McCain said.

In fact, said Matthew A. Hodel of Irvine's Hodel Briggs Winter, "he identifies issues in the case before the lawyers do" because he pays such close attention.

"He's very energized about his cases, he remembers his cases, he likes to take control of his cases," Hodel added.

"If a lawyer comes in prepared and knows the strengths and weaknesses of his case ... and isn't coming in winging it ... he ought to be very happy" with Hunt, he said.

One way the judge stays so prepared on his cases is that he never uses the court's research attorneys to work up pending law and motion matters for him. "I do all my own research," he said, which means he often works late and on weekends.

When he is not reading for work, he's reading for pleasure. "He's extremely erudite and well read," Malcolm said.

Hunt's hobby is writing book reviews. He never bothers with recent books, however, and only reads those that have stood the test of at least a

few decades.

For instance, his most recent review is of the 1960s hippie hit, "Stranger in a Strange Land," by Robert A. Heinlein. He hated it. He much prefers Austin or Conrad.

Hunt used to post weekly reviews outside his courtroom, until courthouse refurbishing took his bulletin board away. Now, the 65-year-old judge posts them on a blog, www.bibliojudge.blogspot.com.

There, those curious about Hunt's ideas can read what he thinks of Balzac and Tolstoy, George Orwell and Leo Strauss, Ovid and Rousseau, Daniel Boorstin and Julius Caesar, Walker Percy and Thomas Hardy, Dickens and Shakespeare.

"I've had 217 hits in the last year and a half," he said.

In a way, his reviews are like his case summaries. They help him keep in mind what he thinks.

"If I read a book, a serious book, and I like reading serious books, I work on it, and I try to understand it. ... If I get it, or if I think I get it, I don't want to forget it. ... If I'm going to work on something and get it right, I want to get it right for all time."

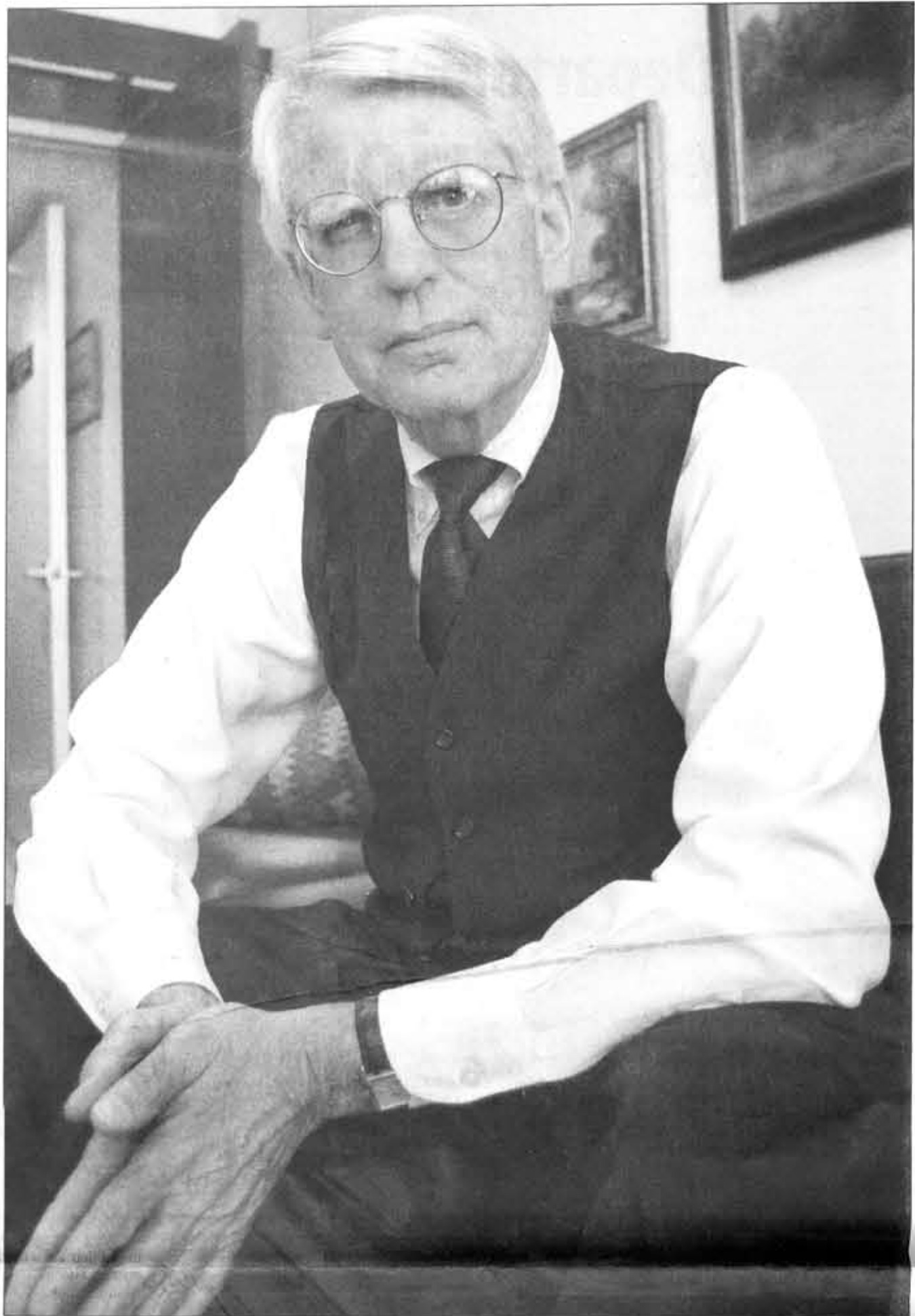
Given all that, it is quite a surprise to learn that Hunt flunked out of law school his first year.

Born in Washington, D.C., on the same day and just down the hospital hallway from Newt Gingrich, Hunt grew up in Walnut Creek. The family returned to the capital when he was 14.

His father, who had been in military intelligence during World War II, was one of the first employees of the CIA. "Not that I knew it at the time," Hunt said.

In the Bay Area, his father oversaw some operations in Asia. When the family returned to Washington, his father became a deputy assistant secretary in the Defense Department.

Hunt went to Cornell University and then its law school. There, he didn't study enough. "I didn't have the money to pay for



ROBERT LEVINS / Daily Journal

'I don't care how you address the jury; you can slack all you want. But when you're addressing the judge, look good.'

law school. ... So I worked two jobs," he explained.

Working even one job was uncommon in those days at that school, he said. Cornell law students generally lived in law school dorms.

Hunt had been in ROTC during college, so after that first year, he went into the Army. As a young officer in Vietnam, he oversaw a supply depot.

When he came back to law school, funded with savings and the GI Bill, he did much better.

After law school, eager to return to California, Hunt landed his first job with Mitchell, Silberberg & Knupp in Century City in 1972. He was a litigator, but Mitchell Silberberg was the largest entertainment law firm around, so he worked on several cases for entertainers.

One client was Frank Zappa. "It's hard to believe I was friendly with Frank," Hunt conceded.

In 1976, he moved across the street to a securities litigation firm then called Troy, Malin & Pottinger. In 1980, he switched to Orange County's Stradling, Yocca, Carlson & Rauth. Nine months later, he came back to his previous firm, by then called Troy-Gould.

At Troy, he was involved with major securities cases, usually representing a secondary player, such as a CEO or director. "The securities litigation was often on a national scale, which I enjoyed," he said.

For instance, he represented the company formerly headed by Ivan Boesky, infamous for his insider trading, after the SEC took over the company.

He also helped represent Mead Corp. in its "ferocious" defense against a hostile takeover by Armand Hammer. "He was a piece of work," Hunt said about the president and CEO of Occidental Petroleum.

Hunt, displaying his fondness for tweaking authority, said that "it was a lot of fun to take [Hammer's] deposition."

"He had a lot of skeletons in the closet. We had a very good source of information about where the bones were buried."

At the urging of senior partner Joseph F. Troy, Hunt applied for the bench. He lived in Orange County, where his wife was a teacher, so he applied there. Gov. Pete Wilson appointed him to the Superior Court in 1997.

"I was very, very, very fortunate. ... I don't know what motivated him, but whatever it was, [Presiding Judge Theodore E. Millard] put me directly on the civil panel."

Hunt stayed on the plum assignment until

2004, when he worked six months hearing misdemeanor criminal matters and felony preliminary hearings at the Westminster courthouse. He did more criminal work for another six months back in Santa Ana.

But in 2005, he returned to handling civil cases and trials.

The following year, he presided over a trial in a case that may make interesting law soon. In that case, a jury awarded a woman \$3.2 million against a restaurant because she allegedly developed crippling Guillain-Barre Syndrome from food poisoning.

Hunt reversed the jury and gave the restaurant a judgment notwithstanding the verdict after new counsel presented him with what he considered a compelling precedent on food poisoning.

The judge said he believes that the woman won the jury verdict fair and square, but that the law turned out to be against her.

He wouldn't mind if the 4th District Court of Appeal reverses him. The court hears arguments in the case this afternoon. *Sarti v. Salt Creek Ltd.*, G037818 (Cal. App. 4th, Sept. 16, 2008).

"The best way to get rid of a bad law is to enforce it," he said.

Hunt runs his court fairly formally. In fact, he is well known for being punctual and demanding the same from lawyers.

He also insists that attorneys addressing the court never put their hands in their pockets. "When you're addressing the court, just like when you're addressing your senior officer in the Army, stand there nicely, look good," the judge explained.

"I don't care how you address the jury; you can slack all you want. But when you're addressing the judge, look good."

Given Hunt's literary passions, it should be no surprise that he wants papers and briefs to be written and typed carefully and well, according to a tort attorney.

Hunt said he does not conduct settlement conferences. "I'm not that good at it," he said, and he'd rather not bother.

"I've got real work to do. I like doing my real work. I'm a book man."

But Hunt said he has enormous respect for his colleagues who can do the things he can't or won't, such as settlements, administration and making lawyers feel good.

"I have great admiration for my colleagues, absolutely great admiration," Hunt said. "The ones who are so patient at settlements [or] make you feel so welcome in the courtroom, who never make enemies, who are able to do hard things and not let

anybody feel bad about it, people who will spend their time ... doing the stuff that nobody else will do but that needs to be done."

Hunt sees himself differently, as a judge able to make a tough call when needed, as he did in the food-poisoning case.

"It's the willingness to do that, to say no, to say what about on the other hand ... that's refreshing, useful to me," he said.

Here are some of Judge Hunt's recent cases and the lawyers involved:

• *Ngoi Viet News v. Doan*, 30-2008001103 399 — civil rights, assault, battery
For the plaintiff: Hoyt E., Hart II, Rancho Santa Fe
For the defendants: Geoffrey C. Lyon, Long Beach

• *Smith v. Brandes*, 07CC08546 — partnership dissolution
For the plaintiff: Mark S. Ashworth, Ashworth & Ashworth, Newport Beach
For the defendant: Matthew Hodel, Hodel Briggs Winter, Irvine

• *Chait v. Strauch*, 04CC08073 — contested residential real estate sale
For the plaintiff: Richard Andrade, Andrade & Associates, Irvine
For the defendants: Daniel Livingston, Payne & Fears Irvine; Mark Kessler, Escondido

• *Citizens Against Redevelopment Excess v. Huntington Beach*, 00CC14550 — CEQA violations
For the petitioner: Jeffrey Oderman, Rutan & Tucker, Costa Mesa
For the respondent: Assistant City Attorney Gail Hutton, Huntington Beach
For the real party in interest: Charles Hokanson, Sonnenschein Nath & Rosenthal, Los Angeles

• *Mutual Credit Corp. v. Kuelzto*, 07CC07923 — foreclosure of life settlement insurance policy; breach of contract
For the plaintiffs: William Molinski, Orrick Herrington & Sutcliffe, Los Angeles
For the defendants: Gregory Trimarche, Bryan Cave, Irvine

For the cross-defendant: William DeWolfe, Best Best & Krieger, Riverside