



Exploring the Stanley Mosk Courthouse

A TRIP THROUGH THE PORTALS AND THE COURTROOMS AT MOSK AND A LOOK BACK AT A FEW OF THE LEGAL DRAMAS THAT PLAYED OUT HERE

I have been a judge in the Stanley Mosk Courthouse for the past 21 of my 29 years as a judge. Built in 1958 to fill an urgent need for a civil courthouse in downtown Los Angeles, the courthouse has been the home for landmark cases, legendary judges, and outstanding lawyers. On a personal level, my father was a judge at the Stanley Mosk Courthouse in the sixties and I spent a great deal of time as a preteen in his courtroom on the second floor. The building itself is remarkable and is filled with stories that need telling.

Over the past few years, I have created a virtual tour of the Stanley Mosk Superior Court because I thought that the Stanley Mosk Courthouse was wrongfully neglected as a tour destination. I generally do the virtual tour for externs in the building to give them an appreciation of the many trials that created lasting law and improvements to the legal system.

I am currently working on a historical committee for the court which will assist in the creation of museum-quality display cases to be housed on the second floor of the jury room in the Stanley Mosk Courthouse. These cases will highlight the history of the justice system in Los Angeles and the landmark events that made Los Angeles an important place to find justice.

Criminal courthouses

Many tourist books on Los Angeles advise tours to the criminal courthouses – the Hall of Justice at 210 Temple Street and the Clara Shortridge Foltz Criminal Justice Center at 211 Temple Street.

The Hall of Justice was the original criminal court building in Los Angeles, built in 1925. It is the oldest surviving government building in the Los Angeles Civic Center. Now refurbished, it has been transformed into the executive offices for

the Los Angeles District Attorney and the Los Angeles Sheriff's Department with only a hint of the noirish courtroom intrigue that used to fill it daily.

The Hall of Justice housed a jail at the top floor and a coroner's office in the basement. Some of the notable cases that occurred in that building were the trial of Sirhan Sirhan for the assassination of Robert F. Kennedy (1969) and the Manson Family murder trial (1970-1971) – a trial for which I had a front row seat in the courtroom in my early teens. In addition, the autopsies of Marilyn Monroe (1962) and Robert F. Kennedy (1968) were performed in the basement.

In October 1972, the Clara Shortridge Foltz (1849-1934) Criminal Justice Center, which replaced the Hall of Justice, was named for the first female attorney in California as well as the founder of the public defender's office. It has had several high-profile cases

including the 1995 O.J. Simpson case, the Phil Spector case involving the 2003 murder of actress Lana Clarkson and the Wonderland murder case which was made into a film called *Wonderland* (2003) and also fictionalized in the film “Boogie Nights” (1997).

Entrances: 111 N. Hill Street and 110 N. Grand Street

While we now know this building as the Stanley Mosk Courthouse, for 44 years it was only known as the Downtown Civil Courthouse. It is the largest trial courthouse in the United States. At the front of the building on the Grand Street Entrance are three symbols of written laws that are carved in relief.

The first is Moses and the *Ten Commandments*. Though usually considered a religious symbol, there has never been a challenge under the Establishment Clause to the structure because Moses is not presented as a religious figure but rather as a historical lawgiver.

The second is King John with the *Magna Carta* (1215), representing the beginning of our system of justice including the right to trial by jury, prohibition against illegal imprisonment, speedier access to justice, and limitation on feudal payments to the king.

The third is Thomas Jefferson along with the *Declaration of Independence* (1776), shown to remind us where our law originates and how it is preserved in a lasting form.

The front of the Hill Street entrance has a justice relief used in the beginning of the original Perry Mason show, the show that many lawyers of a certain age credit for their inspiration to go to law school.

Unlike the traditional blindfolded Lady Justice (the goddess *Themis*), the justice in front of Mosk is without a blindfold, holding a globe symbolizing her universal reign and a sword, denoting her power. The traditional scale, topped with an American eagle, is balanced on her head, evenly balanced to show impartiality. Two individuals are kneeling on either side of Justice, one

with the word *Lex* or Law and the other with the words *Lux Veritas*, Light and Truth.

There are four lantern-like metal objects, two in the front of the Hill Street entrance and two in the front of the Grand Street entrance, that contain the Egyptian symbols of Justice, represented by scales, along with the Egyptian goddess of justice, *Maat*. *Maat* represents truth, balance, law, morality, and harmony. After a person dies, *Maat* weighs the human heart against a feather. If the heart is lighter or equal to the feather, the individual has lived a virtuous life and would enter the *Aaru*, the Egyptian version of paradise.

These ancient symbols of justice coupled with the weighing of evidence in the search for truth provides a historical background to the system of justice as one enters the Stanley Mosk Courthouse.

Lincoln statues

On the corner of Grand Street and 1st Street is one of two Lincoln statues at the Stanley Mosk Courthouse. This statue was created by Robert Merrell Gage (1892-1981), a famous sculptor who created many statues of Abraham Lincoln. His documentary about his creation of these statues – *The Face of Lincoln* – won an Oscar in 1956 for best short subject.

The second Lincoln statue is inside the Court at the Hill Street entrance. It was not crafted by a famous sculptor but was created by neurosurgeon Dr. Emil Seletz (1907-1999), who was a part-time expert witness in this courthouse. When he would give his qualifications, he would mention that he created the statue. The defense would object. The court removed the statue until he stopped testifying and then it was later returned.

Paul Revere Williams – the lead architect of the Stanley Mosk Courthouse

On the second floor of the 1st Street entrance, next to the guard station, is a plaque with the name Paul Revere Williams (1894-1980), the lead architect who designed the Stanley Mosk Courthouse

and the Hall of Administration – the ‘twin’ of Mosk, separated by Grand Park.

Revere was an African American Architect, the first to receive, (posthumously, in 2017), the Gold Medal – the highest award for an architect – from the American Institute of Architecture. Born in 1894, he had to learn how to deal with racial discrimination, teaching himself several skills such as learning how to draw upside down so he could sit across from a customer as opposed to sitting side by side.

Revere designed the homes for celebrities Frank Sinatra, Tyrone Power and Lucille Ball as well as the Beverly Hills Hotel and the Church of Religious Science in the Mid-Wilshire area. He created the public housing project called Nickerson Gardens in 1955. He is probably best known for designing the LAX Theme Building, an iconic symbol of Los Angeles.

Justice Stanley Mosk (1912-2001)

In 2002, the courthouse was named after Stanley Mosk who was the longest-serving California Supreme Court Justice in California, serving 37 years. He was a 1935 graduate of Southwestern University School of Law, and distinguished himself as a driving, liberal force on the California Supreme Court. There are two displays in the courthouse honoring Stanley Mosk, one on the first floor on the Hill Street side and one on the fourth floor on the Grand Street entrance.

While State Attorney General, Mosk established the Civil Rights Division and persuaded the Professional Golfers Association (PGA) to drop its “Caucasians-only rule.” (1961.)

Stanley Mosk’s ascendancy to the California Supreme Court is unique in that he went from the Superior Court (1943-1958), to serving as State Attorney General (1959-1964) and returning to the bench as a California Supreme Court Justice (1964-2001) without serving as a Court of Appeal Justice. During his tenure on the California Supreme Court, he wrote a staggering one thousand, six hundred and eighty-eight (1,688) opinions.

Charlie Chaplin paternity trial

A newspaper clip referring to Judge Mosk's involvement in the Charlie Chaplin paternity trial (1944-1945) is referred to in the fourth-floor display.

Charlie Chaplin was a silent film comedian genius, and his films are still classics. In 1941, although married to actress Paulette Goddard, he began an affair with a young starlet named Joan Barry, which concluded in October of 1942. Miss Barry gave birth to a child in October of 1943.

Joan Barry claimed she had sexual relations with Chaplin as late as December of 1942, which Chaplin denied. Chaplin was sued for paternity and was given a paternity test. Blood tests were ordered for Chaplin, Joan Barry, and the child. Three doctors determined that the tests conclusively proved that Chaplin was not the father.

Joan Barry agreed to accept the results. Notwithstanding the agreement, the case was still brought, not on behalf of Joan Barry, but on behalf of her daughter, Carol Ann (1943).

Los Angeles Superior Court Judge Stanley Mosk ruled that, even though the blood results exonerated him, that the jury did not have to accept them, and that Carol Ann, as a child, had separate rights against Chaplin.

The case went to trial and attorney Joseph Scott, whose statue is outside my chambers window on the Grand Street side, took the case on behalf of Carol Ann. In the film "Chaplin" (1992), Joseph Scott's closing argument attacked Chaplin's leftist politics, his womanizing reputation in Hollywood, and his failure to become a United States citizen. Notwithstanding the scientific impossibility of Chaplin being the father of Carol Ann, the jury determined Chaplin was the father and responsible for lifetime support.

This injustice would change for others in 1953, when California drafted the Uniform Act on Blood Tests to Determine Paternity § 1, Cal. Code Civ. Proc. § 1980.3 (now Cal. Family Code §§

7550-7558). Under this Act, in paternity cases, properly administered blood tests were conclusive. Now, jurors can no longer be swayed simply because they don't like the alleged father.

Clarence Darrow in Los Angeles – The bombing of the Los Angeles Times Building (1910)

In 1910, labor disputes and crackdowns against unions resulted in terrorist activity. The Los Angeles Times Building was bombed, killing 21 people. Two brothers, labor organizers James and John McNamara, were charged. Joseph Scott and Clarence Darrow defended the brothers.

The case was set for jury trial, but the brothers ultimately pled guilty to the crime. Before the McNamara brothers pled guilty, Clarence Darrow was arrested and charged with conspiring to bribe jurors. Darrow went to trial twice.

In the first case, he was represented by the legendary trial attorney Earl Rogers (1869-1922) and found not guilty. In the other case, Darrow represented himself and the jury deadlocked eight to four for conviction. The case was never retried. Clarence Darrow never returned to handle a case in Los Angeles.

Important law coming from Stanley Mosk courthouse

Zelig v. Superior Court (2002) 27 Cal.4th 1112

Back in 1995, there were no metal detectors in the building. If you wanted to go to court, you simply walked in and went to the assigned courtroom. In 1995, Woodland Hills doctor Harry Zelig was in court in Department 37 with his soon-to-be ex-wife, Eileen, and their six-year-old daughter, Lisa. They were ordered by the court to go down to Department 1A to schedule a mediation. On the way, Dr. Zelig took out a 38-caliber handgun and shot and killed his wife. The daughter sued the Court for not having metal detectors in the building. The California Supreme Court found that there was no duty to have metal detectors in the court.

Chief Justice Ron George, who wrote the majority opinion, vividly recounts in

his autobiography, Chief, visiting the Stanley Mosk Courthouse and viewing a crew dealing with the aftermath of the tragedy. (*Chief*, 2013 at 132.) "I begin with this case because, even though courtrooms are more secure with metal detectors and security, it demonstrates how deeply personal each case is to the litigants which is something every judge, lawyer, and law student should never forget."

Marvin v. Marvin – First palimony case in the United States

Marvin v. Marvin (1976) was the first case in the country involving the novel legal theory of 'palimony.' Michelle Triola Marvin and Lee Marvin lived together for six years but never married, even though Michele took his name. Eventually, the Court awarded \$100,000 to Michelle, not as alimony but as "rehabilitation."

This damage award was later reversed but the original ruling – upholding the notion of oral contracts among unmarried partners, has spread throughout the United States and propelled the career of attorney Marvin Mitchelson.

The "Friends" case, Amaani Lyle v. Warner Brothers Television Productions (2006) 42 Cal.Rptr.3d 2.

An entry-level comedy writer's assistant worked in the story room of this famous sitcom, attempting to accurately capture the ideas that spin around in rapid-fire successions during the lengthy meetings for the show. Apparently, she wasn't fast enough in her typing skills, missed story ideas, and after four months was terminated. She sued for sexual harassment because of the writers' sexually coarse and vulgar language in the writers' room and her perception that she suffered discrimination because she was African American and a female.

The trial court dismissed the case on summary judgment, the appellate court reversed, finding triable issues of fact. The California Supreme Court reversed, stating that creative expression necessitated free exchange of ideas, particularly when writing a sitcom about six sexually active people in their twenties.

“The Coming to America” case

Buchwald v. Paramount Pictures

(1990) Cal.App. LEXIS 634, was tried in Department 52 before retired judge Harvey Schneider. Art Buchwald, a Pulitzer Prize-winning columnist and author of 28 books, wrote a treatment for a possible film called “King for a Day” in 1982. He pitched it to Paramount as a vehicle for Eddie Murphy. Paramount optioned the treatment for two years and then let the option lapse, returning it to Buchwald.

However, a few years later, Paramount made “Coming to America” (1988) “based on a story by Eddie Murphy and Arsenio Hall.” Buchwald sued Paramount because he believed his idea was stolen. The court found that “Coming to America” was based on Buchwald’s treatment. However, the difficult part of the case was determining the proper damages.

Buchwald was promised a percentage of net profits if his treatment was made into a movie. Though Paramount admitted the film made \$350 million worldwide in ticket sales, by their accounting the film ostensibly made no profit. In the second phase of the trial, the issue of the “Hollywood accounting” was found by the Court to be “unconscionable.” A new trial on damages was ordered, but the parties later settled the case.

Because of this case, heavier scrutiny has been put on the film industry in the drafting of contracts and to how net profits are calculated. Entertainment Lawyer Pierce O’Donnell, who successfully represented Art Buchwald, wrote a book about the case, appropriately called “Fatal Subtraction” (Doubleday 1992).

The “Boxing Helena” case

The *Boxing Helena* case (1993), also known as *Main Line Pictures v. Kim Bassinger*, B077509 was tried in Department 34, in front of now-retired Judge Judy Chirlin. Jennifer Lynch, the daughter of celebrated director David Lynch, wrote an unusual script about a doctor obsessed with a woman who isn’t interested in him. After a car accident –

when her arms and legs are amputated, and the doctor keeps her in a box – she finally ‘learns to love’ this obsessive doctor.

Madonna was originally set to star but pulled out. Kim Bassinger was interested, talked about general deal points but never signed a contract. She later decided that, because of the volatile material, she was also going to pull out of the project.

She was sued for breach of contract. Her defense was that talking deal points can never amount to an agreed-upon contract. The jury disagreed and found against Kim Bassinger in the amount of \$8.1 million. While the case was later reversed based on instructional error, it was important because it sent a warning to how Hollywood contracts are negotiated, forcing both sides to be more vigilant on proving whether a contract is made and the danger that oral contracts may be binding in lieu of a written contract.

***Tylo v. Spelling Entertainment* (1997) 55 Cal.App.4th 1379**

Hunter Tylo went to trial against Spelling Entertainment in Department 19 before Judge Fumiko Wasserman. Tylo was a daytime soap opera actress who was hired to be the new young vixen on the immensely popular evening soap *Melrose Place*. Before she could begin shooting, she became pregnant and was replaced in the role by Lisa Rinna.

She sued for pregnancy discrimination and wrongful termination, won the case and was awarded substantial damages of nearly \$5 million. The case is frequently cited because it details the scope of inquiry as to when discovery is sought as to emotional stressors in a person’s life against an objection of privacy in a marital relationship. The burden is on defendant to show specific emotional injuries claimed by plaintiff and a nexus between those injuries and the emotional distress arising out of the marital relationship.

***Mermelstein v. Institute for Historical Review* (1980)**

In 1980, Mel Mermelstein, a Holocaust survivor from Auschwitz,

answered a contest by the Institute for Historical Review. The Review offered \$50,000 for proof that the Nazi extermination of Jews in gas chambers in Auschwitz was fact. Mermelstein submitted his recollections, other eyewitness accounts of survivors and physical evidence from the gas chambers. However, the Institute refused to pay the reward and a lawsuit was filed.

Mermelstein prevailed and was awarded substantial damages in two lawsuits – a final verdict of \$5.2 million. This was an important victory for both Mr. Mermelstein and for the public at large as Judge Thomas T. Johnson took judicial notice of the existence of the Holocaust, ending any needless debate about this momentous event of the 20th century.

***Li v. Yellow Cab* (1975) 13 Cal.3d 804**

While all first-year law students know that this landmark case in tort law established the concept of comparative negligence while abolishing the concept of a total bar for recovery based on traditional rules of contributory negligence, many do not realize that this case was not only heard in the Stanley Mosk Courthouse, but that the underlying accident occurred on 3rd and Alvarado, within blocks of the courthouse.

***George Harrison Music Video: This Song* (1976)**

George Harrison, guitarist of the Beatles, embarked on a successful solo career. His deeply religious song, *My Sweet Lord* (1970), became a hit throughout the world with a catchy tune that became impossible to get out of your mind.

A ‘60s group, The Chiffons, thought the song was extremely close to their hit, “He’s So Fine” (1962) and sued Harrison. The trial became a battle of the experts and, ultimately, Harrison was found liable for subconsciously plagiarizing “He’s So Fine” in creating the “My Sweet Lord” and was ordered to pay damages. (*Bright Tunes Music Corp. v. Harrisongs Music, LTD* (1976) 420 F. Supp. 177.)

Harrison became so distraught and outraged that he created a new song

called “This Song” (1976) that contained lyrics which criticized the plagiarism verdict and assured the world that *this* song was written by him and no one else. He filmed the video for “This Song” in the Stanley Mosk Building in 1978, in the hallways of the building and in Department 91.

Conclusion

These are just a few of the cases that make me realize what an important contribution the lawyers, juries, litigants, and even judges have done to further justice in California. The building and its setting in Downtown Los Angeles make it

the perfect place to explore the city while a juror.

Judge Gregory W. Alarcon has been a judge for over 28 years. Before that, he was a deputy attorney general for the State of California, a deputy district attorney for Los Angeles County, and an assistant United States Attorney for the Central District of California. Judge Alarcon received a J.D. from Loyola Law School in 1981 and a B.A. from UCLA. For the past 28 years, he has been an adjunct professor at Pepperdine University School of Law teaching trial practice and related subjects. He is also active in training and educating new judges and teaching ethics

to all judges throughout the state. He is a frequent lecturer on various topics on trial issues including subjects such as “Lessons from Landmark Trials,” “Judicial Personalities,” “Creative Solutions for Keeping and Motivating Jurors,” “Coping With Judicial and Lawyer Stress,” “Civility in Court,” “Hamlet for Lawyers,” “Ideal Mentors for the Courtroom,” and many others. He has written numerous articles on legal issues for lawyers and judges. In 2013, Judge Alarcon was given the 2013 Constitutional Right’s Foundation “Judge of the Year” award and a Judicial Excellence award from the Mexican American Bar Association. 

