



REFLECTIONS ON PRACTICING LAW IN ORANGE COUNTY

by JOHN HURLBUT

As a septuagenarian lifer of Rutan & Tucker (“Rutan”), I offer some observations, both personal and from Rutan colleagues, of changes in the practice of law in Orange County in the last five decades.

The growth of Rutan in the last fifty years has mirrored the growth of California generally, and Orange County in particular. I joined Rutan in September of 1964 as part of the first group recruited directly from law schools. Our group joined a firm of twenty-two lawyers. Today, the firm has 147.

My memory (perhaps suspect at this stage) is that when I joined Rutan, there were five courtrooms in the historical Orange County Courthouse that dates to 1901, and several spillover courts in churches and another temporary location. Today’s count reflects 132 Orange County Superior Court Judges.

With the initial designation of Santa Ana as a place of holding court and then as a Division of the Central District and the opening of the Ronald Reagan Federal Building and U.S. Courthouse, Orange County joined San Francisco,

Los Angeles, and San Diego as a forum where sophisticated cases are litigated by lawyers from all over the country. The proliferation of Orange County offices of national (and now international) law firms also reflects and has enhanced the sophistication of practice in the county and beyond.

Today, many Orange County lawyers litigate cases in federal and state courts across the nation. Yet another indication of the sophistication of litigation practice in Orange County, as noted by Milford Dahl, my fifty-year Rutan colleague (and himself a Fellow), is that, in this period, the number of Orange County lawyers initiated as Fellows in the prestigious American College of Trial Lawyers has grown from one to thirty-eight. Membership is only by invitation after an intensive investigation to confirm that a candidate demonstrates the highest degree of professionalism, ethics, and civility. Fellows must have been active in the trial practice for at least fifteen years and recognized as being among the very best trial lawyers in their state by the judges they practice before and the opponents they try cases against.

Labor and employment partner Jim Morris, who has practiced at Rutan for thirty years, says that one of the biggest changes he has seen over that time span is the emergence of alternate dispute resolution forums, particularly mediation and arbitration, as important aspects of a broad practice. I would add that Orange County-based service providers are national leaders in this field. Jim also notes the tremendous expansion of wage-hour law from a relative legal backwater area into a huge class action industry. He also notes the need to keep up with the California legislature's prolific passage of new employment laws that go far beyond federal law and make it harder for California businesses to comply (as well as to compete nationally).

Rutan's earliest expansion into the realm of a full-service law firm came with the rapidly growing need for public law counsel in the 1950s and 60s. Today, Orange County's three million people spread across thirty-four cities continue to supply more than enough challenges for city government and the attorneys who interact with them on a daily basis. Joining Rutan directly from law school thirty-five years ago, public law partner Phil Kohn has both observed and participated in the transformation, and managed economic and political growth of Orange County into the sophisticated urban community we now enjoy. Phil notes that, over the years, Orange County attorneys have assisted in the formation and operation of cities, water districts, and other bodies of local government, have helped devise and implement public and private sector policies and strategies, and have helped navigate the challenges of increasingly complex federal and state regulatory systems that govern aspects of land use planning and development. He notes further how those practicing in the field of government and regulatory law have had to become more adept at handling the increasingly high public expectations placed on local government.

The real estate boom in the 1960s also spurred the development of thriving Orange County (and beyond) real estate practices. The rapid growth of new planned residential communities in Orange County led to substantial growth in the retail and office sectors. Unfortunately, those periods of tremendous growth were predictably followed by dramatic and frightening

downturns in value and investment in real estate. Real estate partner Marcia Forsyth, who joined Rutan in 1977, has witnessed the reinvention of the Orange County real estate market—particularly equity investment and secured finance—several times over. But she notes that, through it all, “the fundamentals of transaction real estate practice have changed very little, allowing real estate practitioners to apply immutable common law real estate principles to an ever-changing landscape.”

Another major change in practicing law in Orange County during my time is that most law firms now actively perform and support *pro bono* legal work for the underrepresented in our community. The prominence of organizations such as The Public Law Center and Legal Aid Society of Orange County reflects a material piece of legal life for a majority of lawyers in the county.

The proliferation of Orange County offices of national (and now international) law firms also reflects the sophistication of practice in the county and beyond.

To address the most far-reaching development affecting law practice in the last fifty years, namely technology, I asked Janette Hollmer, an almost forty-year Rutan legal assistant (whom we used to call a secretary) to remind us how it worked in the “Old Days.” Her comments follow.

By today's standards, the office of forty years ago seems like the Stone Age. But, at the time, we felt privileged to have “cutting edge” technology at our fingertips, such as having every office connected by a switchboard operator who managed more cords and plugs than could be counted. Each caller was connected by

manually inserting the plug into the proper socket on the switchboard.

Before our current computerized systems, names and contact information for clients, courthouses, and vendors were kept in dozens of Rolodex files. Intricate filing systems were used to track files for each engagement. If you needed to locate a file and it wasn't in the filing cabinet, you walked office to office until you found it.

Draft documents were redlined by hand using a ruler and a colored marker. Manual typewriters, loaded with carbon paper, were used for final written products. Mistakes were corrected on the carbon paper by rolling up and erasing with a pencil eraser, then rolling back down to continue typing.

Of course, email did not exist; all correspondence, pleadings, and agreements were typed up and mailed. Interoffice memos sufficed to deliver instructions within the firm. Instant delivery meant dispatching a messenger to hand-deliver a document.

Google and online legal research services were not options. Staff relied on a mountain of manuals for information about every court, bar association, and court reporting service. The White and Yellow Pages were used on a daily basis.

Does anyone want to predict what the next fifty years will bring?



John Hurlbut has practiced business litigation at Rutan & Tucker since graduating from Stanford Law School in 1964. John became a partner in 1970 and during his career has headed the firm's Trial Section and been Managing Partner of the firm. He has state and federal court litigation experience for corporate, partnership, and individual clients in real estate, corporate, partnership, commercial, and business tort matters. John can be reached at jhurlbut@rutan.com.

This article first appeared in Orange County Lawyer, June 2015 (Vol. 57 No. 6), p. 22. The views expressed herein are those of the Author. They do not necessarily represent the views of Orange County Lawyer magazine, the Orange County Bar Association, the Orange County Bar Association Charitable Fund, or their staffs, contributors, or advertisers. All legal and other issues must be independently researched.