

Judicial Remembrance

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Hon. Florence-Marie Cooper U.S. District Judge, Central District of California

ON JAN. 15, 2010, Judge Florence-Marie Cooper passed away at the age of 69. She was an esteemed judge and extraordinary person, and she was an inspiration to many. Her family, friends, colleagues, and the legal community in the Central District of California and beyond are greatly saddened by her death.

Chief Judge Audrey B. Collins of the Central District of California, who described an “unfillable void” left by Judge Cooper’s untimely death, noted that Judge Cooper was “everyone’s friend—warm, caring, generous, and always ready to help with legal or non-legal issues. ... [She] personified the best qualities one could hope for in a federal judge—intelligence, analytical reasoning, and endless patience, combined with fairness, the unwavering ability to recognize and correct injustice to the individual, and a passion for justice.”

Judge Cooper spent her entire legal career, which lasted almost 35 years, in public service. She was nominated to the federal bench by President Bill Clinton in 1999 and was sworn in to the U.S. District Court for the Central District of California in 2000. She came to the federal bench after serving 16 years on the bench in the California state courts.

Born in Vancouver, B.C., Judge Cooper moved to San Francisco in 1952. After graduating from high school, she worked as a legal secretary in a law firm, where a female attorney inspired her to pursue a career in law. Although she was a working mother of two at the time, Judge Cooper began taking classes at City College of San Francisco and continued her education after moving to Los Angeles.

In 1971, she joined the relatively small group of women pursuing legal careers and entered Beverly Law School, now Whittier Law School. Hon. Miriam A. Vogel, a former California appellate justice and now with Morrison & Foerster LLP, fondly recalls spending many days and nights with Judge Cooper and Laurie Richards, studying for the “baby bar” exam and later for the state bar exam. “In hindsight it seems crazy,”



says Vogel, “but we were so worried about passing the exam—we studied all day, every day, for weeks. In the end we graduated first, second, and third in our class,” and Judge Cooper was the class valedictorian. Looking back on their law school years, Richards believes that “from the first semester in law school, Florence was destined to be valedictorian.” She recalls an instance when the dean of the law school read one of Judge Cooper’s final exams and exclaimed, with a note of awe, “This is an absolutely perfect paper! But I decided nothing’s perfect, so I gave her a 99.”

From her earliest years as a lawyer, Judge Cooper’s dream was to be a judge. After graduating magna cum laude from law school in 1975, she served for two years as a law clerk to Ninth Circuit Senior Judge Arthur Alarcón, who was then sitting in the appellate department of the Los Angeles Superior Court. After a short time as a deputy city attorney in Los Angeles, in 1978 Judge Cooper returned to work for Justice Alarcón as a senior research attorney for the Second Appellate District of the California Court of Appeal.

Reflecting on those days, Judge Alarcón notes, “I selected her because she was number one in her class in law school. I quickly learned that she was a brilliant legal scholar with superb verbal and written communication skills.” After Judge Alarcón was appointed to the Ninth Circuit Court of Appeals, Judge Cooper stayed on as a research attorney at the Court of Appeal until becoming a bench officer.

In 1983, the judges of the Los Angeles County Superior Court appointed Judge Cooper to a position as a court commissioner. She became particularly renowned because both defendants and prosecutors would stipulate to allow her to preside in cases involving the death penalty—a highly unusual occurrence. She soon became an expert on the topic, eventually traveling nationwide to lecture on procedures for handling death penalty cases.

In 1990, George Deukmejian, the Republican governor of California, appointed Judge Cooper—a lifelong Democrat—to the Los Angeles Municipal Court. After serving only nine months, she was voted “Judge of the Year” by a lawyers’ group. She was elevated to the Superior Court by Gov. Pete Wilson three months later. While serving on the Superior Court, she was named “Outstanding Jurist” by the Los Angeles County Bar Association and “Judge of the Year” by the Criminal Courts Bar Association.

District Judge Margaret M. Morrow, who knew Judge Cooper for 25 years, describes her as “a dear friend, a wonderful colleague, and that rare person who exudes calm when all around her display panic.” Judge Morrow calls Judge Cooper “an incredible mentor. She imparted wisdom; she helped folks find jobs; and she encouraged them to go to law school and to keep on keeping on until they got through it.”

Judge Cooper’s colleagues and those who appeared before her remember her with fondness. To her federal “buddy judge,” Hon. Dale S. Fischer, Judge Cooper was an irreplaceable friend and mentor. “She was warm and friendly, always had a smile,” says Judge Fischer, and she “had great respect for the law, for the oath we all take, and for our part in the legal system. She simply loved the job.” She also was a beloved mentor to many law clerks, externs, and court staff.

While serving on the federal bench, Judge Cooper presided over many important cases, including the following:

- *Altmann v. Republic of Austria*, in which she retroactively applied the Foreign Sovereign Immunities Act in denying a motion to dismiss a complaint seeking the return of artworks stolen by the Nazis during World War II;
- *Clare Milne v. Stephen Slesinger*, in which she ruled that the Walt Disney Co. was the rightful owner of the Winnie the Pooh character;
- *Natural Resources Defense Counsel Inc. v. Winter*, in which she ruled against the U.S. Navy in a series of cases related to the harmful effects of sonar test-

ing on whales and dolphins; and

- Cases involving Rancho Los Amigos Hospital, in which she ruled that Los Angeles County could not reduce services at a hospital that serves mostly severely disabled individuals who are indigent.

Litigants who appeared before Judge Cooper note her dedication to justice and her graciousness. Marc Harris, an attorney with Scheper Kim & Overland LLP, and Pamela Johnston, a lawyer with Foley & Lardner LLP, were on opposite sides in a month-long securities fraud trial before Judge Cooper in 2003. According to Harris, “she was always so pleasant and conscientious. There was no favoritism towards either side.” Similarly, Johnston, who was an assistant U.S. attorney when she appeared before Judge Cooper, recalls that the judge “always endeavored to be fair to both sides. ... I loved being in front of Judge Cooper—she was gracious and kind to the lawyers and the litigants, and as a jurist worked hard to be well-prepared to address the complex issues before her.”

Richard B. Kendall, a litigator with Kendall Brill & Klieger LLP, appeared before Judge Cooper in several federal cases. In *Natural Resources Defense Counsel Inc. v. Winter*, a case that eventually made its way to the U.S. Supreme Court, Kendall (then with the firm of Irell & Manella) represented the plaintiff, an environmental group. He describes Judge Cooper as “a judge who reached decisions based on the facts and the law, and only after fully hearing from all parties and carefully considering each side’s position. She approached every case without an agenda, and would decide issues based on the merits rather than any outside influences or preconceptions.”

Judge Cooper’s approach to the law reflected her unwavering commitment to justice. As described by District Judge Christina Snyder, Judge Cooper was “brilliant, compassionate and insightful, but above all else, she exhibited the unflagging courage to do what she believed to be fair and just.” Observes Judge Morrow, “because she was so comfortable with her role as a judge, she handled high profile cases no differently from low profile ones. That’s probably why she was able to make some of the decisions about which so much has been written.”

Judge Cooper was an active participant in bench and bar committees. On behalf of the California Judicial Council, she served on the Jury Instruction Task Force, the Criminal Advisory Committee, and the Cameras in the Court Task Force; she was also chair of the Three Strikes Study Committee. In addition, she served on the Executive Committee of the Los Angeles County Bar Association’s Litigation Section and as chair of the Media and Bench and Bar Committee of the Los Angeles Superior Court. She also was a member of the California Jury Instructions—Criminal Committee and the California Judges Association’s Executive Board and served on the boards of directors of the Federal Bar Association’s Los

Angeles Chapter, the Association of Business Trial Lawyers, and the Advisory Board of the Los Angeles Commission on Assaults Against Women. At the time of her death, she was a member of the Executive Committee of California's Central District Court.

Apart from her dedication to the law and service to the legal community, Judge Cooper also was devoted to teaching. Miriam Vogel recalls that her friend "truly loved teaching" and had a particularly "gifted way about her as a teacher." For many years Judge Cooper was a member of the faculty of the California Judicial College in Berkeley, the California Continuing Judicial Studies Program, National Judicial College, and the University of LaVerne College of Law. From 1980 to 1985, she was an adjunct professor of law at San Fernando Valley College of Law. As described by Judge Fischer, Judge Cooper "rarely turned down a request to teach a class, speak to lawyers or students on one of the many legal subjects in which she was considered an expert, preside over a mock trial or moot court, or sit on a panel of lawyers or judges. Somehow she managed to accomplish all of these things and more, without detracting from her devotion to her judicial duties—first on the state court and then on the federal bench."

Justly recognized for her unparalleled service, Judge Cooper received many awards, including being named Judge of the Year by the Criminal Courts Bar Association, the Century City Bar Association, L.A. Women Lawyers, and the Criminal Justice Section of the Los Angeles County Bar Association. In 2000, she received the Golden Mike Award from the Radio & Television News Broadcasters Association. The *Los Angeles Daily Journal* named her one of the 100 most influential people in California in 2005, 2007, and 2008.

Fondly remembering her former colleague, Chief Judge Collins states, "Florence was everything we could hope for in a colleague and a friend—funny, loyal, someone to count on through the good days and the bad days." Miriam Vogel calls Judge Cooper "the best friend ever," adding that she was "always upbeat, positive, and concerned when anyone needed help or attention." Judge Alarcón remarks that she "made an enormous contribution to the legal profession. She ranks as one of this country's greatest judges. Her wisdom, her warmth, her sturdy integrity, and her compassionate treatment of the parties that appeared before her has inspired all of us who worked with her, her students, her law clerks, and the lawyers who appeared before her, to try to be like her and to pass on what we learned from her to those that who will follow us."

Judge Cooper was a loving and inspirational mother to her children and stepchildren, her grandchildren, and her husband of 27 years, Les Peckins. As described by Judge Fischer, "as dedicated as Florence was to the law, her pride and joy was her family." Among her last acts on the bench was performing a naturalization ceremony, which was observed by her granddaughter,



In July 1990—(l to r) Judge Florence-Marie Cooper with her former law school classmates Miriam Vogel and Laurie Richards. Photo courtesy of Miriam Vogel.

whom Judge Cooper brought to the event.

Judge Cooper had planned to retire from the bench in March 2010 in order to devote more time to caring for her husband, who suffers from Alzheimer's disease. She had planned to pursue what would have been a highly successful career as a private judge. According to Miriam Vogel, "she was looking forward to the challenge of something new and to her future in private judging. She would have been extraordinary."

Judge Cooper's warmth, integrity, commitment to public service, and passion for justice were unwavering. As summed up by Judge Morrow, "she was, quite simply, the best and we will all miss her terribly." **TFL**

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