

Judicial Profile

SUSAN McRAE

Hon. Consuelo B. Marshall *U.S. District Court, Central District of California*

Hon. Consuelo B. Marshall today sits as U.S. District Court chief judge of the Central District of California in Los Angeles. Although there were no lawyers or judges in her family as she was growing up, she nevertheless was greatly influenced by attorneys and activists in the civil rights movement, including Supreme Court Justice Thurgood Marshall and local community activists Albert Matthews and George Jones. It was Jones and Matthews, in fact, who persuaded her that, if she truly wanted to make a difference, a career in the practice of law was the path she should follow. And what a difference Judge Marshall has made.

The following article details the many accomplishments of this highly regarded jurist, who I am pleased to note also graciously serves as the chair of the Federal Bar Association's Bench/Bar Relations Committee, a group that includes chief judges from the various circuits and U.S. Supreme Court Clerk William K. Suter. In addition to having presided over high-profile cases that include such instantly recognizable names as Dr. Jack Kevorkian and Heidi Fleiss, the so-called Hollywood Madam, Judge Marshall also remains active in many professional organizations. Her advice to those who want to pursue a career in law reflects the basic values that obviously have resulted in her numerous achievements and successes: "Don't give up on your dreams, work hard, be involved in your community and make all the contributions that time permits to your community."

— Kent Hofmeister, FBA President

This profile originally appeared in the Nov. 18, 2002, issue of the *Los Angeles Daily Journal* and is reprinted with permission. Readers will likely note some stylistic differences between this piece, written for a legal newspaper, and other judicial profiles that have appeared in *The Federal Lawyer*. This article was chosen for inclusion in the magazine because of Judge Marshall's significant contributions to both the FBA and the federal judiciary.

Times certainly have changed since Consuelo B. Marshall began practicing law. The chief judge for the U.S. District Court for the Central District was not only the first woman lawyer hired by the Los Angeles city attorney's office in 1962 but also the first woman of color.

Marshall remembers that day well.

The interviewer made it clear that the office did not hire female attorneys, but he took her in to meet City Attorney Roger Arnebergh to explain the

office's policy.

The reason his office didn't hire women attorneys, Arnebergh told Marshall, was that all deputy city attorneys started out in the criminal section to gain trial experience.

Pulling a copy of Henry Miller's *Tropic of Cancer* from a shelf, Arnebergh warned, "You would have to use words like 'prostitute.'"

He flipped to another page and read a few more potentially embarrassing terms that Marshall, who had a somewhat sheltered upbringing, said she didn't even understand.

By the time Marshall arrived home, however, Arnebergh phoned to say he had reconsidered.

The district attorney's and the U.S. attorney's offices had begun hiring women lawyers, Arnebergh said, and he decided it was time the city attorney's office did so, too.

"There was no way I wouldn't have taken the job because of the challenge," Marshall said. "Shortly after, they hired several more women."

Serving tea and spice cake in the wood paneled anteroom of her spacious chambers, Marshall seems more like a gracious hostess with all the time in the world to chat than a trailblazer for the rights of women and minorities with a full calendar of cases awaiting her attention.

It's part of her engaging charm, colleagues say, that she's able to devote her full attention to each task or person before her, without ever giving the impression of being rushed or pressured.

"She always has time for you, and she listens to you and talks to you, not at you," said Ron Low, a friend, who is a Los Angeles Department of Public Works commissioner.

A former deputy city attorney, Low met Marshall in 1984, when he worked for her as an extern while waiting to take the bar exam. Marshall became a mentor to him and later to his wife, a patent lawyer with whom, like most of Marshall's former clerks and externs, the Lows have remained good friends.

"She's down-to-earth and approachable," Low said. "You could meet her in the supermarket, and she would be the same as she is on the bench or in her chambers. That's what I admire about her — her ability to just be herself."

At 66, Marshall radiates the eagerness and energy of someone beginning her career journey, looking

forward to new challenges. She blends personal reserve with political liberalism.

Her chambers, with overstuffed furniture, deep carpeting, and a vase of fresh-cut flowers, have the feel of a comfy, old-fashioned drawing room. There are family photos with her husband, George Marshall, a private mediator and arbitrator, and their children, a son who is an attorney for a small motion picture company and a daughter who works as a NASA engineer. A yearbook-type poster on one wall displays the ID photos of all her clerks since 1980, when President Carter named her to the federal bench. A couple of years ago, they reunited to throw her a surprise luncheon.

Since Marshall became chief judge last year, her workload has quadrupled, but her calm remains intact.

Along with managing a full calendar of cases, she has made a point of visiting all the judges in the district. Then there are the regular meetings with the Ninth Circuit Court of Appeals, federal judicial meetings in Washington, D.C., and the Central District of California administrative meetings on her lunch hour.

Despite a daunting schedule, Marshall finds time for numerous outside activities, including her participation in the Just the Beginning Foundation, a group of African-American federal judges who encourage community role models, and the International Association of Women Judges, which met last year in Ireland.

She also trains and competes in the annual Santa Barbara to Malibu breast cancer walk, sometimes with other staff members. Several weekends ago, she took her staff for a weekend hike in Ojai. A photo on a nearby table shows the petite, 5-foot, 2-inch judge in running togs, a sprinkling of freckles across her nose, competing with people half her age.

But though she may be tough and determined on the inside, what comes across, according to people who know, is her remarkable patience and composure.

"I appeared before her a number of times, and she is by far one of the most patient and dedicated individuals I know," Los Angeles U.S. Attorney Debra Yang said of her days as a federal prosecutor before Marshall. "She has strength of character and integrity combined with true judicial temperament. I've never seen her flare up or get angry.

"It also is remarkable to have a chief judge who is a black woman who began practicing in the '60s, in a time quite different than now," said Yang, who knows something about milestones, being the first Asian American to serve as U.S. attorney for the Central District of California.

"She's the best in every way, and I am thrilled that some day she is going to have her portrait up there with all those men," Los Angeles federal Public De-

fender Maria Stratton said of the district's first female chief judge.

Stratton said that whenever she takes a grade-school class on a tour of the federal courthouse, she asks them to look at the portraits of all the chief judges on display in Marshall's courtroom and tell her what's wrong with the picture.

Invariably, they will tell her, "There are no women."

Stratton, who as a trial attorney had one of her first trials before Marshall, said the judge is organized, prepared, and "so very pleasant and respectful of the parties, particularly criminal defendants."

"But she's no pushover," Stratton said.

Marshall may have gotten her resolve and determination from her mother, who grew up in the South when segregation was considered a way of life, married at 16, bore two children and, much later, completed her education and became a teacher.

Although Marshall, too, was born in Tennessee during the time of segregation, she said that her parents shielded her from most of the negative aspects while she was growing up. She recalls the schools being segregated, and she remembers sitting in the balconies of movie theaters, but by the time she would have been old enough to be more vocal or concerned, she had left the South.

By then, Marshall's parents had divorced, and Marshall and her older brother were living with their grandmother. She recalls taking long walks with her brother, and they would talk and plan their careers. She wanted to be a lawyer; he wanted to become a physician.

Both got their wishes. When Marshall entered high school, her mother, who had moved to Los Angeles and remarried, sent for her and her brother.

After high school, Marshall wanted to go to Howard University, but her mother insisted that she



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not confine herself to an all-black school when she had many options. Marshall ended up at Los Angeles City College and then transferred to Pepperdine University. Finally, in her third year at Pepperdine, she convinced her parents to let her go to Howard.

Her parents came to her graduation and agreed that she had made the right choice. Marshall convinced them to let her stay on to go to law school.

It turned out to be an excellent move. The entry class had 60 students, but only 20 remained by the time she graduated, allowing everyone to get personal attention. The students often worked on briefs and research for Supreme Court cases and attended arguments.

It also was the only university at the time that offered a course in civil rights.

Even so, when she graduated in 1961, her professors were saying that they didn't think women should practice law, Marshall said.

Undaunted, Marshall returned to Los Angeles and began her job search.

While waiting to take the bar exam, she landed a job in the accounting department of the state Department of Corporations. The man who hired her said that he might have a position for her in the legal department after she passed the bar exam.

But by then, Marshall said, "I was so happy that I had gone to law school, because this job was so boring, and I thought what their lawyers did was pretty dull, too."

So she declined the offer and went on to become the first female lawyer in the city attorney's office.

Another young lawyer also began his career in that office around the same time: Johnnie L. Cochran Jr. He had gone to the same high school as Marshall, and they attended the same church.

When Cochran left the city attorney's office to open his own practice, he needed someone to stay in the office, interview clients, and initiate com-

Judge Consuelo B. Marshall: Selected Cases

U.S. v. Green, 98CV337

For the prosecution: Patricia Donohue, U.S. attorney's office, Los Angeles

For the defense: Joseph Walsh, Los Angeles Joseph Michael Walsh Jr./Joseph Francis Walsh

Robi v. Bennett, 93CV4546

For the plaintiff: Allen Hyman, North Hollywood

For the defendant: James F. Lesniak, Knobbe Martens Olson & Bear, Irvine

Talbert Fuel Systems v. Unocal, 98CV412

For the plaintiff: Richard Machonkin, Chicago

For the defendant: Susan Dunbar, Robins Kaplan Miller & Ciresi, Costa Mesa

Gallagher v. West Covina, OOCV00377

For the plaintiff: Stephen Yagman, Yagman & Yagman & Reichmann, Venice

For the defendant: William H. Shin, Franscell Strickland Roberts & Lawrence, Glendale

Wayne v. DHL Worldwide, OOCV7967

For the plaintiff: Henry H. Rossbacher, Rossbacher & Assoc., Los Angeles

For the defendant: Edwin V. Woodsome Jr., Howrey Simon Arnold & White, Los Angeles

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plaints, Marshall recalled.

The job suited Marshall, who had married during her first year of law school and started a family. She wanted a job with more flexibility. So in 1967, she went to work for Cochran.

While working for Cochran, Marshall also took a job as an as-needed referee in Juvenile Court once a month, a move that was to become the beginning of her judicial career.

In 1971, Marshall left the Cochran firm for a fulltime position as a Juvenile Court commissioner. Five years later, Gov. Jerry Brown appointed her to the Inglewood Municipal Court. After only nine months, Brown elevated her to the Los Angeles Superior Court, where she remained until Carter named her to the federal bench in 1980.

Looking back, Marshall said that all her cases have been interesting, with unique issues, and that singling out one in particular is difficult.

She did recall one of her first civil cases. It was a patent case that posed a huge challenge because, before she could apply the law, she had to understand how the device worked.

"It was a difficult case," Marshall said. "One judge had the patent part, another judge had the antitrust part. As a new judge, I got both parts."

Soon after, Marshall was assigned an admiralty case, which came with its own language.

While the variety has made her scramble to get up to speed on all aspects of federal law, it is that same variety that makes her job so enjoyable and interesting, she said.

"I'm often asked if I had to make the choice today, would I choose the same career," Marshall said. "My answer is yes, oh yes." TFL

Susan McRae is a Los Angeles Daily Journal staff writer. © 2002 Daily Journal Corp. Reprinted with permission.