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October 27, 1997, Monday

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HEADLINE: Judge Edward **Ross** Appears Headed For New Job as Co-Trustee

BYLINE: By ROGER M. GRACE, Editor

BODY: Los Angeles Superior Court Judge Edward M. **Ross** appears to be headed for retirement from the bench to become a \$ 300,000-a-year co-trustee of a trust worth between \$ 100 million to \$ 300 million.

Ross, 64, was top-rated among 17 applicants interviewed by a committee of two former Superior Court colleagues, designated by Los Angeles Superior Court Judge Robert M. **Letteau**. **Letteau** practiced with **Ross** in the Inglewood firm of **Ross**, Pierson & **Letteau** prior to **Ross's** appointment to the Inglewood Municipal Court by then-Gov. Jerry Brown in 1979. (**Ross** was elevated to his present post in 1981; **Letteau** was appointed by Brown the following year.)

Ross and Letteau were also involved together in business ventures.

The recommendation that **Ross** be appointed came from retired Superior Court Judge Harry T. Shafer and retired Court of Appeal Justice Jack Goertzen (a former Superior Court presiding judge). Although their report to **Letteau** submitted earlier this month has an order of appointment attached to it with a blank for his signature, **Letteau** has indicated he will not pass on the recommendation.

The matter has been referred, according to Shafer, to Los Angeles Superior Court Judge Gary Klausner, who supervises the Probate Department.

Shafer and Goertzen both said they received no signal from **Letteau** as to which applicant he wanted to be selected. However, Shafer said Friday he would "assume" that **Letteau** alerted **Ross** to the lucrative job-opening.

The retired jurist said of **Ross**:

"Hell, he used to be a partner of **Letteau**. How else would he find out?"

(**Letteau**, generally assumed to have been a partner in the law firm that included his name, was actually an employee of a law corporation owned by **Ross** and David C. Pierson, a former assemblyman.)

Ross did not return a call seeking comments and **Letteau** was reported to be absent from his courtroom.

Goertzen said **Ross** was "just heads-above more qualified" than the other applicants, which included attorneys as well as family members of the deceased trustor, Frederick R. Weisman (who was brother-in-law of deceased industrialist Norton Simon).

Shafer said the trust includes "several foundations, museums, and a charitable trust." The position of interim

co-trustee could continue for "several years," he said, remarking:

"Trusts, they can last forever."

The report by Goertzen and Shafer recommending that **Ross** be appointed as third co-trustee of the Frederick R. Weisman Revocable Trust of 1991 said of the applicant:

"Judge **Ross** has had a distinguished nineteen year career on the bench; two years on the Municipal Court in Inglewood, and 17 years on the Los Angeles Superior Court. Judge **Ross** served as Supervising Judge of the Probate Department of the Superior Court for two years, 1991-1993.

"During 20 years in private practice Judge **Ross** became a certified Specialist in Taxation Law. He was a member of the Association of Real Estate Attorneys. His practices specialized in tax, probate, estate planning, commercial transactions and litigation.

"Judge **Ross** is prepared to retire from the bench if appointed as a trustee and he is committed to serve as long as needed.

"Judge **Ross'** training and experience in the law as a judge and lawyer uniquely qualifies him for this appointment."

Ross has not always fared so well with Goertzen. As presiding judge in 1986, Goertzen denied **Ross'** request to keep his assignment the following year in the Law and Motion Department, shifting **Ross**, over his protest, to a criminal law department.

Goertzen, as a justice of Div. Four of this district's Court of Appeal, in 1988 wrote the opinion affirming a malicious prosecution judgment against **Ross** and his former law firm, resulting in **Ross** writing checks in favor of the plaintiff totalling \$ 65,000. The case is Gerard v. **Ross** (1988) 204 Cal.App.3d 968.

Goertzen recalled Friday that he did not renew **Ross'** assignment to the Law and Motion department owing to complaints from attorneys that **Ross** was "somewhat sharp-spoken" and that "his attitude wasn't very good."

He also said, however:

"After my dealings with him, I never really heard anything adverse about him in the courtroom. The guy, at least, seemingly, was redeeming himself."

Ross has, however, run into controversy since then. In 1990, members of a jury complained to the Commission on Judicial Performance that **Ross** repeatedly shouted at a lawyer in the case on which they sat, and the lawyer, a new admittee, reported that at one point when the court was not in session, **Ross** "physically charged" at him while in a "furious rage."

The judge drew private discipline.

Ross charged the attorney with contempt, but another judge, Barnet M. Cooperman (since retired), found the allegation to be without merit.

In 1991, **Ross**, as supervising judge of the Probate Department, ordered two persons jailed, on successive days, based on his perception that their accountings were inadequate, labelling one of the accountings "garbage." One of the cases went to the Court of Appeal, which, in an unpublished decision, granted a writ of habeas corpus, declaring that **Ross'** contempt order did "not conform to well-established standards of due process."

Later that year, **Ross** ordered that a female attorney be taken from his courtroom in handcuffs over her alleged failure to file an accounting which, it turned out, had been filed. He declined to listen to her explanation before ordering her arrest.

Ross received his undergraduate degree from UC Davis in 1954, graduating cum laude, and attained his law degree in 1959 from UCLA, where he was admitted to the Order of the Coif.

From 1959-60, he served in the District of Columbia in the Antitrust Division of the U.S. Attorney's Office.

He gained his California law license in 1960. Three years later, **Ross** earned a master of laws degree at USC.

Ross was in practice in Inglewood from 1960 until his 1979 appointment to the bench in the firm that was to become **Ross, Pierson & Letteau**. He was president of the law corporation at the time of the appointment.

If the order is signed appointing **Ross** as a co-trustee, the jurist will fall short of the 20 years required for maximum pension benefits, but will be compensated at a level roughly three times his current salary.

LOAD-DATE: December 19, 1997

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October 29, 1997, Wednesday

SECTION: Pg. 1

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HEADLINE: Job Opening Evaporates, Judge **Ross** to Remain On Bench

BYLINE: By ROGER M. GRACE, Editor

BODY: Los Angeles Superior Court Judge Edward M. **Ross** won't be leaving his post to become a \$ 300,000 a year co-trustee of a trust because the position he was to fill has been canceled, the MetNews has learned.

"[I]t is neither necessary nor appropriate to appoint an additional trustee," Los Angeles Superior Court Judge Robert **Letteau** said in an order issued Monday. The order came the same day an article appeared in the MetNews reporting that **Ross** had been recommended for the post by a committee picked by **Letteau**.

Ross and Letteau were associated for 11 years in law practice in the Inglewood firm of **Ross, Pierson & Letteau** prior to **Ross'** 1979 appointment to the Inglewood Municipal Court. **Letteau** noted in his order that the suggestion of the appointment of a third interim co-trustee was made by an heir of the deceased trustor, Frederick R. Weisman, and that there had been an "expectation" that any additional trustee would be a member of the family.

Today was to have been the deadline for comments to **Letteau** by letter on the appointment of **Ross**, which was recommended by a committee of two former judges of the Superior Court acting as referees. Passing on the 17 applicants were Harry T. Shafer, who retired from the Superior Court in 1982, and Jack Goertzen, who left the Superior Court in 1989 to join the Court of Appeal, from which he retired in 1991.

Letteau said in Monday's order that "comments concerning the possible appointment of Edward M. **Ross** as an interim trustee are deemed unnecessary and will be returned to the offering party or parties, unless such party or parties desire for same to be made a part of the official record."

Bruce S. **Ross** of the downtown law firm of **Ross, Sacks & Glazier**, who is special

counsel to the interim trustees, said yesterday that he and "two or three of the attorneys who were involved" did intend to write letters opposing the appointment of the judge (who is no relation to him).

"We felt if a member of the Weisman family was not going to be appointed, it was probably not necessary to appoint anyone," he explained.

The two present trustees hold "interim" positions, he noted, because their predecessors were suspended by **Letteau** last year (based on excessive charges to the trust) and appealed that action. Both of the suspended trustees have now resigned, however, the lawyer reported.

He said the trust is valued somewhere between \$ 200 million and \$ 250 million.

The invitation to write to him was extended by **Letteau** at a hearing in the case on Oct. 10. Although stationed in Santa Monica, **Letteau**, who was last year's supervising judge of the Probate Department at the Central Courthouse downtown, frequently returns to that department on Fridays to preside in cases.

Edward **Ross**, also a former supervising judge of the department, is an occasional guest judge there.

Neither **Ross nor Letteau** has been available for comment, and it is not known whether **Letteau** tipped off his former associate in law practice and business ventures as to the job opening. Shafer said Friday he assumes that to have occurred.

Yesterday, Shafer said he was "shocked" by the cancellation of the appointment after he and Goertzen had expended considerable time evaluating the applicants.

The minute order reflects service by mail not only on the attorneys for the parties, but on Robert W. Parkin, the Superior Court's presiding judge, and on Gary Klausner, this year's supervising judge of the Probate Department.

Klausner said yesterday he knows "nothing about it" and has "no idea" why he is being served with the minute order.

LOAD-DATE: December 19, 1997