

PUGLIA, Robert K.

RETIRED JUSTICE, COURT OF APPEAL, Third Appellate District

Appointment/Election: Appointed [succeeding Presiding Justice Frank K. Richardson, elevated] by Governor Reagan Nov. 27, 1974, confirmed by Commission on Judicial Appointments Dec. 23, 1974, oath Dec. 24, 1974, confirmed by electorate in 1978, and reconfirmed by electorate in 1990.

Other Judicial Office: Served on assignment as Associate Justice *pro tempore*, Supreme Court of California, in 1995, 1994, 1991, 1990, 1989, 1984, 1983, and 1979 and as Acting Chief Justice in 1992 (see *Carma Developers (Cal.), Inc. v. Marathon Development California, Inc.*, (1992) 2 C.4th 342, 350 n. 1, discussed *infra*). Associate Justice, Court of Appeal, Third Appellate District, June 3, 1974 (date of confirmation by Commission on Judicial Appointments and oath) to Dec. 23, 1974, appointed April 15, 1974 by Governor Reagan. Judge, Superior Court, Sacramento County, 1971-74, appointed by Governor Reagan.

Past Employment: Private law practice, Sacramento, Calif., 1969-71 (partner, McDonough, Holland, Schwartz, Allen & Wahrhaftig). Chief Deputy District Attorney (1964-69) and Deputy District Attorney (1959-63), Sacramento County. Deputy Attorney General, Calif. State Dept. of Justice, Sacramento office, 1959.

Memberships/Awards: Member: Council of Chief Judges of Courts of Appeals (ABA), 1981—(President, 1984; Executive Committee, 1981-1985); Calif. Judges Assn., 1971— (President, 1980-81; Executive Board, 1978-81); Anthony M. Kennedy American Inn of Court 1989—, (President, 1990-93); Calif. Judicial Council’s Committee of Administrative Presiding Judges, 1975—, and 1987—; Member: Calif. Judicial Council, 1987-89; Select Committee of Advisors, Pacific LJ, 1974-80; and Calif. State Bar’s Committee on Criminal Law and Procedure, 1967-70. Chair: Fourth Calif. Conference on the Judiciary, Citizen for Law Enforcement Needs, 1977; Chair: Criminal Law Advisory Committee to Calif. State Bar’s Commission on Legal Specialization, 1971.

Teaching/Lectures/Panelist: Faculty, Appellate Judges Seminar, Institute of Judicial Administration, New York Univ., New York, N.Y., 1985-88. Adjunct Professor of Law, McGeorge College [now Univ. of the Pacific, School] of Law, Sacramento, 1961-69. Also served as Instructor, Sacramento State College [now Calif. State Univ., Sacramento], School of Police Science and Administration, 1964-65.

Noteworthy Cases: Noteworthy opinions by Presiding Justice Puglia include: *Carma Developers (Cal.), Inc. v. Marathon Development California, Inc.*, (1992) 2 Cal.4th 342, 6 Cal.Rptr.2d 467, 826 P.2d 710 (“recapture” clause in lease permitting lessor to terminate lease on lessee’s request to sublet a portion of the premises is not an unreasonable restraint on alienation); *KOVR-TV, Inc. v. Superior Court (Whittle)*, (1995) 31 Cal.App.4th 1023 (TV reporter who manipulates emotions of minors to create newsworthy event on camera liable in tort); *People v. Superior Court (Williams)*, (1992)

8 Cal.App.4th 688 (a judge may not be peremptorily disqualified on grounds of the judge's race); *Department of Personnel Administration v. Superior Court*, (1992) 5 Cal.App.4th 155, 6 Cal.Rptr.2d 714 (after impasse occurs in bargaining with public employee unions, state employer may impose last best offer in respect to those terms and conditions of employment as to which Legislature has delegated such authority); *Merenda v. Superior Court*, (1992) 3 Cal.App.4th 1, 4 Cal.Rptr.2d 87 (plaintiff not entitled to recover damages for emotional distress in an action for legal malpractice); *California Trial Lawyers Assn. v. Eu*, (1988) 200 Cal.App.3d 351, 245 Cal.Rptr. 916 (mandate to state election officials to refrain from submitting to electors a measure which violated the constitutional prohibition against an initiative embracing more than one subject); *People v. Reber*, (1986) 177 Cal.App.3d 523, 223 Cal.Rptr. 139 (defendant charged with sex crimes may discover privileged psychotherapy records of complaining witness on demonstrated showing of need to insure constitutionally fair trial); *Steinmetz v. Stockton City Chamber of Commerce*, (1985) 169 Cal.App.3d 1142, 214 Cal.Rptr. 405 (an occupant of business premises has no duty to its invitees to protect them from wrongful acts of third persons occurring on adjoining property which the occupant neither owns, possesses, nor controls); *Valdes v. Cory*, (1983) 139 Cal.App.3d 773, 189 Cal.Rptr. 212 (statute suspending state's contributions to employees' retirement fund held unconstitutional impairment of contract); *People v. Remiro*, (1979) 89 Cal.App.3d 809, 153 Cal.Rptr. 89 (criticizes application of judicially declared rules of criminal procedure retroactively to reverse convictions); *Hammarley v. Superior Court*, (1979) 89 Cal.App.3d 388, 153 Cal.Rptr. 608 (newsman's statutory immunity from contempt for refusal to disclose sources and unpublished information must yield to criminal defendant's demonstrated need for that information to insure a constitutionally fair trial); *Riley v. Bear Creek Planning Committee*, (1975) 123 Cal.Rptr. 330 (extrinsic evidence inadmissible to prove unrecorded equitable servitude) [adopted by Supreme Court, 17 C.3d 500, 131 Cal.Rptr. 381, 551 P.2d 1213 (1976)].

Military Experience: U.S. Army, 1952-55 (Infantry). Served to Sergeant First Class, Korean War. Awarded Combat Infantryman's Badge.

Education: Graduate (1984), Appellate Judges Seminar, Institute of Judicial Administration, New York Univ., New York, N.Y.; LL.B. (1958), Univ. of Calif., Boalt Hall School of Law, Berkeley, Calif.; B.A. (1952), Ohio State Univ., Columbus.

Personal: Born Oct. 16, 1929; Westerville, Franklin County, Ohio; Married. Four children.

Admission: Admitted to Calif. Bar, to U.S. Court of Appeals, Ninth Circuit, and to U.S. Dist. Court, Northern Dist. of Calif., Jan. 7, 1959.

Political Affiliation: Republican.