

Judicial Profile



HON. DON EDWARD GREEN

Commissioner
Contra Costa Superior Court

PROFILE After taking his seat on the Contra Costa Superior bench, Don Edward Green found himself wrestling with conflicting attitudes about some of the people who appeared before him.

Especially in cases involving contested wills and trusts, Green had to contend with some extremely temperamental family members.

"Working in the courts, you'd see these ugly fights," he said. "For example, you'd have one child who had been administering the trust of his parents, and then suddenly the other sibling would ask for an accounting for the past 10 years. For a while, it seemed very ugly and very depressing."

Green, 49, a highly respected member of the executive committee of the State Bar's Estate Planning, Trust and Probate Law Section, was hired as a probate commissioner in December by the Superior Court bench.

Having experienced a stable middle-class upbringing, Green, a mild-mannered former staff attorney for Sacramento Superior Court, found the infighting he observed in court highly disquieting.

"You'd think in those kinds of circumstances everyone would pull together and be mutually supportive," he said.

But after a while, Green began to make sense of the process.

"I realized that people act out the shock of a parent dying in various ways. They can totally withdraw or do some bizarre things. Having a parent or family member die can be overwhelming," he said.

He also began to contextualize the situations.

"In America, no one ever dies," he said. "They pass away or they're 'dearly departed.' So when a family member dies, it can be very traumatizing. We really avoid focusing on death as an ordinary part of life. As a consequence, people who were never spiteful or vindictive suddenly become that way."

As a result, Green said, he began to gain a much different perspective.

"In my own mind I had to forgive them. It took me a long time to figure out why these apparently nice people are behaving so badly," he said.

Green said he's been able to counter his negative thoughts by remaining courteous and respectful, even in cases involving the darkest circumstances.

"Probate court is really a bastion of courtesy," he said. "It's about not making the process more miserable than it has to be."

Even before his arrival in Contra Costa Superior Court, Green was known for his well-developed sense of the law. Local attorneys said they already knew him as a teacher with the California Continuing Education of the Bar and the California Center for Judicial Education and Research. His position on the State Bar's Estate Planning, Trust and Probate Law Section also contributed to his reputation.

He served as chairman of that section from 1996 to 1997. In that role, he helped develop several key pieces of legislation, including a new form, the "caregiver affidavit" that made securing medical treatment and education for children easier, without requiring a court

proceeding.

"He's known throughout the probate community for his expertise and dedication," Walnut Creek attorney David Elefant said. "Everyone really respects his knowledge. He's organized and pays great attention to detail. He follows the law and renders a fair decision."

In court, Green seems courteous and respectful, attorney Janice Titmus said.

"He shows a great deal of empathy and courtesy to people who appear in his court," she said. "With counsel, he's also very courteous and responsive. At the same time, he's very concerned that the probate code should be followed. He's very concerned that the rights of individuals be protected and followed."

Attorneys said Green has a dry sense of humor that helps puts people at ease.

"He has a wonderful sense of humor so that, even when the attorneys are doing something procedurally incorrect, he'll make light of it so that you don't feel small," attorney Kathleen Polin said.

Polin also noted that Green has very high standards.

"He applies the law literally," she said. "He's highly technically oriented and requires attorneys to follow procedure as it is prescribed."

Green, who enjoys the theater, skiing, horseback riding and reading, lives in Martinez during the week and in Sacramento on weekends with his wife, Laurel, a high school teacher. They have no children.

Born and reared in Bell in Southern California, Green grew up in a family of three children, raised by an accountant father and a mother who once worked as a professional model. After finishing high school, he entered California State University, Long Beach, where he earned a bachelor's degree in speech communications in 1973 and then enrolled in the University of the Pacific's McGeorge School of Law.

There, Green met his future wife. After earning his law degree in 1976, Green decided to remain in the area at least until his wife could complete her schooling.

"I hated Sacramento, but my wife was two years behind me, and I had to wait for her. In the meantime, I went to look for a job. As it turned out, we just stayed in Sacramento for the next 20 years," he said.

After passing the State Bar exam in 1977, Green joined Couper, Wohl, Cinnamon & Hagedorn in Sacramento and was assigned a full load of business and family law cases. During that time, he served as second counsel in *Watkins v. Watkins*, 143 Cal.App.3d 651, the first palimony case in California to reach a jury verdict in the wake of a suit against actor Lee Marvin brought by his former common-law wife.

Green remained with the firm until 1981 and then joined Johnson, Fort, Meissner & Joseph in Sacramento. He continued practicing there for two years and then returned to his old firm for two years. Then he spent a year as a solo practitioner until McDonough, Holland & Allen, then Sacramento's largest law firm, recruited him. After arriving, he took cases involving estate planning, probate and tax law.

He remained until 1989, when he decided to seek a change of pace. In the new job of staff probate attorney for Sacramento Superior Court, Green provided legal and technical analysis for probate judges and phone assistance to litigants, among other duties.

"It was sort of a wonderful job in a way because it involved thinking through the legal issues without sitting in your office and grinding out paperwork," he said.

In addition, Green served as a pro tem probate judge in the absence of regular judicial officers. He loved the experience.

"I found it enormously satisfying," he said. "The procedural issues in probate are complex and interesting. At the same time, you get to deal with very human issues."

Eventually, Green sought and received a commissionership.

"It was the only job I've ever wanted bad enough that I'd move someplace else to get it," he said.

- MARK BLUMBERG

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