

Susan Illston

OUR FIRST FEDERAL JUDGE

BY LETICIA TOLEDO, ESQ.
AND AMANDA L. RIDDLE, ESQ.

Susan Illston entered the law after graduating with honors from Duke because she “wanted to do justice.” Upon graduating from Stanford Law School, Illston joined Joseph Cotchett’s firm as an associate, and soon became a partner. Illston burnished a reputation as an effective trial lawyer at a time when women were not often seen in the courtroom. Her practice focused on civil litigation with an emphasis on commercial litigation. “She was one of the most prepared lawyers I’ve ever seen,” Cotchett said. “She had a mind that was so quick, she could recall pages in cases and almost quote them.”

In the 1980s when the NFL hired her to fight a referee’s wrongful termination lawsuit, Illston was already an accomplished trial lawyer. At the time, she knew nothing about football. A diligent student and a quick study, she spent hours reviewing game tape and memorizing rule-book trivia. “By the time the case started, she knew more about the game than the so-called geniuses of football,” recalled Cotchett. A jury ruled in the league’s favor.

Illston originally became involved in the County Bar by serving as a member of the Bench and Bar Committee. She found the byplay between the attorneys and judges “interesting” and believed the Committee’s task was important for



the practice of law in San Mateo County. Illston became president of the Bar Association in 1984. She quickly learned that properly managing the Public Defender program was “challenging in attempting to administer the program in a reasonable and equitable manner.” She believed the Private Defender program enhances the bar association’s distinguished reputation in the state. Her legal prowess was widely recognized. Illston was one of the earliest female

members of the American Board of Trial Advocates and the American College of Trial Lawyers. She also she served on the blue ribbon “Futures Commission” examining the future of the profession and the State Bar.

PRESIDENTIAL NOMINATION

In 1995, President Clinton nominated Illston to the United States District Court for the Northern District of California, in San Francisco. There, she continues her reputation of being a hard-worker and being very balanced in her judgment. She is known to get to the point quickly. The ability to master a new topic, as she did in the NFL case, has also served Illston well on the Bench, where she has frequently presided over high-profile cases, including the Barry Bonds – and the Bay Area Laboratory Co-operative (“Balco”) – perjury trial.

Other cases over which Illston presided include the trials of track coach Trevor Graham and the cyclist Tammy Thomas, and the guilty pleas of others affiliated with the Balco investigation, as well as a jury trial in which a group of Nigerian villagers sued Chevron over the killings of protesters who occupied an offshore oil platform. In addition, she presided over a class-action case involving allegations of price-fixing among makers of flat-screen televisions and a racial bias lawsuit against FedEx that was ultimately settled.

Illston is widely regarded as one of the very best judges ever to serve on the Northern District of California bench. She continues to serve with distinction, and is now on senior status. □

“By the time the case started, she knew more about the game than the so-called geniuses of football”

— Joseph Cotchett