The Honorable Horace Wheatley 
Presiding

When Horace Wheatley, COP '61, was a junior in college he began to wonder if he had selected the right major. He entered college intent on becoming a brain surgeon, so he chose zoology and pre-med.

But after getting into debate, and achieving success, he would frequently receive comments from the judges at speech tournaments like "I'm sure you will be an excellent lawyer" and "You show promise as an attorney." This spurred his interest in the legal profession and resulted in a change of major to pre-law in his senior year.

It was the right move.

Judge Horace Wheatley, 45, sits on the Municipal Court bench in Oakland. He was named to the position by Governor Jerry Brown in 1981 to fill an unexpired six-year term. Although he was up for election this year, no one challenged him.

Wheatley, who was recently named to the UOP Alumni Association Board of Directors, was chosen by Brown after a 16-year legal career.

"My law practice was so satisfying that being a judge wasn't a high priority," explains Wheatley. He was on vacation when he learned of his appointment. "I called the office to check in, and when they said congratulations I thought I must have just received a favorable settlement in a case."

For Wheatley, the transition from lawyer to judge wasn't as smooth as he would have liked. "I very much enjoy being a judge, but at first it was frustrating. I wasn't able to comfortably switch gears from being a lawyer. It was hard to not think like an attorney when in a courtroom setting. One time, soon after I was named to the bench," he recalls with a chuckle, "I was listening so intensely to the questions being asked that instinctively, and with knee-jerk reaction, when a particularly outrageous question was asked I said 'objection'. You can imagine my embarrassment in front of the jury."

The Pacific graduate feels the greatest difference between the role of attorney and judge is the fact that he is no longer an advocate. "I always enjoyed trying cases and liked the flair of the courtroom. The drama of the courtroom was always fascinating. As a lawyer, it was almost a disappointment when the case wouldn't proceed to trial. I guess it was the same when I debated at Pacific -- the oral presentations always seemed more enjoyable than the research."

Although he no longer has the role of advocate, he certainly maintains a sense of flair in his life style. When off the bench and out of the stately black robe of a judge, Wheatley's attire is impeccable: A three-piece, striped brown suit, white handkerchief fashionably placed in the breast pocket and alligator skin shoes. He drives a Rolls Royce, lives in the Piedmont Hills overlooking San Francisco Bay and seems to know everyone he sees -- including Oakland Mayor Lionel Wilson -- on a short walk from the court facilities to lunch at Jack London Square.

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As a Municipal Court judge, Wheatley is assigned to the criminal jury trial department. His cases usually involve misdemeanors such as resisting arrest and petty theft. The municipal court also is one of the first stops in the legal process for preliminary examinations on felony matters.

"At the Municipal Court level the criminal justice system can be used for rehabilitation rather than retribution or punishment," he explains. "You have a chance to help people and try to use the threat of the criminal process to bring about more socially acceptable conduct. Every once in a while it works."

A judge must have many attributes to perform his job well, and Wheatley feels the greatest asset is sensitivity. "You are dealing with people who have problems. The judge is in a unique position to have a more objective view of the issues, as well as the parties, involved in the case."

He feels there used to be a "somewhat negative response" to Jerry Brown appointments, but that once people come in contact with the court their perceptions change. "I think the people can sense if the judge is fair," he notes. He regularly has an evaluation form he distributes to all jurors at the close of the trial so they can anonymously offer their comments on those connected with the court and the judicial system itself.

Wheatley views his race as both an advantage and disadvantage. "In Oakland it's a very