A Tribute

Warren E. Burger†

Roger J. Traynor was a splendid judge, a fine scholar, and an effective administrator of a large judicial system. We pay tribute to him because he exemplified the highest standards of judicial conduct and integrity.

Graduating from the University of California Law School in 1927, Justice Traynor served on that school's faculty from 1930 until his appointment in 1940 to the Supreme Court of California. During his thirty years as a member of that court and the last six as its chief justice, Justice Traynor was a prominent force in shaping that court and its emergence as a leader among state courts. Through his efforts, the efficacy of our dual constitutional system and two judiciaries has been enhanced.

As an individual, Roger Traynor was a warm, caring, kind, and generous man. As a judge, Roger Traynor expanded the frontiers of the law, particularly in the areas of negligence and products liability, but he never lost sight of the realities. He was at the forefront of the movement toward strict product liability but in the criminal law he constantly reminded other judges of the vitality and soundness of the harmless error rule. His opinions displayed craftsmanship and vision. Yet, throughout his tenure on the bench, Justice Traynor was always concerned with insuring that results were in harmony with reasoning. He held the power of the jury in high regard while recognizing the need for control by the court.

In addition to his contributions to the law of torts, Justice Traynor played a special role in the areas of judicial ethics and court administration. He was instrumental in formulating the Code of Judicial Conduct adopted by the American Bar Association in 1972. Under Justice

† Chief Justice of the United States.
Traynor's guidance, the original canons of judicial ethics which had remained in place for some fifty years, were replaced by a new code, remarkable for its perceptiveness, clarity, and brevity. While devoting himself to the refinement of standards of judicial ethics, Justice Traynor displayed a constant concern for effective judicial administration.

In all of his roles as a judge, scholar, and administrator Roger Traynor will be remembered as one of the great contemporary figures of the law.