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A Judicial Giant

Edmund G. "Pat" Brown†

When I served as Governor of California from 1959 to 1967, I considered my most important single responsibility to be that of appointing able and dedicated judges at every level of our judicial system. That responsibility, of course, carried special weight in the appointment of justices of the California Supreme Court. It reached its apex when I had the opportunity to appoint a new chief justice of the Supreme Court of California upon the retirement of Chief Justice Phil Gibson in 1964. I take great pride and satisfaction in having then appointed Roger J. Traynor to the highest judicial office in this State.

Roger Traynor and I graduated from our respective law schools and were admitted to the California State Bar in the same year, 1927. I began my career as a private practitioner in San Francisco. As a young trial lawyer I learned firsthand the need to have well-qualified judges in this state. I followed with interest Roger's career as a member of the law faculty at Boalt Hall from 1929 to 1940, and consultant to the California Board of Equalization and the United States Treasury Department during those years. I was pleased when Governor Cuthbert Olson appointed Roger Traynor as an associate justice of the California Supreme Court in 1940.

As I turned to public life, serving as District Attorney for the City and County of San Francisco from 1944 to 1950, and as Attorney General from 1951 to 1959, I observed closely Roger Traynor's work as a supreme court justice. That observation, together with my discussion of the court and its work with lawyers, judges, law professors, and citizens of California, made me increasingly aware that Justice Traynor was making an outstanding record as a jurist in his work on the court. Roger Traynor contributed enormously to both the analysis and development of constitutional law, criminal law, and the law of contracts, torts, and evidence, among other subjects. His opinions were both scholarly and well-written, and he did not hesitate to bring fresh, critical analysis to bear on outworn legal doctrine. Moreover, he brought an integrity, perspective, and style to his work that made him an effective member of a court consisting of able jurists not lacking in respect for their own views. Because of these qualities and his dedication to the responsibilities of his office, Associate Justice Roger Traynor both

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held and deserved the respect of the bench and the bar, not only of California, but of the entire nation.

So it was that when I had the responsibility to appoint a new chief justice for California in 1964, I had no difficulty in making my choice. I selected Roger Traynor with confidence that he would not only continue to provide stimulating intellectual leadership to the California Supreme Court, but would also discharge the substantial administrative burdens of his high office with distinction. He repaid my confidence in the fullest measure.

The chief justice of the supreme court is also the presiding officer of the Commission on Judicial Qualifications, consisting of the chief justice, the senior justice of the appellate court, and the attorney general. This commission must approve all of the governor's appointees to the supreme court and the appellate courts of the State of California. It was my practice to confer with the chief justice on all appointments that I was privileged to make to the higher courts. Before even discussing with my intended appointee, I would confer with the chief justice. This was done because I wanted his input on these very important judgeships. Chief Justice Traynor was not only thoughtful and considerate, but well aware of the philosophy and problems of the Governor. He never hesitated to give his very frank opinions on the ability and qualifications of my suggested appointees. He was not only a great jurist, he was a gentle, kind, and thoughtful man.

The Supreme Court of the State of California has always been a great court, but I do believe the court under the leadership of Roger Traynor was the best judicial body in the United States. This was not only my view, but the view of most legal scholars in our country.