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In Remembrance of Justice Wiley W. Manuel

Frank K. Richardson†

We mourn a remarkable man. Wiley Manuel was a gifted lawyer and judge whose judicial contributions to California law are readily available to the scrutinizing reader of the California Reports, 1977-1980. These well-crafted opinions bear the unmistakable Manuel hallmarks—the precise expression of fact and issue, the balanced and probing analysis, the careful marshalling of applicable precedent, and the steady emphasis on common sense and realism that matched his sense of compassion, fairness, and equity.

Although his lengthy experience in state service gave him a singular mastery of administrative law, upon which we drew generously, the eighty-eight opinions that he wrote for the court within an all too brief period of less than four years ranged across a wide legal spectrum, civil and criminal, substantive and procedural. In 1978, in People v. Corey⁴ he defined for California law the legal status of private security guards, which he amplified the following year in People v. Zelinski² and in Cervantez v. J.C. Penney Co.⁵ Who can understand the current California law of real estate financing without a careful study of his exposition in Welenkamp v. Bank of America⁴? In similar fashion, he explored and described the reciprocal powers of California’s Governor and Lieutenant Governor in Brown v. Curb.⁵ His clarity of analysis, sometimes in dissent, illuminated the important area of attorney-client relationships, prompting a professional rule change.⁶ His recent vigorous dissents in the court’s consideration of set-off principles within a tort context⁷ and of the constitutionality of local family residence zoning ordinances⁸ reveal both a resourceful mind and a deft hand.

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3. 24 Cal. 3d 579, 595 P.2d 975, 156 Cal. Rptr. 198 (1979).
His writing involved more than the rote application of established case law. While Justice Manuel often spoke of his service on the court as a learning experience, to a close observer he appeared to be more teacher than student. His penetrating intelligence broke new ground in legal thought. While his exposition of cases at conference was thorough, indeed exhaustive, his mind was at once open and receptive to other views. Intellectually vigorous, he more than held his own in the brisk exchanges of conference discussion.

What was notably revealed to the colleagues working in daily contact with him was Justice Manuel’s unusual zest for the law. His grappling with complex problems was enthusiastic and sustained. This was coupled with an enormous capacity for work. As he was a reflective thinker, so he was a diligent producer. Sensitive to a need for continuity, he believed in precedent, and our Wednesday conferences were frequently enlightened by his “flashback” to personal litigating experience or to authority, federal or state, recalled by his strong memory.

His interests were extremely broad, whether revealed in his description of incidents from his Mexican travels with his beloved wife, Eleanor, or of his gardening or fishing or photography experiences, or in a Monday morning account (complete with gestures) in the court’s hallways of the preceding day’s game of the Oakland Raiders, of whom he was an ardent fan.

Doubtless, these same genial human qualities that endeared Justice Manuel to us have triggered in turn the spontaneous and unanimous expressions of acute loss felt by so many. He earned the affection of others by his warmth and kindness. Possessed of an innate modesty, he was direct and approachable in manner. His unfailing courtesy, gentility, and quiet dignity were recognized by all who knew him. His humor was robust but without an edge. He was totally loyal to the court as an institution, and his friendly concern for all of the members of the court family, professional and lay, was fully reciprocated. He was, in every sense, a delightful companion.

It was a rare privilege to have walked with him, if only for a little while. We are grateful for what Justice Manuel gave to California and are deeply saddened by our separation from a highly valued colleague. We grieve also for the people of this state. Our loss of a productive and creative legal talent is particularly poignant because, cut down as he was before his time, Justice Manuel’s great promise could be only partially fulfilled.

There is a very empty chair at our conference table.