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Justice Raymond E. Peters

Every class at Boalt Hall has its own claims to distinction, but the class of 1927 takes special pride in claiming as one of its own the forthright, right honorable Raymond Peters.

In a time as far removed from our own as 1885 is from 1927, Boalt Hall was the saltbox west of Wheeler Hall on the University of California campus at Berkeley. Its denizens, like the cohorts of King Henry V, thought of themselves as "We few, we happy few, we band of brothers." It was no easy matter to become a leader among such peers. Raymond Peters soon earned the plaudits of his fellows not only for his engaging liveliness and candor, but also for his sure sense of the law. He demonstrated early, in the camps of classroom and law review, his capacity for resolving a legal problem with no-nonsense honesty and logic. There was no mistaking his destiny when he launched forth with a demonstration from sound premise to sound conclusion. He talked law as an experienced lawyer would, and he looked the part. He commanded attention by a ruggedly handsome face, a robust voice that gave eloquence to plain words, and an earnestness leavened with the good humor of being very much alive to the unruly ways of rules of law.

The classmates of 1927 went their different ways after graduation, but wherever their posts, they have rendered public service out of all proportion to their number. Some in private practice have given leadership to bar associations: Sam Wagener served as president of the State Bar of California; Herman Selvin as president of the Los Angeles County Bar Association; Paul Jordan as president of the San Francisco Bar Association. Others, such as Warren Olney III, have rendered distinguished public service to both the state and the United States. It was the destiny of Justice Peters to become a judge early in his career and the good fortune of California that he has served as a judge in this state across thirty years of war and transient peace and the tumult and shouting that have attended the growth of a western empire.

He belongs unmistakably to this land, and particularly to the San Francisco Bay Area, by birth and upbringing and by education at the University of California, but most of all by reason of his long career of service to the state. His outstanding talent for the law made it evident that rich rewards awaited him in practice. Instead, he decided early upon a public career, and with characteristic forthrightness made it plain that he liked the freedom of doing what he liked best more than monetary reward, and hence would voice no regrets about financial sacrifice.

His early career was in the European tradition of an apprenticeship for the bench. He served nine years, from 1930 to 1939, as chief law secretary of the Supreme Court of California, and in the process he became versed as few men are in the ramifications of the judicial process. His apprenticeship spanned the period of the depression years, which generated changes as cataclysmic in California as elsewhere in the world. For all his prodigious booklearning, he had an earthy sensitivity to the changes in the real world that became a mark of his scholarly work.

The justices of the supreme court of that period soon realized that the chief law secretary in their midst was a young man of extraordinary capacity. He achieved a standing in the judicial structure that far transcended the post which nominally defined his service. It came as no surprise in 1939 when Governor Olson appointed Raymond Peters as presiding justice of the Court of Appeal of the First District, Division One, in San Francisco. He was one of the youngest men ever to be appointed to such high judicial office.

There was rejoicing of bench and bar and also of laymen that here was the eminently right man for the job. Young Justice Peters soon made good that appraisal. He had already distinguished himself as a man of law; he was now to prove himself an outstanding administrator. He became a pioneer in the rationalization of internal court procedures, pleading the common sense thereof in an article in *15 California State Bar Journal* 33 (1940), *Do Lawyers Want Oral Argument and the Conference System?* In each case, he assigned a fellow justice the responsibility of preparing a comprehensive memorandum on the facts and the applicable law. Colleagues would thereafter study it, along with the briefs and the record, and if necessary prepare memoranda of their own. Thereafter there was a conference of the judges, with a view to consolidating the gains of their study for a sharp perception of the issues. The value of such preliminary study and conference became evident at court sessions. Judges not only well-versed in the details of a case but also alert to

the salient issues, arrived in the courtroom on the *qui vive* for oral argument, and lawyers took the cue accordingly. However well or mechanically lawyers had prepared to state their case in the past, they prepared now to cope with crucial questions from a well-informed bench that would compel adequate response in the interest of a rational solution. There was no opening for the rock of wit-battlers or the roll of drama-peddlers. There was no citation without adequate cogitation. The temper and tempo of reason dominated, with exhilarating effect on the preparation of briefs, the presentation of oral argument, and the whole appellate process.

Nowhere more than in the appellate process does a good deed of administration shine forth to bring light to others. The intermediate appellate court presided over by Justice Peters set a noteworthy example. By the very diligence of its review it came to have the last word on many a case. Justice Peters brought wisdom to the exhaustive review he fostered. Now and again such review exposed the original and continuing foolishness of a supreme court precedent or its current obsolescence. In such a case he regarded it as the responsibility of an intermediate appellate court to set forth the deficiencies of the precedent by way of guidelines, but at the same time to abide by the precedent until such time as it would be definitively repudiated by the supreme court. On both counts his concern was with rational procedure in the total appellate process. Thus in 1950 he set forth guidelines in *Fernandez v. Consolidated Fisheries, Inc.*, 98 Cal. App. 2d 91, 95-98, 219 P.2d 73, 76-78 (1950), that established the ground for the eventual abandonment of a bad precedent, leaving the final pronouncement of its demise to the supreme court. Eighteen years later, as a justice of the supreme court, he found in these guidelines the basis for his opinion in *Rowland v. Christian*, 69 Adv. Cal. 89, 93-101, 443 P.2d 561, 564-69, 70 Cal. Rptr. 97, 100-05 (1968).

Literally as well as figuratively Justice Peters never worked far from the supreme court, for the court he presided over from 1939 to 1959 is in the State Building in San Francisco, where a common courtroom serves both courts. Hence it was the perfect sequence to an already distinguished judicial career when Governor Brown appointed him in 1959 as an associate justice of the Supreme Court of California. As in 1939, there was general rejoicing at the appointment of a man who was so eminently right for the job. His new associates, already well acquainted with his superb qualities, found Justice Peters to be an ideal colleague, personally and professionally.

Others have set forth in some detail the record of his career and

his outstanding community service, notably as founding president of the Northern California Service League, concerned with the rehabilitation of county jail inmates, and as a past president and current director of the Intertribal Friendship House, concerned with assistance to American Indians in transition to urban life. What can his friends and colleagues add to the record of so outstanding a jurist and civic leader? The record speaks for itself. We who have known Justice Raymond Peters as both friend and colleague for many years are moved to add that he is also a good man in the fine everyday sense of the word. It is no everyday human being who is endowed with such talent and such goodness.

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