



Tani Cantil-Sakauye, Chief Justice of California, congratulates Frank A. McGuire, twenty-sixth Clerk of the Supreme Court of California, following his swearing-in on July 2, 2012. Also pictured are Mr. McGuire's spouse Trevor (FAR LEFT) and father Pat (SECOND FROM THE LEFT).

PHOTO COURTESY OF MCGUIRE FAMILY

Frank McGuire, New Clerk/Administrator of the California Supreme Court

In July 2012, Frank A. McGuire began serving as Clerk/Administrator of the California Supreme Court, succeeding Frederick "Fritz" Ohlrich, who retired at the end of June. (See *Ave Atque Vale: Fritz Ohlrich Retires as Clerk/Administrator of the Court* (Fall/Winter 2012 *CSCHS Newsletter*)). In announcing the appointment, Chief Justice Tani Cantil-Sakauye observed that his "experience in court administration and his background practicing appellate law and as a judicial staff attorney for the Supreme Court and Court of Appeal make him uniquely qualified for this position."

Even a cursory review of McGuire's career confirms the Chief Justice's assessment that he is superbly qualified to serve as the Supreme Court's twenty-sixth Clerk/Administrator. A native Californian, he earned his undergraduate degree from Stanford University, where he double-majored in English and Industrial Engineer-

ing, and was elected to both Phi Beta Kappa and Tau Beta Pi, a national engineering honors society. He studied law at Stanford as well, graduating with distinction from its Law School in 1986, having been elected to the Order of the Coif.

The following year, he served as a law clerk to Judge Cynthia Holcomb Hall of the United States Court of Appeals for the Ninth Circuit. He then joined Morrison & Foerster as an associate in its litigation department. From 1991 to 1996, McGuire served as a judicial staff attorney for Justices Robert Dossee and John ("Dick") Benson of the California Court of Appeal, First Appellate District, and then as a staff attorney for Associate Justice Janice Rogers Brown of the California Supreme Court. In 1999, following a brief return to private practice, McGuire resumed service at the First District, initially as a divisional attorney and a writ attorney for Division Three. In 2003, the First District appointed

him as its Managing Attorney, a position he held until his appointment by the Supreme Court last summer.

McGuire considers three of his previous positions to have been particularly valuable preparation for the demands and responsibilities of his new office. The ten years he served as First District Managing Attorney gave him the opportunity to work with William R. McGuinness, the court's Administrative Presiding Justice. Lessons learned from Justice McGuinness, whom he admires as a "superb" administrator, include the importance of looking "three steps ahead" — i.e., carefully anticipating the potential future effects of each and every management decision. Serving as a staff attorney



Frank McGuire

for Justice Brown for three years familiarized him with the procedures and dynamics of a seven-member court, which are quite different from those of the three-judge panels at the Court of Appeal. Finally, the time he spent as a writ attorney for the First District exposed him to a faster-paced judicial environment. Because of the large volume of writ petitions, many of which

required prompt disposition, the pressure was very intense. That experience recently proved useful when the Supreme Court was called on to deal with a petition filed by the California Fair Political Practices Commission. The FPPC sought an order requiring immediate disclosure of the identities of major donors to a political campaign. The Clerk's Office was able to scan all briefs and post them to the "cloud," allowing the justices, parties, media and general public to access them promptly and simultaneously.

Fritz Ohlrich, reflecting on his time as Clerk/Administrator, identified the reductions in state financial support for the Supreme Court as the principal frustration he faced. McGuire agrees with Ohlrich's assessment of the challenges presented by funding constraints and with his prediction that they will continue for some time. The Clerk's Office, for example, is currently operating with six vacancies, which cannot be filled given present budget realities, and there are similar unfilled vacancies elsewhere around the Court. Compounding these staffing shortages, all Supreme Court employees have been subject to a mandatory monthly furlough day, which reduces both their salaries and the amount of time available to complete their work by roughly five percent. McGuire observes that everyone at the Supreme Court is "pulling very hard on the oars" and commends them for maintaining a positive attitude and good morale through extraordinarily tough times.

McGuire recalls Justice McGuinness' observation that "difficult times, while tremendously challenging, also afford great opportunities for constructive change." In that spirit, McGuire is looking for ways to introduce greater efficiencies into the Supreme Court's operations. One such efficiency already being implemented is creating greater operational flexibility through cross-training of deputy clerks. McGuire readily acknowledges that he is still new to the job and that the policies and procedures at the Supreme Court are time-tested. But because he expects financial limitations to persist, he plans to draw on both industrial engineering principles he learned as an undergraduate and his own extensive personal experiences in judicial administration to help the Clerk's Office work smarter, not harder.

McGuire was born in Camp Pendleton, California, where his father was serving in the United States Marine Corps. After his military service, his father joined Wells Fargo Bank and the family relocated frequently as he moved up the corporate ladder. McGuire lived in six cities (Oceanside, Stockton, Vacaville, Woodland, San Jose, and San Mateo) by the time he reached seventh grade.

After settling in San Mateo, McGuire graduated from Aragon High School, a local public high school, where he was class valedictorian. While at Aragon, McGuire had an experience that influenced his later decision to attend law school. In his high school government/civics class, students were given the assignment of observing a trial. Most of his classmates chose to visit San Mateo traffic court in nearby Redwood City. McGuire and one classmate chose instead to travel to the San Francisco Hall of Justice, to watch the trial of former City Supervisor Dan White, charged with the murder of San Francisco Mayor George Moscone and Supervisor Harvey Milk. Security was intense. In the courtroom, they saw grieving families and friends of the victims, Dan White's wife and young son, as well as supporters of White, some of whom wore Nazi insignia. McGuire was profoundly struck by Judge Walter Calcagno's task of maintaining orderly and fair proceedings in a courtroom filled with emotion and incipient violence. McGuire recalls that this experience drove home to him the "awesome responsibility of the judicial branch of government."

McGuire lives in St. Francis Wood, a tree-lined, residential neighborhood west of Twin Peaks in San Francisco, with his spouse Trevor Manning, a local interior designer. They enjoy the City's many amenities, both the conventional (restaurants featuring cuisines of every nation) and those a bit off-beat (internationally-acclaimed film festivals featuring film noir and silent movie classics). ★