
Wednesdays with the Chief

(A CHARMING AND MULTI-TASKING MICRO-MANAGER)

JAKE DEAR*



Chief Justice Ronald M. George (RIGHT) and Chief Supervising Attorney Jake Dear.

As most court observers know, the seven justices of the California Supreme Court meet every Wednesday morning (except during oral argument week) at 9:15 a.m. around a large dark walnut table in Chief Justice Ronald M. George's fifth floor chambers in the Earl Warren Building, alone behind a heavy oak door. Standing outside, during the first few minutes of the meeting, one hears muffled conversation from inside, often punctuated by group laughter, before the justices get down to business.

First they discuss the progress of granted cases working their way through the court — does Justice X's circulating draft opinion in *People v. Jones* adequately respond to Justice Y's concurring and dissenting opinion such that it retains a majority vote of four justices? Is there sufficient agreement with Justice Z's "calendar memorandum" in *Williams v. Smith* that we can set it for the next oral argument calendar? And so on. Next they tackle the "conference list" — typically 200-400 petitions for review and for writs, and an accompanying four-inch stack of internal memos prepared by court staff, describing, analyzing and making recommendations in each matter. From this list and these memos they decide which few cases merit full review by the court (oral argument and

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opinion), and they dispose of the rest in a variety of ways, mostly by straight denial. Then the meeting breaks up, the door to the Chief's conference room opens, and the justices emerge into the anteroom, animated, chatting, making small talk with each other and the Chief's secretaries and any of his legal staff who happen to be there, before walking the halls back to their own chambers.

Except on July 14, 2010, when the justices emerged from the Chief's chambers looking ashen and with reddened, moist eyes. He had waited until the end of conference to mention, with a glimmer in his eye, that it was Bastille Day, and that,

by the way, after considerable reflection, he would not seek reelection to a new 12-year term and would instead retire, after 38 years as a judge, and 14 as Chief.

The shock has since been absorbed up and down the halls of the court, and throughout the state. Editorial writers have lauded the Chief's vision and recounted his many administrative accomplishments: among other things, stabilized trial court funding; unification of the municipal and superior courts into one superior court in each county; and state/ judicial branch ownership and control of county courthouses. And of course many have focused on his courage and craft in authoring more than a few landmark decisions. In the same vein, numerous bar groups have bestowed ever more engraved honors — crystal or glass sculptures, and plaques that threaten to overwhelm his commodious chambers — along with letters and bouquets from judicial and political leaders statewide and nationwide. Most recently, in late October, the Judicial Council sponsored a two-hour tribute memorializing the Chief's career and tenure. (See accompanying article, *Judicial Council Retirement Tribute and Presentation Honoring Chief Justice Ronald M. George*, describing the event and the Society's sponsorship.)

To that broad macro view of the Chief's public accomplishments, I'll add some brief personal obser-

vations about the Chief's hands-on approach to the behind-the-scenes daily workings within the California Supreme Court itself.

In addition to all of the systemic reforms for which he has become and will long be known, the Chief also is one of seven justices on the California Supreme Court, and in that capacity he has opinions to prepare and a court to run. Those tasks require focus on two matters, simultaneously: quality and productivity. He is proud of the court's tradition as a leading and influential judicial body, and he has always made it clear that the quality of his, and the court's, decisions is paramount. At the same time, he is aware that matters before the court must be resolved at a reasonably efficient pace, and that the court needs to maintain a respectable level of productivity, measured by, among other things, its annual output of filed opinions. In this regard, I'll focus on something that others have not discussed — my perspective of the Chief as a persistent, yet charming, multitasking nudger with a keen attention to detail.

His operating principle is an extreme version of the maxim, "Don't put off for tomorrow that which you can do today." As his administrative and attorney staff can attest, when he receives a draft memo, he often returns it within hours. Very lengthy memos may stay with him for a few days or longer — after all, there's a lot of competing paper in his rolling briefcase — but once he's made his edits, he's in no mood for further delay. And what edits they are. In addition to refining clarity and improving focus, he has an uncanny ability to spot (or sniff out) errors, large and small, in any material that's presented to him. He calls you into chambers, discusses the changes, and then nicely lets it be known that he wants the revised memo to circulate as early as possible that afternoon (after he approves and personally proofreads the revised version) so that it will be logged into the court's internal tracking system as of that time and date, and hence start the clock running for other chambers to respond. This get-it-done-correctly-and-promptly approach, and variations of it, is how he manages the huge amount of material that overflows his inbox hourly.

My most direct observations of the Chief in "manager mode" relate to our private meetings following each Wednesday conference. After the conference concludes and the justices leave his chambers, I receive a call from one of his two secretaries: "The Chief is ready to see you now." I gather some papers and walk a few steps down the hall to his chambers, to go over the conference results and related matters concerning cases pending within the court. Our meeting lasts between 15 minutes to one hour, depending on his schedule, and it provides a glimpse of the Chief in high administrative/multitasking form.

"First, the salmon course," he says. We pick up the "salmon list" (so-called because of the color of paper on which it's printed), setting out the status of each case that's been argued, and for which an opinion is due to circulate. Our discussion is punctuated with substantive asides about a few problematic cases, and then the phone rings. He's informed that "Senator 'A' is on the line." He tells me "this will take just a minute," takes the call, finishes, and without missing a beat, moves to the next case on the list. It proceeds like this, with other interruptions: "Court of Appeal Justice 'B' is calling. . . ." Two minutes later we are back to the salmon sheet. He's concerned that Justice "X" still has not circulated an opinion in an overdue matter. He mentions that he's already touched on this with his colleagues at conference, but could I please also gently contact that justice's staff, and ask about the status? I make a note to do so. And by the way, that reminds him — he digs into his left pants pocket and out comes his wad of paper scrap notes — an inch thick, organized in a fashion that only he understands, and he sifts through them: It's a jotting that he wrote at least a week ago, about a wholly separate matter. "Could you please look into this [case, statute, news article] and follow up on that?"

We then review the "blue list" (again so-called because of the color of paper on which it's printed), detailing the status of each case in which a pre-argument "calendar memo" has been circulated, but that has not yet been argued. We discuss a case in which Justice "Y" is a bit overdue in circulating an internal "preliminary response" — necessary before the court can set the matter for argument. There was some discussion of this matter at conference, and the justice promised to issue his response soon. The Chief, ever vigilant, says, "If that doesn't happen within the next few days, will you please follow up with his staff?" I make a note to do so. The phone rings; a trial judge is on the line, can the Chief speak with him now? Two minutes later we resume, only to be interrupted again by his private phone. His wife, Barbara, is calling. "I'm just going though the conference with Jake," he says. A minute or two later, after he quickly discusses plans for that evening's social engagement (tonight, opera; other times it's a charity or bar event, the ballet, a dinner party, or a visit by one of his three sons), we return to the list. Two cases have progressed sufficiently that the court has agreed to set them for the annual "on the road" oral argument session, to be held this year in the Central Valley, but another case, also targeted for that special session, has stalled. "Let's add a note to the next calendar conference memo that the court is targeting this case for the special session, and asking all chambers to act on it in time to make that calendaring decision in the next two weeks." I'll incorporate that notation to the "calendar conference memo," setting the agenda for next week's calendar-

ing discussions, which the Chief will circulate within the court later that afternoon.

In the meantime, one of his secretaries brings in lunch — frequently, in recent months, it's tuna, often without bread. At this point I run to the staff fridge to get my own half sandwich, and we picnic at the big table, talking briefly about family issues (“so how’s Adam?”) or former court employees, restaurants, and politics — United States and international. If I say something that he wants to follow up on, he takes out his wad of paper scraps, finds an appropriate clear area, and jots down some words. At that point he gets up and walks over to his rolling brief case, parked near the door: “That reminds me, I have an article for you from over the weekend.” It’s from the *New York Times* business section, and has been carefully cut out, with an arrow pointing to my circled name in red ink in the upper right corner. After I share with him a slice of apple or pear, he says, “All right, let’s turn to the conference list.”

This third internal court document of the day sets forth all of the 200-400 matters acted upon by the court earlier in the morning. We go through the 20-40 most important cases on the list, noting the votes (“denied; Justices ‘X’ and ‘Y’ would have granted”), and he relays pertinent comments by the justices concerning certain cases, or about the internal memo prepared by staff for the court concerning the case. Concerning one matter that the court transferred back to the intermediate appellate court, the justices revised the proposed order language — could I please bring that change to the attention of the appropriate clerical and attorney staff for future reference? The phone rings; a journalist is calling to interview him for a story about a recent Judicial Council matter. Ever cognizant of the 4:00 p.m. press deadline, he takes the call, and addresses the questions with carefully-worded candor. Back to the conference — where were we? Item number 20, *Smith v. Jones* — the court granted review after a spirited discussion and despite a recommendation by the writer of the internal memo, that the matter be denied. He’s thinking of assigning the case to Justice “X,” but has some hesitation; maybe it would be a better fit for Justice “Y”? He’ll finalize that decision by the end of the day (after consulting his own hand-written tally of matters already assigned to each justice) when I give him a draft of the assignment memo, which he will edit and then



The Chief leaving with rolling briefcase.

promptly send out to his fellow justices. And finally, concerning another matter in which the court granted review: “We want to make sure that the assigned justice considers, and promptly prepares a memo for the court concerning, whether we should expand briefing to address the additional issue mentioned on page 7 of the conference memo” — and so he asks me to incorporate that notation into the draft assignment memo. And how about that? — only one interruption in the past 15 minutes.

Back to Bastille Day 2010: I’ll never forget that post-conference meeting with the Chief. Because of his surprise announcement,

there were more than the normal number of interruptions that afternoon — including a couple calls from the Governor’s office — and our meeting progressed in fits and starts, sandwiched between in-person and telephone interviews that he’d spontaneously agreed to give to various members of the media. Instead of finishing at our normal time of about 12:30 or 1:00 p.m., I was still at the conference table with him at 4:50 p.m. We were concluding our discussion of the conference list, when we were interrupted: Yet another radio station was on the line, requesting a live interview — at least the fourth that afternoon. “All right,” he said, “as long as the questions will be from the reporters, and not call-in listeners.” We continued to work through the conference list as we could hear, on speakerphone, the radio station producer cueing the two radio station anchors, while in the background we heard the end of a commercial for a roofing business. And then we went live for an eight-minute interview. As the Chief spoke — naturally, extemporaneously, and yet carefully, elegantly answering wide-ranging questions about court unification, state funding for courthouses, and of course the marriage decisions — he continued to jot notes about matters from the petition conference, and slide them across the big table to me. When I commented afterward that I’d not expected that even he could multitask like that while being interviewed by two journalists live on radio, he responded that he knew I hoped to catch a 5:10 bus and didn’t want to delay me.

That’s the kind of frenetic approach and pace the Chief kept, and that’s how and why he got so much done — inside and outside the court. He’s one of a kind — the most effective and charming multi-tasking micro-manager that anyone could ever hope (or dare) to meet. ☆