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COLLEAGUES, FAMILY AND FRIENDS CELEBRATE

## *Justice Kathryn Mickle Werdegar's Retirement*

BY MOLLY SELVIN\*

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“EVERY DAY, JUSTICE WERDEGAR BRINGS INTELLIGENCE, GRACE AND QUIET DIGNITY TO THE WORK WE DO. HISTORY WILL RECORD THAT KAY WERDEGAR IS ONE OF THE MOST ABLE JUSTICES EVER TO SERVE ON THIS COURT.”

CALIFORNIA SUPREME COURT Associate Justice Goodwin H. Liu spoke for the approximately 150 colleagues, family and friends who gathered to celebrate Justice Kathryn Mickle Werdegar's retirement from the Court on August 2 in the Milton Marks Auditorium of San Francisco's Ronald M. George State Office Complex, where the Supreme Court is headquartered in the Earl Warren Building.

Elevated from the Court of Appeal, First District in 1994 by Gov. Pete Wilson, Justice Werdegar served 23 years on the high court, departing as the longest-serving justice on the current court.

Chief Justice Tani Cantil-Sakauye led off the afternoon celebration, which also featured remarks from former Associate Justice and UC Hastings Professor Joseph Grodin, and Jason Marks, one of Justice Werdegar's five staff attorneys. A video presentation included reminiscences and well wishes from Justice Werdegar's other Court colleagues — Justices Ming Chin, Carole A. Corrigan, Leondra R. Kruger, and Mariano-Florentino Cuéllar. Former Chief Justice Ronald M. George was also slated to speak but had to cancel due to illness; Jake Dear, the Court's chief supervising attorney, read George's remarks, adding his own comments as well.

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\* Molly Selvin is the newsletter editor and vice president of the California Supreme Court Historical Society.

One by one, the speakers praised Justice Werdegar's fairness, judgment, compassion, intellect and her values.

“I know good values when I see them,” said Justice Grodin, paraphrasing U.S. Supreme Court Justice Potter Stewart, “and I see them in the opinions of Justice Werdegar.”

“I see them in her opinions that reflect concern for the environment,” Grodin continued, “for the challenges of the workplace, for privacy, for due process and for fairness of treatment and for the importance of protecting against discrimination, for the protection of consumers against faulty, dangerous products and . . . much, much more.”

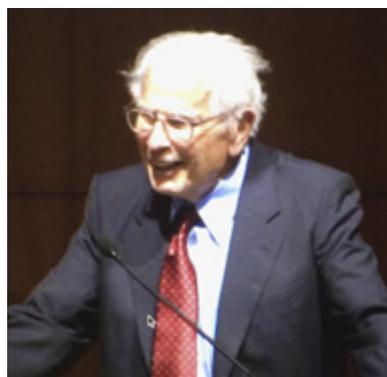
Several speakers noted that Justice Werdegar took particular pride in her dissenting opinions, a few of which, over her long tenure, eventually became the Court's majority position. And each of her colleagues attested to, what Chief Justice Cantil-Sakauye called, “your wit, your elegance and your kindness.”

In addition to being a judicial role model for her younger colleagues, speakers told stories about Justice Werdegar's personal side. Jake Dear, reading former Chief Justice George's remarks, described Werdegar's long love of nature and the outdoors, remembering an afternoon hike he and Justice Werdegar took near her Marin home. The forecast called for rain but the two hikers proceeded anyway, getting drenched on the trail while their spouses chose to stay behind. Both jurists returned soaked and ate dinner while their hiking clothes tumbled in

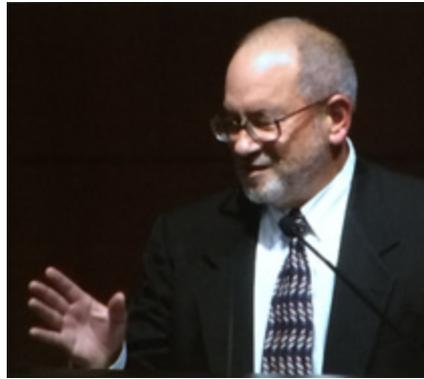
BELOW, LEFT TO RIGHT:

*Associate Justice Goodwin H. Liu, Chief Justice Tani Cantil-Sakauye, and former Associate Justice and UC Hastings Professor Joseph R. Grodin.*

VIDEO IMAGES COURTESY OF JUDICIAL COUNCIL OF CALIFORNIA



CLOCKWISE, FROM TOP LEFT:  
Jason Marks, Jake Dear and  
Supreme Court Justice Kathryn  
Mickle Werdegar.



Justice Werdegar’s dryer. George recalled the evening as “an early introduction to her stamina and determination.”

Jason Marks described what it was like to work for the justice. He started by recalling the British adage that no man is a hero to his valet — and noting that, in a way, a staff attorney is a kind of “intellectual valet . . . helping the justice to put on the language needed for the occasion.” However, Marks noted, the adage doesn’t hold true in this case. “Justice Werdegar really was to me a hero and a model. She is one of the smartest people I’ve ever met.”

Marks said he and his colleagues also greatly appreciated Werdegar’s kindness, caring and interest in her staff as well as her flexibility about personal matters.

Jake Dear made the same point: “Judge, your combination of wit and elegance and respect for court staff have been greatly appreciated. And frankly, that’s quite irreplaceable and we’re going to miss you.”

Justice Liu noted that when he joined the bench 6 years ago, Justice Werdegar had 35 more years of experience than he “but from the very first day she treated me as an equal and we became fast friends and close confidants,” sharing a mutual love for piano and travel, and their experiences as parents.

“She is a judge who is liked and admired by all other judges,” he continued, “no matter how young or how old, no matter how they lean on the issues of the day.”

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Several speakers took note of Justice Werdegar’s many accomplishments before joining the high court.<sup>1</sup> After transferring from UC Berkeley’s Boalt Hall, where she was first in her class, she graduated as valedictorian of her George Washington University School of Law

class. Following law school and with few opportunities for women attorneys, she joined the Civil Division of the United States Department of Justice, where she worked on an amicus brief to help release Martin Luther King, Jr. from jail. After she and her husband David returned to California in 1963, Werdegar held a number of legal and teaching positions before she was hired in 1981 as a research attorney, first at the First District Court



of Appeal, and later for Supreme Court Associate Justice Edward Panelli, for whom she served as a senior attorney.

Justice Werdegar had the last word. “Your remarks are deeply touching to me,” she said, visibly moved. “The court has been my home, my community and my extended family for . . . almost 30 years, if you allow me to include my time as a staff attorney.”

“During my 23 years” on the Supreme Court, she continued, “I’ve had the privilege of serving with three outstanding chief justices and certainly our current chief justice is stellar. I’ve served with 11 different associate justices; the entire court has been replaced during my tenure.”

“As I consider the court today,” she concluded, “I cannot imagine a finer group of colleagues, both for their legal acumen and their personal warmth and collegiality. Thank you all, these have been wonderful years.” ☆

#### ENDNOTES

1. For more on Justice Werdegar’s early career, see Laura McCreery, “Kathryn Mickle Werdegar: A Singular Path to the Supreme Court,” *CSCS Newsletter*, Spring/Summer 2017, 12–14. <https://www.cschs.org/wp-content/uploads/2015/01/2017-Newsletter-Spring-Kathryn-Werdegar.pdf>.