



THE CALIFORNIA SUPREME COURT

Historical Society

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A Colleague's Fond Memories of California Supreme Court Justice Marcus Kaufman

BY JOYCE KENNARD

Associate Justice Marcus M. Kaufman was appointed to the Court by Governor George Deukmejian in 1987, following the retention election in 1986. Justice Kaufman grew up in Los Angeles, obtained his bachelor's degree from UCLA and graduated first in his law school class at USC in 1956. After clerking for then-Associate Justice Roger J. Traynor, Kaufman entered private practice. In 1970, he was appointed to the Fourth District Court of Appeal in San Bernardino, where he served until being named to the state's highest court. Justice Kaufman retired from the Supreme Court in 1990 and returned to private practice in Southern California.

They say that true death is to be eternally forgotten. Never to be forgotten will be California Supreme Court Justice Marcus Kaufman, who died on March 26, 2003, at the age of 73 after a long illness. His family and many friends will forever keep alive the cherished memories of this brilliant jurist and wonderful man.

I first met Justice Marcus Kaufman in April 1989, when I became his colleague on the California Supreme Court, to which Governor George Deukmejian had appointed him in 1987.

I still remember that balmy April day in San Francisco when Marc came by my chambers to welcome me to the court. I already knew of his formidable intellect, and I had heard of his occasional sternness on the bench when his booming voice would in no uncertain terms express his utter disappointment with an attorney's inability to respond to a critical question. Based on these impressions, I expected Marc to be a gruff and imposing figure. When I met him, he indeed looked imposing and distinguished. But readily apparent were his warmth, his kindness and, yes, his gentleness. I immediately lost a chunk of my heart to him. My admiration and affection for Marc never wavered during our tenure on the court.



Former staffers fondly remember their beloved Justice Kaufman. Invariably they talk about his thoughtfulness and his loyalty. Beverly Gong, his former and my current secretary, has described how, after he had announced his retirement from the state high court in 1990, Marc lobbied his successor, Justice Armand Arabian, to retain Marc's staff attorneys. When Justice Arabian said he would, Marc walked into Beverly's office and called his wife to tell her the good news. Beverly recalled that there were tears of relief on his face.

A couple of weeks earlier, Marc had lobbied me to fill a vacant chief-of-staff position with one of his staff attorneys, Terry Mead. I'm glad I listened to Marc. Bringing Terry on my staff, and later Beverly, were among the best decisions I have made in my career.

I was devastated by the news of Marc's retirement. His brilliance as a jurist, his pursuit of excellence, his independence, and his devotion to duty had added luster to the state's highest court. But I knew how much he and his wife Eileen missed Southern California, where their children and grandchildren lived. I knew how much his family mattered to Marc.

After Marc's retirement, my December holiday cards to him and Eileen invariably would have this postscript: "Marc, I still miss you." Today, I would add: "I always will."

This past January, I had the pleasure of having Marc's grandson, Evan Granowitz, a law student at UC Berkeley's Boalt Hall, join my staff as an intern. Shortly after Evan came on board, I called Marc and Eileen to tell them how impressed my attorneys and I were with Evan's high intelligence, his dedication to the job at hand, his thoughtfulness, and his capacity for hard work, the same qualities so evident in his grandfather. I recall

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The Fruits of Generosity

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collection, and the Society is gratified to have a role in bringing that project to fruition.

This newsletter issue also includes the edited remarks of Chief Justice Ronald George, delivered at the CSCHS-sponsored educational panel at the 2002 State Bar Annual Meeting. That program focused on California's historic and modern courthouses, and highlighted new legislation transferring responsibility for the courthouses from the various counties to the state.

We again sponsored a CLE program in 2003, entitled *Righting History's Wrongs: WWII Reparations Cases*. Much of the litigation dealing with WWII-era issues has been undertaken in California, and for a topic with a historical angle the program could not have been more timely. The Society is indebted to Whittier Law School Professor Michael Bazylar, former Assemblyman Wally Knox, Deputy Attorney General Catherine Ysrael, and Randol Schoenberg of Burris & Schoenberg, for sharing their extensive expertise and first-hand experiences at this stimulating panel discussion.

Our next newsletter issue will highlight three more Society-supported programs and projects: the expanding archival mission of the Supreme Court Library, including the archiving of Justice Stanley Mosk's papers; the Supreme Court tour program, which includes a video highlighting the role of the Court in California government; and the CSCHS's website, currently under construction.

This newsletter also happens at various points to focus on the Traynor Court and those connected to it. Our regular *On Your Bookshelf* column features Ben Field's biography, *Activism in Pursuit of the Public Interest: The Jurisprudence of Chief Justice Roger J. Traynor*, published by UC Berkeley's Institute for Governmental Studies. Publication costs were underwritten by the Historical Society, and the book is a benefit of 2003 membership at the Judicial level and above. If you are an Associate member and would like to receive a copy of *Activism in Pursuit of the Public Interest*, please contact us about upgrading your membership today.

As well, we commemorate here the life of former Supreme Court Justice Marcus Kaufman, who began his legal career as a law clerk for Justice Traynor. Justice Kaufman, who passed away in March 2003, served on the Court from 1987-1990. He is fondly remembered in these pages by Justice Joyce Kennard and Jo Larick, his research attorney.

Our next newsletter will be dedicated to the memory of Justice David N. Eagleson, who passed away in May 2003.

Once again, thank you to all of our members for your generous support of the Society in 2003. We look forward to including you in Society membership in 2004, and hope that our paths cross at a future Society event.

Fond Memories

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Marc's delighted chuckle when I told him that my attorneys affectionately referred to Evan as "young Marcus." Little did I know that this was to be my last conversation with Marc. He died shortly thereafter.

In 1987, while recuperating from cancer surgery, Marc wrote down for his beloved children and grandchildren his reflections on life and death, and he reminded them of the values that he held so dear and that he in turn wanted his children and grandchildren to treasure and pass on. Those eloquent and heart-felt comments reflect the essence of Marc.

This is what he said: "The ideas, ideals and values that have most influenced my life I think, and those that I would like to believe are most exemplified in my life, are a love affair with excellence, the pursuit of perfection and rather great impatience with mediocrity or stupidity, especially when repeated; a striving for and sense of obligation to develop one's abilities and to achieve to the fullest of one's capacity; a love of beauty and of nature's wonders; love of family; acceptance of responsibility; devotion to duty; the admiration of courage; loyalty; the realization that there is much greater pleasure in giving or helping others than in receiving; and, finally, a belief that it is both a privilege and obligation of the more fortunate to assist the less fortunate, particularly in developing their potential, achieving an education or finding employment."

Marc went on to tell his family: "Ideas, values and ideals do not perish with the mind that conceived them or the life that exemplified them. They live on and play a part in the lives of those to whom they have been transmitted. And so people live on after death in the ideas, values and ideals they transmitted during their lives, which often continue to grow and spread even after death."

Marc's spirit lives on; his legacy lives on.