

Introduction to the Oral History of

JUSTICE KATHRYN
MICKLE WERDEGAR

EDWARD A. PANELLI*

My professional association and my friendship with Justice Kathryn Werdegar began more than thirty years ago, when I was the first appellate nominee of Governor George Deukmejian and sat for one year as an associate justice in Division Four of California's First District Court of Appeal in San Francisco.

When I arrived in 1983, one of my first tasks as an appellate judge was to find a qualified staff attorney to assist in the necessary research and writing. At that time Kay was a research attorney on the First District's central staff, and one of my colleagues, Justice Marc Poché, had a close working relationship with her. In fact, he told me she was probably the best lawyer on the central staff at that time. I had known Justice Poché for many years, as he had earlier practiced law in the same building in San Jose where my private practice was located. We weren't partners and weren't formally associated then, but I knew him well and knew I could rely on his recommendation.

That's how I came to know Kay Werdegar at the First District. Before long, I asked for Kay to be reassigned from the central staff and come to

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work directly for me. The principal attorney was not too happy to give her up, but I told him I wanted her on my staff if she was willing to make the change. She was, and we worked so well together that I invited Kay to join my research staff when Governor Deukmejian selected me as presiding justice of the newly formed Sixth District Court of Appeal in San Jose the following year. Although she could not accept that invitation to work so far away from her home, she was never far from my mind.

As it turned out, my tenure on the Sixth District also was short, just one year. Late in 1985, Governor Deukmejian called to say he intended to elevate me to the position of associate justice of the California Supreme Court. After that momentous conversation with the governor, I immediately called my wife Lorna to give her the good news.

My second call was to Kay Werdegar, and I asked if she would join my staff of research attorneys on the California Supreme Court. To my delight, she accepted immediately. I brought Melanie Gold with me from the Sixth District, and I drew my other staff from among the attorneys who were already at the Supreme Court and who had worked with my predecessor, Justice Otto Kaus: Alice Shore as chief of staff, Barbara Spencer, and a fifth position filled by a one-year appointee.

These staff attorneys were exceptional, and Kay adapted in the tradition of a true professional to the jurisdiction of our state's highest court. She demonstrated outstanding writing skills in the cases assigned to her and drew the admiration of my colleagues. Her assignments exposed her to the full range of appellate issues, and she also bore her share of work on the court's death penalty cases in those years before the Capital Central Staff was created to work solely on those matters.

In time I began to meet individually with each staff attorney to go over pending petitions for review, and Kay was always prepared to offer observations and questions that aided my decisions. Her assigned case memos were well reasoned and well crafted; rarely, if ever, did she fall short in representing my views in writing. She made me look good.

Although we did not socialize outside the court, I came to appreciate Kay's personal side as well. Beneath her impeccable and reserved exterior lay a sly sense of humor and a steady devotion to her husband and two sons. I came to admire her work ethic even more in light of her enormous family responsibilities. I especially remember when she was nervous about

preparing her first Seder dinner for her family, in part because her court workload did not permit her a lot of time to think about cooking. I did find out, however, that the dinner went exceptionally well and that the family was grateful for her thoughtfulness.

After Governor Pete Wilson took office in 1991, his first nominee to the California Supreme Court was Ronald M. George, who later became chief justice. When Governor Wilson had the chance to make a second appointment upon my retirement on 1994, I didn't have to do much to facilitate his consideration of Justice Werdegar. She had been a law school classmate of the governor, and I think it was almost a foregone conclusion that he would appoint her at some point because she is also a very bright woman and an enormously capable attorney with a broad and deep understanding of the law. But I'll never forget what a pleasure it was to see her selected as my replacement and to speak on her behalf at her confirmation hearing.

I take great pride in Kay Werdegar's long tenure on the court — twenty-two years now — and in the significant impact she has had on the development of the law in California. Don't get me wrong. We don't always agree on legal outcomes. Any two justices from any era would say the same. But when I was there I called them the way I saw them, and now she's wearing the robe and doing the same, always with her usual mix of thoughtful attention, intellect, and skill.

I can't take much credit for Justice Werdegar's success; she has excelled in her career through her own talents and hard work. But I can say that we could ask for no finer public servant to respond to the legal needs of our citizens in the twenty-first century. She still brings great substance to her work, just as she did when I plucked her from the First District central staff in 1983, and all of us are the better for it.

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