

*Tribute to*

## JUSTICE KATHRYN MICKLE WERDEGAR

TANI CANTIL-SAKAUYE\*

I join in all that's been said and can hardly improve upon my learned colleagues' descriptions of the affection and the respect of and iconic, giant presence of Justice Werdegar, not only on our judiciary but on our jurisprudence. I would say that, though compared to Jedi masters and the pope and da Vinci, I have admired and watched Justice Werdegar through the years, and she has blazed her own trail with style, grace, wisdom, and tenacity.

What comes to mind for those of us who are over forty is the Fred Astaire/Ginger Rogers dancing duo, and what they said about Ginger Rogers is that she did what he did but backwards and in high heels, and that, to me, sends shivers up my spine, because that's you, Kay. She makes it look effortless.

You've heard about her clarity of writing, her clarity of thought. You've observed her piercing questions that get to the heart of why we're here over an issue. She does it with ease. She makes it sound so simple. She's able to really distinguish the irrelevant from the relevant.

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\* Chief Justice of California. Adapted from remarks delivered at Justice Werdegar's final Supreme Court oral argument sessions — in San Francisco, May 30, 2017, and Los Angeles, June 6, 2017 — and the Retirement Celebration at the Supreme Court in San Francisco, August 2, 2017.

When I heard that she wanted to see me — I felt my stomach sink. And when she sat down and announced to me that she would be leaving, it was unfathomable to me because of all that's been said about her being such a strong core of the California Supreme Court. Imagine that for many years, especially the last several, she is, under our culture and standard, the first to speak at conference when we gather all seven around the table in my chamber. So when the case is called, I turn naturally to Justice Werdegar for her seniority to speak about her position on the case and whether review should be granted or otherwise.

And she always speaks with wisdom. She speaks with incredible intelligence. She speaks with a view that is statewide. And she speaks in a way that reminds us all of our duty here at the high court and what we're supposed to be doing here. She also has, to me — watching from my perch at the table — incredible expressive moments that truly speak a thousand words. And when we're lucky, incredibly dry humor that makes us all laugh, notwithstanding the serious nature of the work that we approach.

And all of this time she has raised a wonderful family. You heard that she has come up through a time when women were not welcome in law school, in law, or on the bench, and yet she persevered, and she was a pillar in her family, raising wonderful, accomplished adult young men today. Her niece is in the audience. Her family reaches far and wide in loving support. I've had the opportunity to break bread with Justice Werdegar and her family, and when she sits down at that table she commands that table also.

To hear all that she's done, in addition to her twenty-three years on this bench alone, at the same time with her family, with her children and her grandchildren, and at the same time carrying on this case load and being present and setting an example of what it is and why it is and how we should sit on the highest court in California has been an experience none of us will ever have again.

She has broken every barrier, every ceiling. So, all young women, all people of color, all young lawyers, she was our first. We watched it happen, and she did it quietly with dignity and with integrity and backwards in high heels.

Kay, today we are here to see you and say farewell. Thank you all for being here to celebrate Justice Werdegar. We've heard a lot about Justice Werdegar's background and her hard work and her incisive intelligence, but I also want to point out her deep interest in the California Supreme Court

Historical Society, whose members are here also to join in to pay tribute and celebrate Justice Werdegar's retirement. So, please rise, and thank you for being here — Selma — from the Historical Society.

We have a Resolution, which I'm going to leave up here, Kay, for you, but I wanted to read some paragraphs from that, and some thoughts that haven't really been mentioned here in the discussion or the speeches about your illustrious career:

Whereas Justice Werdegar emerged as one of the most powerful women in California law, and armed with a strong sense of justice, wrote decisions passionately defending the rights of consumers, employees, the disabled, tenants, patients, and victims of gun violence. Her jurisprudence will continue and live on and guide and shape and protect many more Californians, and across the country, for years to come.

Whereas Justice Werdegar's dedication to service throughout her career has afforded her many, many honors and awards, including the Queen's Bench Lifetime Achievement Award, and the Italian American Lawyers Association Honorable Edward A. Panelli Outstanding Justice Award, now therefore be it resolved that I, Tani Cantil-Sakauye, Chief Justice and Chair of the Judicial Council, do commend the achievements of Justice Kathryn Mickle Werdegar and express the gratitude of the entire judicial branch for her contributions to the promotion of public trust and confidence in the integrity and independence of the judiciary and for her applications of the rule of law to protect the rights and liberties guaranteed to all Californians by the Constitution of our great state.

I count myself incredibly fortunate, Kay, to have spent six-and-a-half years and learned from you on this bench. Like all of us here, we will miss you. It will be difficult to discern how we go forward without you. You will always be the echo in our heads about our duties and responsibilities statewide, not only on the cases, but about outreach by the Supreme Court and what it means to be on this court.

So, Kay, rest assured that you will be forever in our precedents, and always in our hearts. Thank you all for being here and, Kay, much love — every wish.