

Tribute to

JUSTICE KATHRYN MICKLE WERDEGAR

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I am happy to join in the celebration of Justice Kathryn Werdegar's retirement after her service of twenty-three years as a justice of the California Supreme Court, following decades of public service rendered in other venues. My only hesitation in reciting this chronology of many years is that doing so might give rise to the false impression that with the passage of time, there might be an understandable slackening of the vitality, devotion, and commitment that she has displayed in her work as a jurist.

To the contrary, these qualities have continued to manifest themselves unabatedly over the years. My initial exposure to them arose from our first get-together, which took place sometime in the mid-1990s after I had moved to San Francisco with my wife Barbara to join the high court. Justice Werdegar graciously extended an invitation to us to join her and her husband David for dinner at their home in Marin County, to be preceded by a hike on the slopes of Mount Tamalpais. When we arrived at the

* Chief Justice of California, 1996–2011. Remarks prepared for the Retirement Celebration for Justice Werdegar at the California Supreme Court, San Francisco, August 2, 2017.

trailhead, it had begun to rain, and ominous clouds foretold the drenching that we were soon to experience. David and Barbara sagely chose to substitute an afternoon of antiquing in San Anselmo, but neither Justice Werdegar nor I was the least bit inclined to admit being intimidated by the stormy weather. So the two of us proceeded with the hike, returning totally soaked to the Werdegars' home and having to shower and put our clothes in the dryer before sitting down for dinner. This experience served as an early introduction to her stamina and determination, and as a firm foundation for the collegiality that would follow during our sixteen years together on the California Supreme Court.

Justice Werdegar's meticulous work in crafting the opinions that she authored for the court and those that she wrote separately, as well as the contributions that she made to the work of her fellow justices, have greatly enhanced the guidance provided by California's high court to the lower courts, the bar, and the public, and frequently to the courts of other jurisdictions.

In her jurisprudence, she has always been mindful of the need to extend the protection of the law to the powerless and the disadvantaged — be they the hourly restaurant employees seeking meal and rest breaks in *Brinker Restaurant Corp. v. Superior Court* (2012) 53 Cal.4th 1004, or the unarmored three-spined stickleback, a tiny prehistoric-looking fish threatened by land development in *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 204.

In addition to her legacy of well crafted decisions as a justice of the Supreme Court and the Court of Appeal, Justice Werdegar has made substantial contributions to the administration of justice. She chaired the Supreme Court's Advisory Committee on Rules for Publication of Court of Appeal Opinions, whose recommendations in 2006 led to the court's adoption of rules clarifying and expanding the criteria for publication of opinions rendered by California's intermediate appellate courts, and adopting a presumption in favor of publication when specified criteria have been met.

Echoing her exceptional career as a law student — as no less than number one in her graduating class — and later as an associate law school dean, she took a leading role in legal education by authoring publications for the bench and bar, and in her service on various committees of the Judicial Council.

I greatly value our friendship and consider the time we spent together as colleagues on the nation's finest court to be among the highlights of my own judicial career. Joining the many others who are deeply grateful for Kathryn Werdegar's numerous contributions to the law of our state and our nation, I wish her the very best in all her future endeavors.

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