



“Calling for the Best Parts of Me”

AN INTERVIEW WITH CALIFORNIA CHIEF JUSTICE TANI CANTIL-SAKAUYE

ON AUGUST 13, 2019, *Review* Editor Molly Selvin interviewed Chief Justice Tani Cantil-Sakauye about why judges wear black robes, the garment's significance and the robes she has worn over nearly three decades on the bench. Below is an edited transcript of that interview.

Q. Is the judicial robe you wear now the same robe you wore as a trial judge?

A. Yes, the robe I'm wearing now is the robe from my trial court years. But I have approximately four or five robes. Maybe that's the fashionista in me, but I have a winter robe, a summer robe, an outdoor robe and I keep a robe in each of the chambers where the Supreme Court holds hearings — San Francisco, Los Angeles and Sacramento — and another one at home in the closet among my coats.

Q. Who has robed you over the years?

A. In 1990, I was robed as a Municipal Court judge by the then-presiding presiding judge in Sacramento, Gail Ohanesian, one of the first women in Sacramento appointed to the bench. When I went to the Superior Court [in 1997], I was robed by Thomas Cecil, the presiding judge of the Sacramento Superior Court. Then, when I went to the Court of Appeal [in 2005], I was robed by my husband, and at the Supreme Court, I was

robed by my husband and sworn in by Justice Joyce Kennard on January 3, 2011.

Q. Why is it important for judges to wear robes? No public officials other than members of the military are required or expected to wear a uniform or other specific attire.

A. The robe, at least for me, is partly symbolic and partly a physical act. The symbolic part — the black robe, shorn of adornment, represents the sobriety and the gravity of the proceedings and how the judge is really not to be a central figure in the advocacy before the court. The plain robe, the silence, the remove of the judge, up and away from the well — it's a sign in the courtroom of the gravity and the role of the person who's wearing it, the responsibility. I also think the physicality of the robe is important. When I put on my robe my focus changes. And for certain cases, and before going out on the bench, sometimes the robe carries a weight that is palpable. Other times, depending on the circumstances and the reason I'm wearing it and the manner I'm wearing it, I leave it unsnapped. But once I snap it, and step up to the bench, it just seems to have more of a weight to it. Sometimes it [feels] very heavy.

Q. Can you talk a little bit more about that feeling of carrying a symbolic weight when you put on your robe?

A. When I've been in chambers as a trial court judge and I've been negotiating cases or talking about motions and talking to the parties, I'm usually not in a robe or if in a robe and an unsnapped robe, an open robe because I'm on and off the bench. Yet the minute I decide to go on the bench and resolve cases on the record in public, I snap up the robe, then I ascend the bench, and the robe now feels like it is calling for the best parts of me, to bring my best thoughts and my best character to bear. There is a quietness, a centering of my thoughts to focus not on myself, but on the case before me and to ensure that the parties have a fair hearing in front of me and to treat them how I would want to be treated if I were a litigant. In a way, the robe sort of gathers all of that energy.

Q. You have been photographed wearing a string of pearls with your robe. U. S. Supreme Court Justice Ruth Bader Ginsburg often wears a lace collar over her robe. Do many women judges accessorize their robes? And how do you decide what to do?

A. I do not generally wear any adornment at all [on the bench], but when I do I wear a strand of pearls. Now if I'm swearing in the Legislature, if I'm not in a courtroom, then my pearls can be a little showier, a little bigger, a few more strands. I've noticed that a few female jurists will wear a piece of jewelry outside or visible on their robe. I've noticed that with my colleague Justice [Carol] Corrigan and with [former] Justice [Joyce] Kennard. I noticed



Newly enrobed Chief Justice Cantil-Sakauye with, from left, Gov. Arnold Schwarzenegger, husband Mark Schwarzenegger, and former Chief Justice Ronald M. George.

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their beautiful jewelry but it's always been somewhat conservative jewelry that didn't distract from the task at hand. I've also noticed that my male colleagues across the judiciary lately appear to be showing more of what I jokingly refer to as "tie cleavage": That zipper or the snaps are fastened lower and lower, leaving more and more tie visible. I'd not seen that before. My colleagues

are all impeccably dressed, but over time, this seems to be a trend.

Q. Are you aware of judges who object to wearing a robe?

A. Not at all. I think we enjoy the uniformity of all of us dressed alike and of the robe itself. The only controversy I've ever heard about the robes, and this is from the new judges I speak with, is the choice between snaps and zippers. That is a constant conversation, surprisingly, among new justices. Snaps are newer, relatively speaking. I don't have a zipper robe. I've always had a snap robe for easy on and off but [new judges] get different advice on snaps or zippers.

Q. On the Supreme Court you don't wear your robe as often as you did when you were on the trial court bench. Was that an adjustment?

A. When I was a trial court judge, I wore the robe every day. As soon as I walked into work, I took off my jacket, I put on my robe. I wore it every day and I took it off only at the end of the day to go home. But when I went to the Court of Appeal, that was the first time I realized I wouldn't be wearing my robe every day. It was a shock to my system. I put my robe in the closet and I pull it out three times a month. At first it felt very unjudge-like to me, I felt like I had lost part of my identity. Now, after 14 years on the courts of review, I'm used to that. But I felt bereft for a while. ★