



Judge Thelton E. Henderson (left) and Martin Jenkins at California Judges Association fireside chat, 2019. Photo: Trina Thompson.

“Mentoring” Martin Jenkins: My 40-Year Friendship with California’s New Associate Supreme Court Justice

BY THELTON E. HENDERSON

FIRST MET MARTIN JOSEPH JENKINS when he was a 3L at the University of San Francisco School of Law. At the time, I was on the U.S. District Court. Marty dropped by my office to talk to me about what he should do after law school. He didn’t have an appointment, nor did he call in advance. He simply appeared on the 19th floor of the Phillip Burton Federal Building and U.S. Courthouse in San Francisco’s Civic Center, buzzed my chambers and asked if he could see me. As one of the relatively few African-American judges sitting on the federal bench nationally, and only the second appointed to the Northern District of California, I felt it was important to make myself available to young lawyers of color. Once the word got out, I had a steady stream of visitors. Some came for career advice, some to find out how I got where I was and some, I suspect, just to say they had met me.

None of them had been drop-ins.

I had nothing pressing on my calendar that afternoon, and so I told my secretary to send Marty in. Normally these meetings ran about 15–20 minutes from greeting to goodbye and good luck. My secretary knew this, so after 30 minutes had elapsed, she knocked on the door, stuck her head in and “reminded” me that I had a meeting down the hall. There was, of course, no meeting. This was Erma’s way of giving me an opportunity to gracefully end the meeting.

I think she popped her head in a few more times, but I wasn’t paying attention to the time. I was totally engaged in the conversation I was having with the engrossing young man who had dropped in that day.

It didn’t take long before it became clear that Marty was unlike any law student or even newly minted lawyer that I had ever met. He had a depth and seriousness

of purpose that immediately told me he was not merely window shopping. He had a vision of his future and was laying the foundation. I felt an immediate kinship with him. The story he told was not unlike my own, including being an ex-athlete (he much more so than I) who was fortunate enough to be able to look beyond that rather limited career option.

Marty was on track to graduate at the top of his law school class. He had ambitions and a winning personality. Like me, Marty comes from a family of modest means. He easily could secure a position with a handsome salary upon graduation. He had everything a big firm would want, including the panache of having played professional football with the Seattle Seahawks for a year.

But Marty eschewed that life.

He made it very clear to me that he wanted to use his law degree to serve others; and he used the word “serve” in the same way that my grandfather, a Southern minister, used the term.

As I got to know Marty, I found him to be a spiritual person with strong religious underpinnings. He received Jesuit training in college and law school and still is a regular churchgoer. He is a soft touch for anyone in need of help, even once having given his own shoes to a barefoot homeless man he came upon on the street. Public service and working for the public good is simply part of who Marty is.

When I finally did look at the clock that first afternoon, I was shocked to see that more than two hours had passed. The time had flown by. When he left, I knew that I had just met a very special young man, a young man who was going places. I assured him that I would be available in the future to talk with him and help him in any way possible. What neither of us knew at the time was that much of Marty’s career would be spent on both sides of Golden Gate Avenue in the state and federal judiciary, including a decade as my judicial next-door neighbor.

After graduating, Marty worked in the Alameda County District Attorney’s office. From there he went to Washington, D.C. and worked for the U.S. Department of Justice in the Civil Rights Division. In 1985, he moved back to the Bay Area when his mother became ill and served as in-house counsel for Pacific Bell. Four years later, he began his prodigious ascension up and across the judicial ladder: first the Municipal Court, and then the Alameda County Superior Court. This was followed by 10 years on the U.S. District Court for the Northern District of California.

Those were wonderful years having Marty as a colleague and a neighbor. A neighbor who popped into my office regularly to share with me and my staff delicious food he had brought to the office or simply to talk about our jobs. Marty seems to enjoy calling me his mentor

and I am truly honored that he sees me as such. But the truth is that Marty needs no mentoring. When he would come in for advice, our conversation usually went something like this:

MARTY: I've got this case involving an alleged patent infringement.

He would then tell me about the case in clear and complete detail.

ME: Hum. Sounds complicated.

MARTY: It is. Sort of. Anyway, the defendant has filed a motion for summary judgement.

This would be followed by a discussion of the defendant's motion and the plaintiff's response.

ME: WOW. You've really been working on this, haven't you?

MARTY: As I see it, there is a disputed issue of fact in that . . .

Here, Marty would explain the disputed issue of fact in detail, and why it required him to deny the motion for summary judgment.

ME: Fantastic.

MARTY: It seems to me I have no choice but to deny the motion for summary judgement.

ME: Sounds right to me.

Marty then leaves my office profusely thanking me for all my help. Marty didn't need a mentor. At most, he needed a sounding board.

Marty's work ethic drove him to be thorough and perhaps even a bit compulsive about studying and learning everything about the cases before him. I often told him he was working too hard and needed to slow down but I don't think he was able to. He was too aware that the lives of real people were going to be affected by his rulings, and he had a compelling need to be absolutely certain he was being fair to all sides.

In time, I began referring to Marty as "James Brown," after the popular musician known worldwide as "the hardest working man in show business." No matter how late I left the office, Marty was still in his chambers working. His law clerks were gone, but Marty would be there at his desk working. Alone. This is not the way things are done at the district court. Law clerks are supposed to arrive before and leave after the judge. Every time this happened, I stuck my head in his doorway as I was leaving and shouted, "Damn it, Marty. It's time to go home."

I believe it was Marty's drive for perfection that ultimately led him to leave the district court. When his father's health began to decline, Marty realized that in order to spend more quality time with him he was either going to have to change his work ethic or leave the court. Although the workload and issues facing an appellate court judge were every bit as difficult as those facing a district court judge, the different scheduling system for the appellate court promised to be much easier for him

to manage. It took a lot of courage to leave a position that most attorneys coveted.

After leaving the district court, Marty was appointed to the California Court of Appeal, First Appellate District — right across the street from his former federal chambers. He dove into his cases with his usual fervor, loved the intellectual challenge, and still found time to care for his father and for himself. It was during this time that he spearheaded the founding of Vincent's Academy, a charter school in West Oakland where the poorest of the poor live and the public schools are often substandard.

When Gavin Newsom was elected governor, he tapped Marty to be his judicial appointments secretary. Marty saw this as the apex of a remarkable career that put him on almost every bench possible and the last stop before retirement.

This time Marty was wrong.

One night as I was concentrating on the *New York Times* crossword puzzle, the phone rang. It was Marty. He was excited, and his voice was much more animated than usual. He had been giving the governor a rundown on possible candidates to fill the opening on the California Supreme Court, he told me, when the governor interrupted him.

"I don't need any more information," Governor Newsom told him, "because I'm looking at the next member of the California Supreme Court."

Marty was stunned, genuinely flabbergasted. I can imagine him turning around to see if the governor was talking to someone standing behind him. This was an honor he never expected. He thought his term as judicial appointments secretary would be his swansong. Instead, it had become the next-to-last rung on the judicial ladder Marty had been climbing since 1989.

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Above: Celebrating Martin Jenkins' confirmation. Below: Jenkins' swearing-in ceremony was held online. Photos: Courtesy of the Judicial Council of California.

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At Marty’s confirmation hearing on November 10, 2020, I was honored to testify on his behalf, and I told the Commission on Judicial Appointments,

Marty is, and has always been, a man of purpose; modest, though he has much to be boastful about; quiet and introspective, but that still water runs very, very deep; focused and determined, and never, ever forgets where he came from; spiritual, kind and generous, especially to those in need; a man of strong principle, firmly guided by the teachings of his church, and by the Jesuit training he received in both college and law school. And no one will ever don the robes of this Court with greater humility, greater purpose, and greater commitment to justice than Martin Joseph Jenkins.

Pandemic be damned. For Marty, the past year has been the most dynamic of his life, both professionally and personally. He sold his house in Oakland and moved to Los Angeles to live with his partner Sydney. For a man who has been very quiet about his sexual orientation, this is a huge step, one that he says, finally allows him to be himself.

When we spoke recently, I asked him how he felt about the new job. His answer was direct and simple. “Euphoric!” he said, and then elaborated. “I’m afforded the opportunity to think long and hard about these issues; issues that are illuminated by the insightful perspectives of my outstanding colleagues — whose keen intellects are only surpassed by the collegial manner in which they ply their trade,” he said. “I wake each day excited about the prospect of what I will learn that day.”

He recalled for me the advice his father once gave him. If he found honest work that he also had a passion for, he would never “work” a day at that job. His father’s sage advice has proven true.

“I have not yet worked a day as an associate justice of the California Supreme Court.” ★



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