



Above: The Chief Justice with her staff attorneys (and externs) meeting in their conference room after oral argument in San Francisco on Nov. 2, 2022: Chief Justice Tani Cantil-Sakauye (at the head of the table, in gray), and, to her left (then clockwise around the table): Sunil (Neil) Gupta, Michael Rhoads, Erin Rosenberg, Matt Scarola, Elizabeth Reinhardt (extern), Kyle Graham (out of the view), Howard Knapp (extern, back to camera), Gervilyn Mae Cadimas (extern), Todd Thompson, Vuong Nguyen, Jake Dear (mostly obscured). Photo: Martin Novitski, Judicial Council Staff.

Personal Reflections About Working for and With Chief Justice Tani Cantil-Sakauye

BY JAKE DEAR

MOST ENVISION THAT “the Chief” runs the California Supreme Court. In that capacity, it’s generally understood, she presides over her own staff (and, to some extent, the other six associate justices and their own staffs), three central staff directors and their scores of attorneys, as well as clerical, administrative, and ancillary internal entities. At the same time, in her role as one of seven justices, the Chief shoulders the same substantial obligations as her judicial colleagues to decide petitions for review and writs, and to produce calendar memos and eventually opinions, in “review-granted cases” and automatic (capital) appeals.

Yet under the article VI, section 6 of the state Constitution, the Chief simultaneously holds a related and equally demanding job that would itself qualify as a more-than-full-time undertaking: Presiding over the 21 appointed voting members of the Judicial Council. That constitutional body, assisted by its own 700-plus employee staff, is the policymaking body of the California courts. It’s responsible for ensuring the consistent, independent, impartial, and accessible administration of justice, guiding the state’s judicial branch — including

more than 1,700 trial court judges and many thousands of staff, as well as 106 Court of Appeal justices and many hundreds of staff. By most measures, California’s judicial branch is by far the largest in the western world,

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much bigger than our federal court system. This broad oversight responsibility imposed on the chief justice is why the official title is “Chief Justice of California” — and not just “Chief Justice of the Supreme Court.” As that position has evolved over the past three decades, carrying out the role of Chief is a gargantuan task, requiring a person of special focus and drive.

And that’s what this Chief has been, and shown — confronting challenges from the start with steely determination. As described in David Carrillo’s accompanying article, upon taking office she immediately faced daunting ongoing budget challenges brought on by the Great Recession. A few in the branch greeted her by continuing and escalating conflicts that threatened to undermine her efforts to undertake judicial branch reforms. They, along with some legislators, initially underestimated her, but later came to understand her full measure. Employing grit and natural rhetorical elegance, the Chief persisted, steering the

branch though challenges that have included the enormity of a global pandemic. In the process, she made the judiciary stronger and more unified. Some, but hardly all, of this history is generally known. Let's hope she will shed some light when, as is anticipated, she will be interviewed for her oral history.

In the meantime, I'll highlight a few things about internal workings within the court that are even less generally known.

Consensus building: The lead article focuses on the Chief's consensus building. Those of us on her staff have experienced this firsthand. Countless times over the past dozen years I've been copied on email threads by other staff members, discussing with the Chief, in depth, proposals to adjust this or that in a pending draft order or opinion. Should we modify so as to narrow, broaden, or recast this phrase, passage or section? Should we accept the suggestion of the "X" chambers to alter one of our own proposed orders or draft opinions? The conclusion, often reached after considerable back and forth (and typically in after-hours or weekend emails, when it seems she's been more able to focus on court legal work), has frequently been yes, we can live with that — and the further adjustment is even an improvement. This has long been the ethos of the Chief's chambers (as it was in the Chief Ronald M. George era). It reflects the difficult and attentive work necessary to build and maintain consensus. And thanks to the court's ongoing internal culture, a version of it can be found in all chambers.

Post-argument discussions: After the justices meet, following oral argument, to vote on the disposition of a case and to confirm who will prepare a draft majority opinion, the Chief convenes with her entire attorney staff. Most recently, we gather via video. Before the pandemic we met in person amidst the old-school hardbound case reports that line, floor to high ceiling, our staff conference room, while seated around our huge oak table. The Chief debriefs us concerning each case. She usually starts by asking the staff attorney who tracked any case that was circulated by another chambers — or who, on our own staff, prepared the Chief's draft calendar memo — for candid thoughts about the argument. And she gets them. She responds and then describes, in considerable detail, the key aspects of counsel's arguments and the various justices' post-argument comments. She briefly foreshadows the expected opinion, including any anticipated separate opinion. Her recitation is typically a master class in extemporaneous exposition.

No written speech text: Relatedly, and alone among recent chief justices, she's eschewed formal speechwriting.

Except for her annual "State of the Judiciary" address, which she commits to memory and delivers to the Legislature without written text, the hundreds of other speeches and similar presentations she's given during her tenure have all been unscripted. She simply reviews a few key main points on which she's determined to focus, and off she goes. Well, it's true that she was a rhetoric major in college. But few can pull this off, and communicate so eloquently and effectively.

The "court family": Our staff conferences with the Chief are primarily, yet not exclusively, focused on our serious legal work. But these meetings have also provided occasions to talk about matters occurring outside the court, providing context to subjects of statewide and judicial branch concern. And at regular quarterly social



At the Judicial Council Meeting on Sept. 20, 2022, Chief Justice Tani Cantil-Sakauye (*standing, in light gray suit*) administered the oath of office to new and reappointed council members. This was the second time the council had met in person since March 2020. *Photo: California Courts.*

meetings to celebrate staff birthdays and such, we've enjoyed lunches around our conference table, consumed amidst banter, laughter about personal and family matters, and shared hopes and frustrations concerning current events. Likewise, the Chief and other justices have encouraged regular courtwide social get-togethers and professional growth programs — most recently via video, but increasingly (we hope) again in person.

The Chief has often referred to the court staff generally, and our own chambers staff in particular, as "court family." I can safely say, on behalf of the present staff and others who have retired in the intervening 12 years: It has been an honor to be a family member, while working with the Chief and doing our part to further the important work of the California Supreme Court. ★

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