

*Louis H. Burke**

When Donald R. Wright stepped down from his post as Chief Justice of the Supreme Court and head of the California judicial system, he left behind an outstanding record as a great jurist and a fine administrator. Reflecting upon his career, one is reminded of his deep love and respect for the law, the love and companionship of his gracious and lovely wife, his strong family ties, his delightful sense of humor, his love of music, his comradeship with his colleagues, his respect and affection for his staff and his pride in their work, his great patience and understanding, his prodigious memory, his fine basic education and scholarship, his ability to delegate responsibility for administrative duties, and finally, the high esteem in which he is regarded by members of the profession.

If I were asked to single out one of the fine qualities he demonstrated in his role as Chief Justice, I believe it would have to be the absolute integrity of his judicial thought processes. In recent times, the expressions "hot bench" or "cold bench" have been used to distinguish between an appellate court whose members prepare in advance for oral argument and one that begins consideration of an appeal with the hearing at which oral argument is held. The California Supreme Court engaged in advance preparation. This preliminary study sharpened the interest and the understanding of the justices in the legal problems before the court so that they could actively participate in the discussions, questions, and answers that arise at the time of oral argument. Immediately following a day of oral argument, the court would reconvene in the chambers of the Chief Justice, where views would be exchanged and a tentative vote taken on each case. The Chief Justice would then assign the case to a member of the majority, as disclosed by the vote, for the writing of the opinion. The "box," which included all the records and transcripts from the trial court, the opinion from the Court of Appeal (which had been set aside by the Supreme Court's grant of a hearing), and the briefs of the lawyers representing the litigants would then go to the justice assigned to prepare a draft opinion. Copies of the draft and of any dissenting or concurring opinions would be distributed and, in turn, "the box" would go to each justice for final review and decision.

In cases having highly complex and difficult issues, one could never be certain of the final position of the Chief Justice. One could be assured that

* Retired Associate Justice, Supreme Court of California.

the dissenting and concurring opinions would be closely read, analyzed, and weighed against the proposed majority opinion and that the briefs of the parties would be similarly read before the Chief Justice arrived at his ultimate decision. That decision would be based solely upon the soundness of the legal principles; it mattered not a whit that his final view might reverse a prior tentative view that he had expressed. There was no such thing as false pride, loss of face, or team playing; the only question was how the proposed decision would stand up in light of the entire record. Occasionally, the result caused a shift in positions on a closely divided court, with a former dissenter being assigned the task of converting his proposed dissent into a majority opinion. The "box" would then begin a new tour of the entire court. In other instances, the Chief Justice might have to leave the majority and join a lone dissenter. To the Chief Justice, neither situation was of any material consequence; to him, the sole consideration was to be legally right as he saw the right after a full and final consideration of the case.

Chief Justice Donald R. Wright is a man of complete judicial integrity, as a review of his decisions, the views of his colleagues, and the bench and bar of California will so conclusively attest.