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Chief Justice Roger J. Traynor

Louis H. Burke

Supreme Court of California

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The death of Chief Justice Roger J. Traynor of the California Supreme Court brought to a close an unparalleled career in the law. In fact, in the award of its Gold Medal in 1967, the American Bar Association acknowledged him to be one of the great judges in United States history.

His retirement in 1970 ended thirty years of dedicated service on the California Supreme Court, and it was my privilege to serve under him as an Associate Justice for his six years as Chief Justice.

Roger Traynor was not only a great jurist, but a most delightful colleague and associate. He had a dry sense of humor and an infectious and very hearty laugh. He loved good music and good food. He was a master craftsman with words and used them much as a skilled surgeon would use his instruments. He would automatically edit any legal writing placed before him for review; even his wife's grocery lists, it was said. I remember a session I had with him when painstakingly he struck out "while" in three places and substituted "although" in my draft of an opinion. I have never used the word "while" since without wondering whether it should have been "although."

Early on in my service on the Court he asked me into his chambers to review a dissent I was writing. In his calm and deliberate fashion, he counseled against some of the rhetoric and vituperation I had employed. He said there was no place in legal writing for personalities and that such tactics only diminished the strength of the dissent and obscured its logic.

Although Justice Traynor was considered an innovator, he had a great respect for precedent. He believed that if changes were necessary to meet existing conditions in any field of law, such changes should take place on a step-by-step basis and over a period of years to allow time for adjustment. Legal scholars studying his decisions can trace the evolution of his ideas through a series of opinions interspersed at times by as many as ten years, such was his concern for the careful development of the law.

For me, Roger Traynor filled the dual role of great jurist and wonderful friend.

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Associate Justice
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(Retired)*



CHIEF JUSTICE ROGER TRAYNOR
1900-1983

The Board of Editors dedicates this issue to the memory of Chief Justice Roger Traynor in recognition of his enormous contribution to the law of California