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In Memory of Justice Daniel R. Shoemaker

Justice Daniel R. Shoemaker was a loyal and devoted alumnus of Hastings College of the Law. He was born in Homestead, Pennsylvania in 1902 and attended the public schools there and in California, where he graduated from Los Angeles High School. He received his A.B. degree from the University of California at Berkeley and his L.L.B. degree from Hastings. After engaging in private practice in San Francisco, Justice Shoemaker was appointed to the San Francisco Municipal Court in 1943. The remainder of his professional career was to be spent on the judiciary. In 1947, he was elevated to the superior court in San Francisco, and then to the California Court of Appeal in 1960 by Governor Pat Brown, where he served until his retirement in 1971. In 1963, he was appointed Presiding Justice of Division Two of the First District.

The manner in which Justice Shoemaker received his appointments to the trial benches upon which he served is of unique interest and emphasizes his integrity and standing in his profession. He was the last appointment to the municipal court by Governor Culbert Olson. There was a serious question concerning whether the appointment procedure had been completed before Governor Olson's term had expired. Some urged incoming Governor Earl Warren to set aside the appointment. After reviewing the new appointee's qualifications, Governor Warren refused to do so. Recognizing Justice Shoemaker's outstanding judicial record, Governor Warren, a few years later in 1947, elevated him to the superior court. Within a short time he was elected by his colleagues to preside over the San Francisco Superior Court, and did so with great skill. No less an authority than Chief Justice Gibson credited him with restoring order and efficiency to a calendar which had fallen into disarray. Justice Norman Elkington assessed Justice Shoemaker as one of the finest trial judges before whom he had appeared. His rulings were studied, thoughtful, and yet made with dispatch.

Justice Shoemaker's firmness as a trial judge was tempered by considerate treatment and friendliness quite disarming to contentious lawyers. An accomplished San Francisco trial attorney, engaged in my Contra Costa County court, once told me that he preferred to try a jury case before a judge who displayed some irritation with the lawyer's conduct; that he was often able to turn this to his advantage with the jury.

He continued that he found great difficulty in baiting Judge Shoemaker, because of his ever-present infectious smile and the firm but courteous manner in which he pronounced adverse rulings.

It was my great privilege to serve in the division of the State appellate court over which Justice Shoemaker presided for more than eight years. The wisdom and legal skills he displayed on the lower courts also characterized his appellate career. While always considerate and fair in his relationships with attorneys, his colleagues, and his staff, he did insist upon efficiency and punctuality. He had little patience with sloppiness in work product, or with tardiness. His humanity and kindness were never more evident than when our beloved colleague, Justice James R. Agee, became afflicted with terminal cancer. Justice Agee's two major interests in life consisted of golf and *the law*. It was very dispiriting to Justice Agee and the entire court when he announced after the calendar one morning that he no longer had the strength to bear his share of the case load and that he felt, in all fairness, he must resign. Justice Shoemaker came into my chambers, stating that he was going to insist that Agee stay on the court, if I would agree that we two carry the additional work required. We then walked to Justice Agee's chambers and informed him that, despite his ill health, we preferred him to any substitute. There was a heartrending display of emotion. Justice Agee carried on in a limited capacity for several months until his death. The vacancy was filled by Justice Robert F. Kane, a distinguished lawyer, subsequently appointed Ambassador to the Irish Republic.

Justice Shoemaker gave significant support in time, money, and devoted service to the public weal. His favorite charity was the San Francisco Lighthouse for the Blind. He served as its president and on its Board of Directors for many years. His love for and devotion to his alma mater, University of California at Berkeley, was steadfast throughout his life. He was a longtime member of the San Francisco Grid Club and a heavy contributor to the University and its athletic programs. Over all the years of our acquaintance, he seldom, if ever, missed a Saturday afternoon game in the Memorial Stadium. He was a great Rotarian, never missed a meeting at the Sheraton-Palace Hotel, and was an ardent supporter of Rotary's many humanitarian programs.

Justice Shoemaker never forgot the obligation he owed to Hastings College of the Law. He was a member of its Board of Directors for many years and served on innumerable committees. He served as president and member of the Board of Governors of the Hastings Alumni Association and was the only one in the history of the school to be twice named Alumnus of the Year. He was generous in his giving.

Dan took great pride in his family. He and his lovely wife Madeleine were married over sixty years. They were devoted partners in life and on the golf links. They maintained homes in San Francisco and Silverado, belonging to both the Presidio and Silverado Golf Clubs. Dan loved to garden and putter about the house. He was an amateur electrician and all-round handyman. He found great pleasure in traveling abroad. He and Madeleine took extensive trips to Europe, South America, Africa, and the Orient. Mrs Taylor and I had the good fortune to travel with them on a Commonwealth Club tour through the British Isles. Dan had a great desire to know the different peoples throughout the world and to understand their customs and their problems. This propensity to fathom foreign cultures added to his breadth and profundity as a jurist and a human being. Dan and Madeleine have a daughter, Noel Norton, residing in Sausalito, and two grandchildren, James Richard Mansfield, residing in West Virginia, an engineer with Bechtel, and Dana Louise Norton of Pleasanton. There is one great-grandchild, Deven Daniel Norton.

Benjamin Ide Wheeler once said, "it does a man good to love noble things, to attach his life to noble allegiances." Dan Shoemaker loved his family and was loyal to his friends. He devoted a good share of his life to his alma mater, his law school, his profession, and to his public and charitable undertakings. He was a credit to the judiciary. He lived the abundant life. He was my friend and mentor.

*Wakefield Taylor**

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