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Personal Reminiscences: Justice Raymond L. Sullivan

by
JOHN J. VLAHOS*

It is my fortunate and happy experience to have been Justice Sullivan's very first law clerk. The judge hired me in the late summer of 1961 right after my graduation from law school. He actually interviewed me in his law offices as he had not yet assumed the Bench. Indeed, I began working for the Court of Appeal before the Judge took his oath (serving, temporarily, as Clerk to Justice Ben. C. Dunaway, who was about to move to the Court of Appeals for the Ninth Circuit), and I have kidded Justice Sullivan ever since about how pleased I was that he was able to join me on the Court.

And what a Court it was! Justice Sullivan joined Justices Mathew O. Tobriner and A.F. Bray on Division One of the First Appellate District of the California Court of Appeal to carry on "1-1's" tradition of judicial leadership and excellence. That Court had sent Justice Raymond E. Peters to the California Supreme Court and in the not too distant future was to send Justices Tobriner and Sullivan to join him. It was inspiring to observe Justices Sullivan, Tobriner, and Bray interact and perform the vital work of the Court. Each had his own style and perspective, and each achieved greatness in his own way. But they also truly functioned as a team, with a mutual devotion to justice and fairness, and an inspiring respect and admiration for the institution of the Law. They held the fervent belief that the design and purpose of the Law was not to achieve or perpetuate some abstract principle, but rather to serve the needs and aspirations of the people. And how well they worked in close collegiality to achieve that purpose.

If asked to draw up a list of the qualities that the ideal appellate judge should possess, one would need go no further than to enumerate those possessed by Justice Sullivan: a great and inquiring intellect,

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a masterful grasp of the language, the ability to craft legal decisions of great clarity and precision that are eloquent and inspiring, a profound respect and love for the Law coupled with sincere and deep empathy for the people whom the law serves, a finely honed sense of justice and fairness, and a kind and gentle temperament and disposition.

One example of the care and attention this master craftsman of the Law brought to bear upon his work shall forever remain with me. Justice Sullivan insisted that any principle of law should be cited by direct and clear authority, no matter how black-letter it seemed to be. Knowing his requirement, I once delivered to him a bench memorandum containing what I considered a black letter principle, supporting it, however, with a string citation which, as I recall, ran on for almost two pages. Shortly after receipt of the memorandum, the judge called me into Chambers. He asked if the principle I had referred to was really a correct statement of the law. Taken aback, I replied somewhat defensively that there did seem to be some authority to that effect. He nodded pensively and said that he would get back to me. The next day he called me into Chambers again and announced that he had read all the cases (and I'm sure he did!) and concluded that I was correct—probably.

From time to time, all of Justice Sullivan's law clerks and externs, from the date of his appointment to the Court of Appeal in 1961 to his retirement from the Supreme Court in 1977, hold a reunion coinciding with a celebration of the Judge's birthday. On the occasion of his 85th birthday in 1992, we presented him with a book that, in addition to many tributes from the Bench and Bar, contained a list of all his opinions—majority, concurring, and dissenting—on both the Supreme Court and Court of Appeal, together with brief synopses of all of his majority opinions on the Supreme Court.¹ (To have included all of his majority opinions in full would have encompassed over 5,000 pages and would have required several volumes.) If an alien from space were to visit our insignificant little planet and ask, "What is this thing you call 'the Law,' and why do you Earthlings revere it so?" he could be told to read Justice Sullivan's works listed and synopsized by his law clerks. Then the space visitor would know.

1. A full index of these opinions is included in this Issue.