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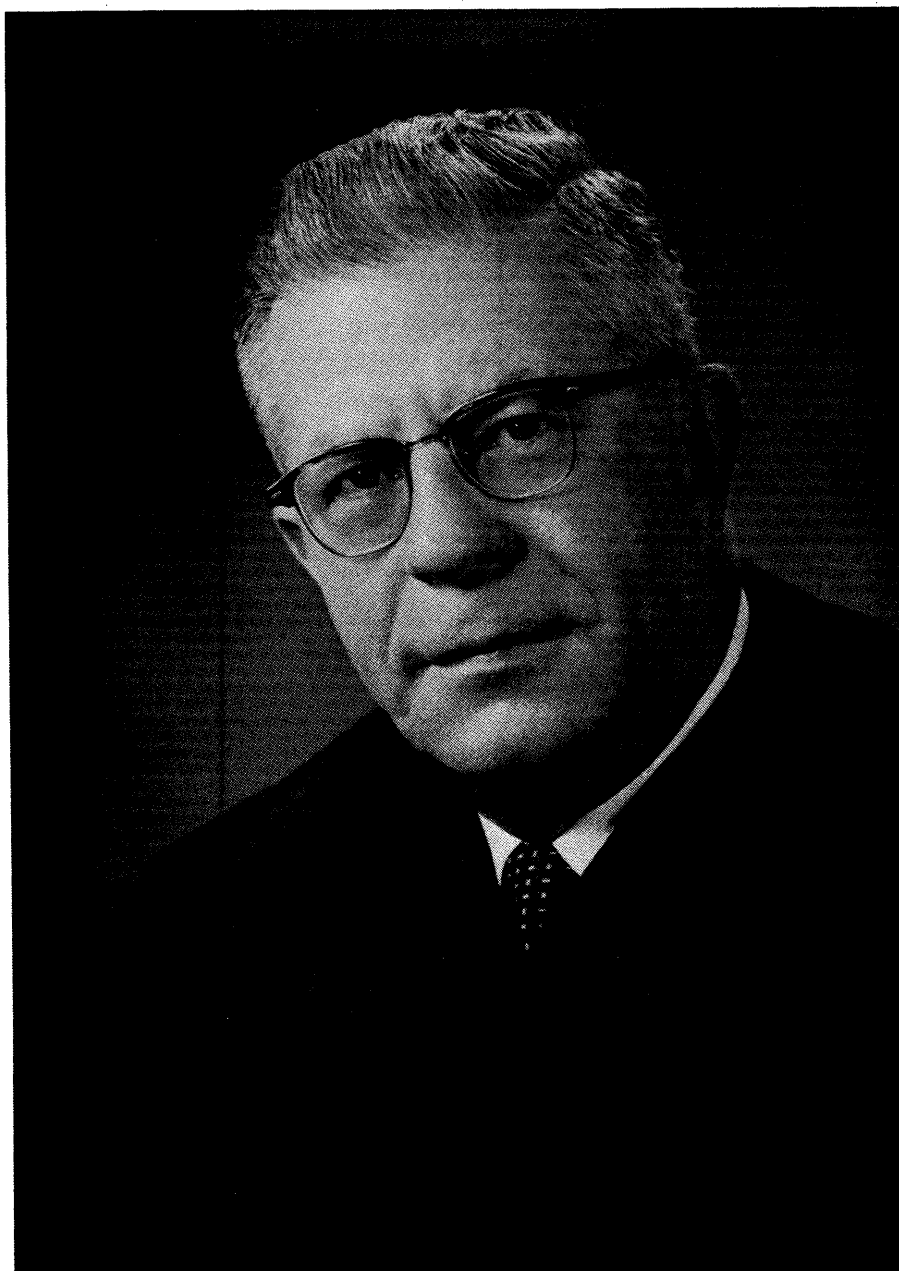
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**CHIEF JUSTICE ROGER J. TRAYNOR**

## The Writings of Chief Justice Roger J. Traynor†

*James E. Sabine\**

*Robert S. Clark\*\**

Throughout his distinguished career, Chief Justice Roger J. Traynor has worked creatively, shaping the law and giving it constructive direction. He has demonstrated great versatility, functioning in any field he has encountered with sophistication, enlightenment, and a fine feeling for the advancement of the common law.<sup>1</sup>

Whenever he has approached a new field of law he has taken a definitive look; he has gone to the foundation. In all his expressions he has had something significant to say. As a judge he always did something more than decide the case. He provided a sharper focus, a more precise direction, or a new perspective — always with a bent for common sense results.

His stature as one of the great judges in the history of American jurisprudence has long been recognized. Dean Roscoe Pound ranked him as one of the three state court judges whose work “stood out along with that of Mr. Justice Cardozo in the Supreme Court of the United States, and of Judge Learned Hand in the U.S. Court of Appeals for the Second Circuit in the Progress of American law.”<sup>2</sup> It was said by Walter V. Schaefer of

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† A.B., 1923, Ph.D. & J.D., 1927, University of California; Justice of the California Supreme Court, 1940-1964; Chief Justice of the California Supreme Court, 1964-1970; Sir Arthur Goodhart Professor of Legal Science, University of Cambridge, England, 1974-1975; Honorary Professor of Legal Ethics, University of Birmingham, England, 1974-1975. Roger J. Traynor Professor of Law, Hastings College of Law, University of California. Chief Justice Traynor is a native of Park City, Utah.

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1. Chief Justice Traynor's service on the California Supreme Court has been credited with inspiring “a dramatic renaissance of the common law.” 83 HARV. L. REV. 1769 (1970).

2. 108 CONG. REC. 1620 (1962). Chief Justice Traynor is the only state court judge to whom a separate chapter is devoted in G. WHITE, *THE AMERICAN JUDICIAL TRADITION* (1976). Other portions of the book focus mainly on outstanding justices of the United

the Illinois Supreme Court that Chief Justice Traynor "has been for many years our number one judge,"<sup>3</sup> and Professor Bernard Schwartz of the New York University School of Law includes him among America's ten greatest judges.<sup>4</sup> In 1967, Chief Justice Traynor received the American Bar Association Medal, the national bar's highest award, for "conspicuous service to the cause of American jurisprudence."<sup>5</sup> The citation honored him as "one of the great judges in United States history" and praised his "sublime dedication to duty in his energetic quest for justice and progress in the law."

The exceptional quality of his opinions is a result of fine underlying craftsmanship, as well as remarkable care, scholarly research, creative thinking, good sense, and a vision of what the law should be. These opinions have been highly influential in the development of the law and have been the subject of extensive comment.<sup>6</sup> Among his concerns has been the achievement of equity, fairness, and fundamental justice.

His immense contribution to the law is not limited to the court opinions he has authored. His life and career have also been marked by an incredible productivity beyond the realm of his court opinions. These "nonjudicial" writings reflect the same vision, creative genius, wisdom, and care as his judicial writings. The bibliography that follows demonstrates in part the magnitude of his contribution of creative thinking and effective expression.

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States Supreme Court.

A biography of Chief Justice Traynor may be found in J. JOHNSON, 2 SUPREME COURT JUSTICES OF CALIFORNIA 182 (1966).

3. Schaefer, *Chief Justice Traynor and the Judicial Process*, 53 CALIF. L. REV. 11, 24 (1965).

4. Schwartz, *The Judicial Ten: America's Greatest Judges*, 1979 SO. ILL. L.J. 405, 438-42.

5. *Chief Justice Traynor Is Awarded the American Bar Association Medal*, 53 A.B.A. J. 828 (1967).

6. See, e.g., The symposia in 53 CALIF. L. REV. 4 (1965); 44 S. CAL. L. REV. 876 (1971); 13 STAN. L. REV. 717 (1961). See also Tobriner, *Chief Justice Roger Traynor*, 83 HARV. L. REV. 1769 (1970). G. WHITE, THE AMERICAN JUDICIAL TRADITION (1976), devotes Chapter 13 to a review of the work of Chief Justice Traynor.

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