

Interviewee: Justice Werdegar

Interviewer: Hayley Landman

Date: June 9, 2019

Re: Law Review Alumni Feature

---

Question: What was *CLR* culture like?

Answer: As a first year student, you were elected, and in those days it was strictly grades. So the top 10% of the class was invited, and you were led to understand that it is an accolade, a credential that you should pursue and have. And then you were assigned to articles to edit as a new member. I learned the BlueBook and I learned to love it. We were drilled and responsible for knowing the BlueBook.

I'm not sure what else we did, but we did have to write a Note. You chose a case note, and my note, really, was very trivial. It was about the right of a person guilty of involuntary manslaughter to inherit from the estate of the person who had been killed. And this Note appeared in the same volume that a note from Dean Prosser was published. To be a student who actually had Prosser was very, very remarkable. So in the law review was my little Note, and an article from Prosser writing about privacy. That was a wonderful example of what law review can be and can do.

Question: What was the selection process like when you became the first woman to be EIC?

Answer: I was quite intimidated by the EIC in front of me. I had a 3L advisor, a woman named Joanne Garvey, and another named Dick Wall, and I remember being quite intimidated by both. At the end of the year, the EIC was routinely automatically chosen as whoever was number one in the class based on grades. That happened to be me. I learned afterwards that there was a huge fight, because I was the first woman to be in that position, and I don't know what was said or what Dean Prosser said. But, in Joanne Garvey's obituary was that she was proud of casting the deciding vote for K. Werdegar to become the first female EIC. That's why the battle is significant, because I should have been selected automatically, but because I was a woman it became a point of contention.

Joanne Garvey graduated in 1961 and couldn't get a job in San Francisco. She eventually returned and became the first woman to serve on the State Bar Board of Governors. If you were a woman, you had to be outstanding, because an average woman wouldn't be doing that. Joanne is quoted as saying, there is a lot of pressure because if you screw up it's screwing up for everyone who comes behind you.

Question: When you transferred, did they automatically go to #2 in the class?

Answer: Yes they did, and I was deeply conflicted about stepping down, especially after the huge fight to get into the position. But in those days, you and your husband did not commute across the country or Skype, and the woman always followed the man. My husband, my fiancé at the time said, you can stay and we'll meet in Las Vegas. But that was not going to work for me. A good friend of mine, John Miles, did become EIC, and he later went on to clerk for Earl Warren.

I went to Washington, and Berkeley would not give me a degree, so I went to GW and even though I went just one year there they allowed me to have a GW degree and they allowed me to graduate first in my class. Washington was a very exciting place to be in law school at the time, and many of the adjunct professors were in government.

Question: What was it like working for Robert Kennedy?

Answer: I joined in summer of 1962. The Civil Rights division had just been established a few years before, and I worked in the appeals and research division, which was a small team of five people. It was very thrilling.

Question: What was it like becoming an attorney before most women, and experiencing that change firsthand?

Answer: My career path was, to be generous, atypical, because I was so far out ahead of women at the time. I was very much alone, I had no role models, and I didn't know what I was doing or how to do it. After working at the Justice Department, we moved back to California and I interviewed for the AG's office. Boalt told me that there was one firm willing to take its first woman, but I never did get a job offer.

So then I started taking research and writing positions. I was working part-time and I had two boys who were getting into late grammar school and middle school, and I got a call from the dean of USF asking me to interview for the associate dean position. The dean had been a year behind me in law school. I didn't know him, but, being one of two women, there were more people who knew me than I knew. Later, when USF had a shift in administration and the new dean was looking to bring in his new people, I didn't have tenure.

I had always wanted to clerk and I had applied and never got offers. It never crossed my mind that there was discrimination; it just didn't. Then in the 70s, I opened this file of rejection letters, and I kept all my rejection letters. In any case, it all worked out. I saw an ad for a career clerk position on the California Court of Appeal. That job didn't exist when I graduated law school, so I applied for that and I got it. Eventually I clerked for Justice Ed Ponelli. After I clerked, Governor Wilson appointed me to the Court of Appeal, and when Ed Ponelli retired I was appointed to his seat.

Meanwhile, times had changed. This was now in the 80s and people were looking for women, and there weren't that many women who had had the preparation. Governor Wilson knew me

from law school and knew that I was number one in my class. But when I was appointed, I was the only woman among 19 judges. That was not easy at that time, and I did not have the same path they did. At the time the traditional path to the Court of Appeal was private practice, then maybe the DA office, then municipal court. There was nothing the other judges could relate to me with.

When I came onto the Supreme Court, I became the second woman. At the time there was a lot of attention to the fact that Governor Wilson knew me from law school, and worry that this was cronyism because I had not done the traditional sequence and my appointment broke the mold. But I served 23 years and I made the record that I made and all that speculation went by the wayside.

After me came Justice Corrigan, so there were three women, and when Governor Schwarzenegger appointed our Chief we had a majority of women for the first time. When we walked out onto the bench for our first oral arguments it was remarkable.

I don't think people are talking about this anymore. When I started, Stanley Mosk was still on the bench, and we saw the first case where two women were arguing. Justice Mosk remarked that it was astonishing. Now there are so many women, people don't remark on it anymore.

I did not think of myself as a pioneer. I just thought of myself as trying to figure out what I was doing with my life. I didn't have role models and role models are very important.

Question: What advice do you have for alumni?

Answer: I feel that law is a wonderful career, and even if you don't end up practicing traditional law, you have a knowledge that can be used to help your community. There is so much a lawyer can do to help others and help the community, and I hope that the students and young alumni can find their passion. Heaven knows we need them.