



Portraits of Jake

Jake Dear, chief supervising attorney of the California Supreme Court (above, in his court office)

retired in early January 2023 after an extraordinary 40-year career with the California Supreme Court. I have known Jake only a few short years, as associate editor of this *Review*, and he has already become a good friend and colleague, and a man I greatly admire. To celebrate Jake's retirement, the *Review* has gathered stories from present and past justices and staff colleagues. We celebrate Jake and send best wishes for success and safe travels in his next adventures. — *Molly Selvin, Review editor*

ALTHOUGH I WAS able to experience only a brief part of the time, it quickly became evident to me that Jake's 40 years of exemplary service to the court blurs the line between institution and individual. Jake is not only a repository of the Supreme Court's history and tradition, he is also an embodiment of those aspects of the court. Jake handled the court's cases, administrative challenges, and human concerns with an open mind and an even hand, resolving all disputes with careful study and precision — the same qualities that a court should possess to establish and maintain its status as an essential institution.

— *Patricia Guerrero, chief justice of California*

FOR 12 YEARS Jake Dear served as chief supervising attorney to the California Supreme Court. Consequently, most members of the court family — justices, staff attorneys, administrative personnel — at one time or another found their way to his office. I did, many times.

Up to the fifth floor, down the long corridor, and there, on the left, it is: door open, Jake at his desk — maybe on the phone, maybe at his computer, perhaps absorbed in a legal volume. If he's on the phone, he waves you in and gestures to the chair in front of his desk. This allows you to survey his office. What might capture your attention first is the bookshelf to your left where appear the framed and inscribed photographs of every justice with whom Jake has served during his 40-year career with the court, first as extern, then annual law clerk, staff attorney, and lastly, as chief supervising attorney. Five justices in all.¹

Adorning his desk are the expected items: open volumes, perhaps drafts of whatever opinion he is working on, memos to the chief, notes reminding him of calls to return, photos of his wife, Mo, and their son, Adam. Then, front and to the left — a pair of wooden shoes. The shoes, now a repository for business cards, are a memento of Jake's time as a young boy living near Arnhem, the Netherlands, during his father's employment there. Yes, he assures visitors, he did wear the shoes.

Directly in front of you, fanned out on the front of the desk, is an array of issues of the California Supreme Court Historical Society *Newsletter* (now the *Review*) dating back approximately 15 years. In addition to his court duties, Jake is a longtime editor of the *Newsletter / Review*, where he now serves as associate editor. His knowledge of the court's history runs deep. He has written, to name only a few, articles about the court's historical sites,² its leadership among state courts,³ and the role of the court's commissioners in the late nineteenth and early twentieth centuries.⁴

Once off the telephone, Jake turns his attention to you. Whatever issue or problem has brought you to his office, he will assist in resolving. Then, duties permitting, he'll spend time with you just "catching up," discussing

1. Associate Justices Stanley Mosk and Joseph Grodin, and Chief Justices Malcolm Lucas, Ronald M. George, and Tani G. Cantil-Sakauye.

2. Jake Dear and Levin, "Historic Sites of the California Supreme Court" (1998–99) 4 *Cal. Sup. Ct. Hist. Soc'y Yearbook* 63.

3. Jake Dear and Edward Jessen, "Followed Rates and Leading State Cases, 1940–2005" (2007) 41 *UC Davis L. Rev.* 683.

4. Jake Dear, "California's First Judicial Staff Attorneys: The Surprising Role That Commissioners Played, 1885–1905, in "Creating the Courts of Appeal" (2020) 15 *Cal. Legal Hist.* 125.



ABOVE LEFT, L-R: Associate Justice Kathryn Werdegar, David Werdegar, & Jake. ABOVE RIGHT, FOREGROUND, L-R: Jake, Associate Justice Martin Jenkins, & Chief Justice Patricia Guerrero. All photos in this article courtesy Sherry Glassman and court staff.

mutual interests in matters legal, general, and personal. If something amuses him, his hearty laugh echoes in the corridor outside his office. Visit concluded, you leave his office with a lighter step.

Jake brings to every aspect of his life — work and leisure alike — a dedication to detail, accuracy, and quality. Paramount, of course, is his contribution to the court’s decisions and opinions. Often assigned the most complex cases, his skill in researching, analyzing, and writing, his willingness to discuss with colleagues and think difficult issues through — all are notable in assisting the court to reach the best decision. He brings these talents to the cases he’s assigned and he shares them with staff attorneys who consult him on their assigned cases.

Never a 9-to-5 sort of person, Jake takes work home with him. His battered brown leather messenger bag accompanies him to the office every working day. Yet he finds time for his leisure passions — wine, fine dining, travel. Together with Mo, a talented cook, he is a gracious host. Fortunate are guests who reap the benefits of his extensive knowledge and appreciation of fine wine and gourmet dining.

Fortunate, too, like my husband, David, and I, are those who have traveled with Jake and Mo. Jake brings to his trip planning the same enthusiasm, deep research, and attention to detail that he brings to his work. It’s rumored he has a following on Trip Advisor. Not shy about his French, he engages with the people he encounters along the way — the innkeeper, the sommelier, the master fromager, his fellow traveler.

Most who know Jake call him friend. The court will miss his legal acumen, his work ethic, his historical knowledge, all his incalculable contributions to its endeavors. But because Jake is Jake, the friendships will surely continue.

— *Kathryn Mickle Werdegar, associate justice, California Supreme Court, 1994–2017*

WHEN I JOINED the California Supreme Court as an annual attorney in 2004, Jake Dear had already been around for two decades. I soon noticed that he took a genuine interest in everyone at the court, including those, like me, who thought they’d only be there for a

short spell. And he was interested in everyone’s ideas, too. I don’t know if he meant it as a compliment, but I still recall with some pride how he came to my office one time and told me that a recent memo I had helped my justice prepare had scored some solid “debating points” against the position he favored. We stayed in touch after I left the court — Jake’s interest in people means he is good about staying in touch — and he was instrumental in my return many years later.

By that time, Jake had taken over as chief supervising attorney. It was a great fit, with the position taking full advantage of his contrasts. Jake could be described as easygoing; over many years, I still have never once seen him lose his temper, and his office door is always open for casual conversation and, most likely, an offer of tea. Yet he is also quick to take action when a situation requires it. He is intellectually curious and to some degree flexible, both mandatory requirements if someone is going to serve 40 years at the court. Yet he is also committed to a core set of principles, with his most unyielding beliefs concerned with how courts should go about their work (transparently, carefully, and evenhandedly).

One of Jake’s favorite activities each year has been taking new attorneys for a tour of the court building, teasing out lore from every office, stairwell, and hallway. I am grateful that with these tributes, his own historical significance will be noted and celebrated.

— *Kyle Graham, chief supervising attorney of the California Supreme Court*

JAKE DEAR — his name, identity, and influence — is synonymous with the excellence and integrity of the California Supreme Court. For decades, as the top lawyer of the court, having been chosen as the chief of staff to three chief justices (myself included!), Jake has successfully advised us on untying the most complex of Gordian knots. In the halls of my former court, and in the appellate courts, he is universally known, admired, and pursued for his legal knowledge, advice, and acumen.

For my 12 years as Chief Justice of California, Jake was a constant, trusted confidante and advisor on all matters legal, court, and judiciary related. He also led the court and staff. And this was not because he was the revered



ABOVE LEFT: Jake & Chief Justice Tani Cantil-Sakauye in staff conference. ABOVE RIGHT: Jake & his wife Mo.

editor in chief of the law review at our alma mater, UC Davis School of Law, or had started his career at the court working with a veritable pantheon of California Supreme Court justices. No, Jake was a leader because he is a person of action; as I like to say, he has innate industry with balanced and compassionate judgment.

As he drafted complex memoranda for me, the court, staff, and others, Jake immersed himself in the tasks at hand. I say tasks plural because as the top lawyer, he not only led my chambers, lawyers, and professional staff, he was the go-to person for all the lawyers and professional staff at the court.

Walking by his office, his teacup steaming amidst his fire code paper pyramid violation of a desk, long-stemmed flowers from the farmers market leaning against whatever they could find, I would regularly observe Jake. There he sat, transfixed by what was on his computer monitor, the outside world effectively shut out.

Sometimes, when we'd meet in my chambers or his office to discuss legal issues, internal court procedures, HR matters, or just to catch up, Jake would consume an apple. I was fascinated by his deft use of the small paring knife he always produced and his efficient effortless strokes as he surgically addressed the object in his hand. Or, later in the day, Jake would hold court in his office, tea included of course, with a court family member, listening, providing counsel or exchanging stories of wine, Emma the cat, or France. For Jake and Mo, his accomplished and distinguished wife, also a UC Davis law alum, France is home away from home.

All of this is to say that Jake Dear is a marvel. A marvel within the California legal universe, not the cinematic kind. His laser-like zeal on byzantine laws, ancient legislative history, superseded relevant regulations, and the fine print on page 800, footnote 32, of an internet provider's consumer contract — coupled with his written and verbal analytic presentation of those matters — places Jake Dear in the California legal and judicial firmament. His analytic and scholarly contributions to California jurisprudence are immeasurable and everlasting.

— *Tani G. Cantil-Sakauye, chief justice of California 2011–2022*

FEW PEOPLE HAVE PROVED their devotion to the court more than Jake Dear. After one year on Justice Stanley Mosk's staff, Jake left for the bright lights of private practice and set what may well be a world record for realizing it was not for him. Within a short time he was back at the court. We worked together on the staffs of three chief justices, Malcolm Lucas, Ronald George, and Tani Cantil-Sakauye, and it's difficult to encapsulate that experience because it was so rich and varied.

Others have written about Jake's prodigious research abilities, management skills, and ability to focus. When he was drafting a memorandum or opinion, Jake's office would become strewn with an ever-increasing pile of open books and notes. When I caught sight of the surface of his desk, I knew that his project was coming to a close. His research skills have proved invaluable in pursuing other interests.

For example, Jake knows the records of the 1849 and 1879 constitutional conventions at which California's basic legal document was created probably better than almost anyone. We visited the site of the 1849 Monterey Convention and were struck by the lack of pomp and ornamentation. We share a fondness for the debates on the proper location for the Supreme Court, which include comments on where the whiskey was better and concerns that the air of what is now a certain state capital was so foul that vultures were known to drop dead in midflight — not to mention the floods.

One of Jake's greatest pleasures has been researching and creating wonderful vacations for him and his wife, Mo. Over the years, the two have sampled cuisine across France, visited beautiful locations off the beaten path, and hiked in glorious landscapes, making French and Francophile friends wherever they go. I'm always amazed, and a little bit jealous, of the photos he sends of the food they have just been served or of another spectacular view.

Jake was the driver behind creating one of the permanent historical displays on view in the courthouse. His mission was to find photographs of the multiple sites of the Supreme Court since 1849. He was indefatigable and ingenious in finding suitable images. For most of the court's history, photographs required more than



ABOVE LEFT: Chief Justice Ronald George & Jake. ABOVE RIGHT: Beth Jay & Jake.

a smartphone or compact camera. It was so much fun when he'd produce a new hard-won discovery depicting another of the court's many homes.

I could describe many more bits and pieces of our years working together. Jake and I would spend a long time arguing over the placement of the word "only" in a sentence. He lunched almost daily and always happily on leftovers from the delicious dinner Mo had made the night before. In his office, he kept wooden shoes he wore as a child living in the Netherlands, a small model airplane, and photos showing his own history at the court. We generously edited each other's drafts and I strongly believe my work improved because of it.

The bottom line is that I learned a lot from Jake, and out of our years together came a friendship that I feel very lucky to have. I wish him and Mo nothing but the best.

— *Beth Jay, an attorney at the California Supreme Court for more than 35 years, the last 27 as principal attorney to three successive chief justices*

AS I REFLECT UPON the nearly 15 years of my service as chief justice of California, one of the highlights was my collaboration with Jake Dear as head of the chambers staff and chief supervising attorney of the high court. It is difficult for me to enumerate the numerous ways in which he provided invaluable assistance to me, and to describe his many exceptional skills and contributions, but I shall mention a few.

Jake's legal research skills never ceased to impress me. One example is a case in which he and I prepared an opinion that garnered the concurrence of all of my colleagues on the court, after resolving difficult and novel questions of law. Jake's research uncovered some dispositive legislative history and case law dating back to the 1860s and the 1880s that had eluded the parties' very experienced and highly respected counsel, and that caused the court to solicit supplemental briefing from the parties.

Jake's writing skills always reflected a receptive approach to the arguments and issues that came before the court, and a very readable style.

Working with Jake was a most pleasurable experience for me and a truly collaborative effort, with each of us

able to convince the other of the merit of something not previously considered.

In addition to Jake's responsibilities as a staff attorney and head of chambers staff, he managed to perform with remarkable skill the duties of chief supervising attorney for the entire legal staff of the California Supreme Court. Few individuals possess the open-mindedness and diplomatic skills demanded by that task.

The court and the public at large are most fortunate that Jake intends to volunteer his services to the court in retirement, while still allowing sufficient time for him to pursue foreign travel and his many other interests.

My wife, Barbara, joins me in extending our greatest appreciation to Jake for his exemplary service, and our warmest wishes for the future to him and his wife, Mo.

— *Ronald M. George, chief justice of California, 1996–2011*

PUT SIMPLY, Jake Dear is a marvel. From the perspective of a fellow judicial attorney who spent more than half a century at the California Supreme Court, I believe Jake has made as great a contribution to the Supreme Court as an institution as any other person.

To begin with, Jake is, by far, the best administrator I have ever known. He is the consummate problem solver. He is organized, knows how to search out and compile the relevant data necessary to meet every contingency, and has the initiative and diligence to create and maintain the resources that have enabled the court, as an institution, to perform in a consistent and reliable manner. His contribution to the court's institutional memory is incalculable.

In addition, Jake is a prodigious and creative legal thinker and researcher. I know of no one who researches a legal problem or issue as thoroughly or as deeply as Jake has done in case after case. The scores of opinions he has worked on have demonstrated his ability to keep his eye on the big picture while delving into the details of the history and evolution of the relevant legal doctrines at issue.

Importantly, Jake has achieved his numerous legal and administrative accomplishments with the utmost integrity and evenhandedness. He is a most devoted steward of California law, always guided by a dedication to go where the relevant legal precedents lead.



ABOVE LEFT, L-R: Hal Cohen, Beth Jay, Chief Justice Ronald George, & Jake. ABOVE RIGHT, L-R: Jake & Sherry Glassman.

Finally, on a personal note, Jake has been a wonderful and true friend. On our daily morning “constitutionals” around the Civic Center Plaza, we not only debated at length the legal issues and problems on which each of us was working but also shared more personal matters that were on our minds and that reinforced our friendship. He was always there to lend support when I needed it.

The court and the public have been so lucky to have the benefit of Jake’s talent and service for so many years. We all are in his debt.

—*Hal Cohen, former chief supervising attorney, worked for over 50 years with the California Supreme Court*

VISITORS TO THE interior hallways of the California Supreme Court view, along the walls, imposing photos of the justices who have served from the court’s beginning to present days. But missing from this display are the faces of the many hundreds of staff attorneys who, working anonymously behind the scenes, provide the sort of backup that is essential to the functioning of a busy and high-quality tribunal. Of course, there is not enough room to include all of their portraits, and attempting to select those whose work has been particularly worthy of recognition would be a daunting task, but if that task were undertaken, I have no doubt that Jake Dear’s portrait would be there, and in a prominent location.

Jake, after a brief experiment with large-firm legal practice, decided he would prefer to return to the court, where he had clerked after graduation from law school, and it was my good fortune to be able to offer him a position on my staff. That was 40 years ago. Since then he has worked on the staffs of succeeding chief justices, becoming chief supervising attorney and outspanning the longevity of everyone, judge or lawyer, who was there when he began.

Jake has been more than a good staff attorney; he has displayed a commitment to the court as an institution, taking pleasure in researching and making available to the public obscure byways of the court’s history, becoming a key figure in the California Supreme Court Historical Society, and above all, concerning himself with the efficient workings of the court and its public reputation, all with his characteristic modesty and balanced

judgment. He has become a part of the institution he has come to love.

I have no worries about Jake’s retirement. He has many interests that he shares with his wife Maureen, including their common enthusiasm for the French countryside and all it has to offer; he has many friends with whom he shares mutual love and respect; and no doubt he will continue to be involved in assisting the court when he has opportunity to do so. I also have no doubt that he will be missed.

—*Joseph R. Grodin, associate justice, California Supreme Court, 1982–87, and professor, UC College of the Law, San Francisco*

MY ABIDING MEMORY of Jake will always be the “NOHRM!” (or however it’s spelled) that would greet me whenever I called him on the phone or popped into his office. I cannot swear to it, but I’d bet dollars to doughnuts that he greeted me with that sort of enthusiasm on my first day at the court in 1987, because it would be just his style. Back in those days (before the 1989 Loma Prieta earthquake), all the justices and the senior attorneys on their staff were on the fourth floor of the courthouse. Junior attorneys and externs were on the fifth, and the sixth was the AG’s domain. Jake was on the staff of Chief Justice Malcolm Lucas and had an office at the corner of McAllister and Larkin, part of what is now Justice Goodwin Liu’s chambers. My office was further along McAllister, and, as best I can figure out, is now somewhere in the middle of Justice Leandra Kruger’s chambers. I’d swear that Jake must have come down the hall just to say hello in his booming voice and congratulate me on landing an office with a big window overlooking Civic Center Plaza and a historic wardrobe that had a functional sink.

I didn’t have that many dealings with Jake my first couple of years at the court when I worked for Justice John Arguelles or at the start of my stint on the criminal central staff. But our relationship underwent a sea change when I took over as the staff director in 1993 and even more so with the advent of the George Court in 1996. As the years passed, it was a rare week (or day) without a visit, phone call, email, or text from Jake seeking input



ABOVE, L-R: Alice Collins, Chief Justice Tani Cantil-Sakauye, Jake & Larry Lee.

about possible changes to the court's practices, answers to questions about unusual procedural issues, and the like. What typified all of these contacts, and Jake's interactions with court staff in general, was his enthusiasm and his genuine interest in what you had to say. It was never just lip service or some pro forma contact. Jake cared, and that was obvious.

And it was not just on the professional side. Jake and I had kids of about the same age, and he never seemed to get bored hearing what mine was up to. And vice versa, although Jake was always more interested in hearing about others than talking about himself. When I had to deal with some serious medical issues in our family, Jake was a rock of emotional support. I think his ability — his instinct, actually — to care about others was a big part of his success as chief supervising attorney for former Chief Justices George and Tani Cantil-Sakauye. It certainly made it easier for us to disagree with each other when need be.

Working closely with Jake for over 30 years was a pleasure. That's the bottom line. And those almost-daily emails and texts I mentioned? They're among the few things I've missed in retirement.

— *Norman Vance directed the Supreme Court's criminal central staff, 1993–2021*

WHEN I RETIRED from the California Supreme Court five years ago, there were few staff attorneys left from the court who had served under Chief Justice Rose Bird. Hal Cohen, of course, Alice Collins, Jake Dear, and me. Hal, my head of chambers for Justice John Arguelles from 1987 to 1989, famously came to the court to work for Justice Mathew Tobriner in (could it be?) 1969. Alice preceded me on the criminal central staff by a few months in 1983 and would go on to work for Justice Stanley Mosk and Chief Justice George, to name just a few of the judges lucky enough to benefit from her talents. Jake and I joined the court in the fall of 1983 as annual law clerks. For a time, then, we four attorneys were the remaining staff eyewitnesses to the 1986 retention election that led to the unprecedented removal of

Chief Justice Bird, as well as Justices Joseph Grodin and Cruz Reynoso. Oh, the stories we could tell!

But time marched on, and justices came and went. I worked with Jake and Alice for Chief Justice Malcolm Lucas in the early 1990s, and then, for 21 years, for Justice Kathryn Mickle Werdegar. Hal, who worked for a succession of chiefs, eventually went part-time, and then retired. Alice, who worked for Chief Justice George and Chief Justice Tani Cantil-Sakauye, retired about five years ago, as did I. But Jake, the lone survivor, persevered. I have missed Jake in my retirement, especially our periodic chats about cases, about court personalities, about legal strategies and court policies. We talked not just of calendar memos and opinions, but more “behind-the-curtain” stuff: the merits of conference memos written by staff for petitions for review, potential justices' votes on A list cases, B list cases, and habeas corpus petitions, efficiency ideas regarding the processing of capital cases, State Bar matters, things happening in the Clerk's Office and the Administrative Office of the Courts. All this constitutes “the work of the court.” And Jake was always in there, first with Chief Justice Lucas, then Chief Justice George and then Chief Justice Cantil-Sakauye, helping things run smoothly and with fairness, so the California Supreme Court could approach what was the unspoken goal: to be an efficient arm of the state government dispensing fairness and justice to the people of the State of California.

As I said, I have missed my time with Jake, and I'm confident the court misses him too. I can only hope the torch has been passed to staff members who can approach Jake's dedication and integrity on behalf of the institution we served for so long. Congratulations on your retirement, old friend. You deserve it!

— *Larry Lee, staff attorney for the California Supreme Court for almost 35 years*

FOLLOWING THE TRADITION established by former California Supreme Court chief supervising attorney Hal Cohen, Jake continues, pro bono, to undertake various work and projects for the court. ★