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## **My reflections on Justice Paul Turner**

**I remember the first time I met Justice Turner. It was November 4, 2002, and I had been a lawyer for slightly less than five years as I walked nervously up to the lectern to present my very first appellate oral argument. By Jeremy B. Rosen**

I remember the first time I met Justice Paul Turner. It was November 4, 2002, and I had been a lawyer for slightly less than five years as I walked nervously up to the lectern to present my very first appellate oral argument. I was greeted by Justice Turner's great baritone voice that was meant to put me at ease. But his very first question — a softball as it turned out — caught me off guard. As I floundered, not quite sure what to do, Justice Turner very helpfully suggested that I consult with my colleagues and client and then file a supplemental letter with the answer. I still recall the generous lifeline he gave me that day.

I also vividly recall my last appearance before Justice Turner, nearly 15 years later, on March 30, 2016. I wasn't arguing that day, but was sitting at counsel's table supporting one of my colleagues. As my colleague left the lectern after completing his rebuttal, Justice Turner looked out at me and, with a twinkle in his eye, announced to the entire courtroom that this had been the very best he had ever seen from me at oral argument.

Sandwiched in between those two arguments, I had the pleasure of appearing before Justice Turner many times. In each case, win or lose, Justice Turner was exceptionally well prepared, fully engaged with numerous probing questions, and unfailingly polite and kind. He did not hector or abuse lawyers. He had no agenda other than determining the appropriate law to apply to the facts of the case. He wasn't shy about disagreeing with his colleagues or the lawyer at the lectern, but he did so without being disagreeable. He knew that some cases were really hard and that reasonable minds might disagree. He simply did his very best to reach the correct result in every case, no matter how big or small. Indeed, for him, there was no small case. He instinctively knew that every case was important to the parties, and he took very seriously his obligation to decide each case fairly and without favor to either side. Even his approach to extensions of briefing deadlines, while sometimes frustrating for appellate lawyers, was in service of the laudable goal of judicial efficiency.

Justice Turner was always mindful of the maxim "justice delayed is justice denied." In short, he embodied all of the characteristics that we would hope for and expect in an appellate judge.

In recent years, I had the great privilege of working with Justice Turner on numerous panel discussions, mostly in the area of the anti-SLAPP statute. He was one of the very few people I know who could get excited about the many nuances and subtleties of anti-SLAPP law. He had a real passion for almost every area of law, and he wanted to share that passion with others. He believed that he had a calling to be a teacher in addition to being a judge, and he loved his work providing continuing education to both judges and lawyers.

In what sadly turned out to be our last conversation, we were planning what we hoped would be a fun anti-SLAPP panel for later this year. At one point, he very excitedly referred to an issue from the Supreme Court's famous opinion in *City of Cotati v. Cashman*, 29 Cal. 4th 69 (2002). Caught up in his excitement, I made the mistake of confessing to him that when my wife and I were on a driving trip a few years ago up north, I took a detour as we passed by the city of Cotati on the highway to get my picture taken in front of City Hall. My wife still mocks me to this day for that, as do my colleagues with whom I was foolish enough to share the photo. But Justice Turner had a very different reaction. He demanded that I immediately email him the photo because he wanted to see what Cotati's City Hall looked like. After all, he said, that is where some of the key litigation decisions had been made on the road to the landmark decision. He loved that photo and said he hoped to one day take his own picture there.

During that last conversation, I also mentioned to Justice Turner that I had said his name aloud at a recent service at my temple during the Mi Shebeirach prayer, the Jewish prayer for healing. I'm not sure he had ever heard of it, but he was quite interested in the history behind it and if there was any evidence of a high success rate for those whose names were called out during it. I only wish there were. Justice Turner was taken from all of us much too soon. He had more justice to dispense and more lessons to teach. During this time of great sadness, I am comforted by the hopeful thought that the quality of appellate review in heaven is now much higher. I also have a small degree of sympathy for the lawyers in heaven who will now need to operate with a slightly less generous extension policy for their briefing deadlines.

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