

Sooner Lawyer Archive

Volume 2011 | Issue 1
Spring/Summer 2011

2011

Justice Vance W. Raye: Serving the People of California

Phil Horning

Follow this and additional works at: <https://digitalcommons.law.ou.edu/soonerlawyer>



Part of the [Legal Education Commons](#)

Recommended Citation

Horning, Phil (2011) "Justice Vance W. Raye: Serving the People of California," *Sooner Lawyer Archive*: Vol. 2011 : Iss. 1 , Article 6.
Available at: <https://digitalcommons.law.ou.edu/soonerlawyer/vol2011/iss1/6>

This Article is brought to you for free and open access by the OU College of Law Archives at University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in Sooner Lawyer Archive by an authorized editor of University of Oklahoma College of Law Digital Commons. For more information, please contact darinfox@ou.edu.

Justice Vance W. Raye:

Serving the People of California

BY PHIL HORNING

Do you remember Johnny Carson's Carnac character who could divine the answer without being asked the question? Well, here is a great answer: Vance W. Raye, Presiding Justice, Third Appellate District, California Court of Appeal. The question? Who is one of OU Law's most distinguished graduates, now recognized as one of California's preeminent jurists?

Born in 1946 in Hugo, Oklahoma, he was raised by a single mom in Muskogee, where he attended a segregated high school and met Sandra, his bride of 43 years. He came to OU in 1964, received his bachelor's degree in political science/economics in 1967 and his juris doctor degree in 1970, becoming the fourth African-American OU Law graduate. During his three years in the "law barn," if he wanted to see a black law student, he had to look in a mirror. He worked briefly as a student and lawyer in Oklahoma City for the firm of Bulla and Horning before accepting his Air Force judge advocate general commission and being assigned to California, where he has remained. It was Oklahoma's loss.

He was in uniform four years and then became a deputy attorney general, first under Evelle Younger, and then George Deukmejian, who knew a bright and personable young man when he saw one. Six years later, when Deukmejian became governor, he made Raye his legal adviser. "I enjoyed every job I ever had," Raye said, "but the most satisfying was my job as legal counsel to the governor when I was involved in some amazing legal controversies, including the licensing of the Diablo Canyon nuclear power plant, efforts to radically revamp the state worker safety program, implementation of an initiative program on toxic substances and reapportionment reform."



After six years in the political-legal thicket, Raye was appointed to the trial bench of the Sacramento Superior Court, where he served 1989-1991. Then elevated to the Court of Appeal, Third Appellate District, he became one of its 11 justices. California has a Supreme Court consisting of seven justices and does not have a separate criminal appellate system, as does Oklahoma. Under its Supreme Court are six appellate districts, and the Third is the largest in area, encompassing 23 of the state's 58 counties in north central California. Raye has now served on that court more than 20 years, been retained by the voters several times and authored more than 2,000 appellate opinions.

On November 23, 2010, Gov. Arnold Schwarzenegger appointed him presiding justice of the Third Appellate District, making him one of six presiding administrative justices in the state. Urged to be candid rather than modest, Raye was asked to what he attributed his successful career. He replied, "It would be comforting to believe that it was all due to my God-given talent, but candor requires me to attribute my success mostly to persistence and luck with a pinch of talent and a lot of respect for and ability to work with people. I always showed up, and I also stayed a long time — often long into the night after others had gone home, and on weekends in empty offices. I still do the same."

Asked about memorable or impactful opinions he has rendered, he recalled *Planning and Conservation League v. Dept. of Water Resources*, (2000) 83 Cal.App.4th 892, as having the most immediate impact. It involved a plan for the allocation of water from the massive California State Water Project in the event of a permanent or temporary water shortage. It held for the first time, that in assessing environmental consequences of the plan, planners could not rely on contract entitlements to water that did not comport with realistic projections about the ability of the project to deliver the contract amounts. "It seemed like common sense to me," he said, "but it generated great controversy."

In the category of "most satisfying opinions," he remembered *In re Elizabeth R*, (1995) 35 Cal.App.4th 1774, as "the one that really sticks in my mind." It required county officials to give a mother suffering

from postpartum depression additional time to reunify with her children. The opinion held that the trial court incorrectly assumed that it had no discretion to extend the reunification period in order to permit psychiatric treatment to run its course.

When asked to recount the best advice he has ever received, he graciously replied by email as follows: "I have benefitted greatly from advice provided by a variety of people in a variety of contexts on particular issues. The best 'life' advice I received is set forth in a book, *The Four Agreements* by Don Miguel Ruiz....1) Be impeccable with your word, which means that in all your utterances you should treat yourself and others with respect and integrity. Be honest. 2) Don't take anything personally, which is to recognize that negative aspersions directed at you by others reflect their reality and motives. You determine your own reality. 3) In interactions with others, don't make assumptions. Communicate clearly and ask questions to clarify their views and intentions. 4) Always do your best."

Words to live by, and he has, as evident in his talent for understanding and working with people, which has made him such a notable jurist.

"I have always been around people with dazzling intellects that put mine to shame, but so many of them do poorly with people," said Raye. "Law is not math; human behavior does not conform to formulas, and law is mostly about regulating human behavior. To be a decent lawyer and a decent judge, you need to understand the needs of people and how law can best serve those needs." | [SL](#) |

About the author

Phil Horning ('67) was in private practice in Oklahoma City for 35 years. Listed in "Best Lawyers in America" from 1987 until retiring in 2003, he served on the governing boards of the Oklahoma County and Oklahoma Bar Associations, and as an adjunct professor of law at OU and OCU. He is vice chair of the Oklahoma City Public Schools Board of Education.